



AGENDA

SPECIAL CITY COUNCIL MEETING TUESDAY DECEMBER 06, 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:

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. Via Zoom (*Closed captioning available*):
<https://us06web.zoom.us/j/86967707751?pwd=MWtvTUhBL1VxZkkybWJaOG1XZm1QQT09>
Meeting ID: 869 6770 7751 **Password:** 288948 **Dial in:** 1-408-638-0968

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 **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

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE**
- 2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS**
- 3. PUBLIC HEARING (CONTINUED FROM 11/15/2022)**

A. San Pablo Avenue Specific Plan Update - Continued Hearing

Public Hearing adjourned from 11/15/2022, notice published 11/19/2022

Action Proposed: Continue the public hearing and 1) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan, adopting Environmental Impact Findings, Findings Regarding Alternatives, adopting a Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program (MMRP); 2) Adopt a resolution amending Figure 5: the Land Use & Circulation Map of the El Cerrito General Plan; 3) Adopt a resolution amending the San Pablo Avenue Specific Plan; and 4) Introduce and waive the first reading of an ordinance to rezone properties within the San Pablo Avenue Specific Plan area.

Contact: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development

4. 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.

5. 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.

6. 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. Approve the 2023 Regular Meeting Schedule for City Council and provide staff direction to return with an ordinance to modify the regular meeting start time from 7:00 PM to 6:00 PM.**

Action Proposed: Pass a motion to 1) approve the regular meeting schedule for 2023, modifying the regular meeting start time to 6:00 PM, reducing to the third Tuesday of the month for January, July, August and September, adding a Council Retreat on February 4th, and adding three 4:00 PM meetings for bi-annual advisory body interviews; and 2) direct staff to return with legislation to formally modify the regular meeting start time from 7:00 PM to 6:00 PM.

Contact: Holly Charléty, City Clerk, City Management

- B. Approve Contract Request with Maze and Associates Accountancy Corporation for Accounting Temporary Services**

Action Proposed: Adopt a resolution authorizing the City Manager to increase the professional services agreement for temporary accounting staff with Maze & Associates Accountancy Corporation by \$65,000.00 and extend the terms through June 30, 2023.

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department

- C. Adoption of a Side Letter between the City of El Cerrito and the El Cerrito Police Employees' Association**

Action Proposed: Adopt a resolution approving a side letter agreement between the City of El Cerrito and the El Cerrito Police Employees' Association Memorandum of Understanding (MOU) to modify the language on salaries and other working conditions and address recruitment and retention concerns.

Contact: Shannon Bassi, Senior Human Resources Analyst

7. PRESENTATIONS

- A. Federal Update from Congressman Desaulnier**

Action Proposed: Receive and file a presentation from Congressman Desaulnier regarding federal updates and partnership throughout his tenure as El Cerrito's federal representative.

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

- B. Proclamation Honoring Maintenance Superintendent Bill Driscoll in Retirement**

Action Proposed: Pass a motion to approve a proclamation recognizing and honoring Maintenance Superintendent Bill Driscoll in retirement after serving the City of El Cerrito for 24 years.

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

8. PUBLIC HEARINGS (NOT TO BEGIN PRIOR TO 7PM)

A. Proposed East Bay Sanitary Garbage & Organic Waste Collection and Post-Collection Rates and Integrated Waste Management Fees - Effective January 1, 2023

Notice published 11/26/22 and 12/2/22

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution establishing maximum allowable East Bay Sanitary (EBS) garbage and organic waste collection and post-collection rates, effective January 1, 2023.

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

B. Temporary Outdoor Dining and Retail Program Urgency Ordinance

Notice Published 11/26/22; 4/5 vote required for adoption; exempt from CEQA per Section 15061(b)(3)

Action Proposed: Conduct a public hearing and upon conclusion adopt an interim urgency ordinance extending the Temporary Outdoor Dining and Retail Program to support business recovery. A four-fifths vote of the City Council is necessary to adopt an interim urgency ordinance.

Contact: Sean Moss, Planning Manager; Diego Romero, Assistant Planner; Aissia Ashoori, Housing-Economic Development Manager, Community Development Department; Yvetteh Ortiz, City Engineer/Public Works Director

9. POLICY MATTERS

A. City Council Wall of Fame Nomination Ad-Hoc Committee Recommendation

Action Proposed: Consider the Wall of Fame Ad-Hoc Committee's recommendation to induct Norman La Force into the El Cerrito Wall of Fame and direct the City Clerk to return to the City Council with a resolution confirming the appointment and schedule the formal induction

ceremony at a future City Council meeting pending availability of all parties involved.

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

B. Consulting Services Agreement with Cascadia Consulting Group to update the City of El Cerrito Climate Action Plan

Action Proposed: Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Cascadia Consulting Group, to develop a Climate Action and Adaptation Plan (CAAP) and a policy or ordinance to prohibit natural gas in new construction citywide concurrent with the development of the CAAP, in the amount not to exceed \$147,335, and amending the Fiscal Year 2022-23 Adopted Budget to appropriate \$147,335 from the General Fund Unreserved Fund Balance to cover the costs for this work.

Contact: Christina Leard, Management Analyst III; Will Provost, Operations and Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

10. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

11. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, December 20, 2022 at 7:00 p.m.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/CouncilMeetingMaterials> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME

LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.

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



AGENDA BILL

Agenda Item No. 3.A.

Date: December 6, 2022
To: El Cerrito City Council
From: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development
Subject: San Pablo Avenue Specific Plan Update - Continued Hearing

ACTION PROPOSED

Continue the public hearing and 1) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan, adopting Environmental Impact Findings, Findings Regarding Alternatives, adopting a Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program (MMRP); 2) Adopt a resolution amending Figure 5: the Land Use & Circulation Map of the El Cerrito General Plan; 3) Adopt a resolution amending the San Pablo Avenue Specific Plan; and 4) Introduce and waive the first reading of an ordinance to rezone properties within the San Pablo Avenue Specific Plan area.

BACKGROUND/ANALYSIS

On November 15, 2022 the City Council received the staff presentation on the work completed and actions requested, opened the public hearing and passed a motion to continue the hearing to December 6, 2022 at 5:00 PM.

The original staff report and attachments are available online at <https://elcerritoca.portal.civicclerk.com/event/432/overview>. Attachments included with the December 6, 2022 continued hearing are only those documents that have been modified due to the continuation.

Reviewed by:

Karen Pinkos, City Manager

Attachments:

1. Resolution (Certifying the SPASP Update SEIR)
2. Exhibit A to the Resolution (Findings for Certification)
3. Exhibit B to the Resolution (Mitigation Monitoring Plan)
4. Resolution (Adopting SPASP Update General Plan Amendment)
5. Exhibit A to the Resolution (General Plan Amendment Map)
6. Resolution (Adopting SPASP Update)
7. Exhibit A to Resolution (SPASP Update)
8. Exhibit B to Resolution (SPASP Update)
9. Ordinance
10. Exhibit A to Ordinance

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN PABLO AVENUE SPECIFIC PLAN UPDATE, ADOPTING ENVIRONMENTAL IMPACT FINDINGS, FINDINGS REGARDING ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on November 20, 2020, the City circulated a Notice of Preparation for a Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan (SPASP) update pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines; and

WHEREAS, on December 3, 2020, a public Scoping Meeting for the SEIR was held; and

WHEREAS, on July 19, 2022 the Draft SEIR was circulated for public comment; and

WHEREAS, on August 9, 2022 the Planning Commission heard public comment on the Draft SEIR in a public meeting; and

WHEREAS, on September 2, 2022, the public comment period for the Draft SEIR closed; and

WHEREAS, on October 19, 2022 the Planning Commission recommended that the City Council certify the SEIR;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito finds that pursuant to CEQA Guidelines and Section 19.42 of the El Cerrito Municipal Code:

1. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation of an Environmental Impact Report was circulated on November 20, 2020. A scoping meeting was held at City Hall on December 3, 2020. The Draft Supplemental Environmental Impact Report (SEIR) was circulated on July 19, 2022 the public comment period on the Draft SEIR ended on September 2, 2022. Pursuant to CEQA, comments received during the comment period have been responded to in the Final SEIR which is now before the City Council for consideration.
2. The analysis contained in the SEIR has been developed using experts in related fields to professional standards stipulated by the CEQA Guidelines and by prevailing CEQA case law.
3. The Final SEIR was presented to the City Council prior to the November 15, 2022 meeting. The City Council reviewed the SEIR and has considered the analysis contained therein.

4. On November 15, 2022, the City Council opened a public hearing, continued the hearing to December 6, 2022, and heard public comments and testimony regarding the Final SEIR at the continued public hearing on December 6, 2022.
5. The Final SEIR has been developed by City of El Cerrito staff and the City's consultant, using the analysis of experts in related fields. The final SEIR reflects independent expert analysis and the City of El Cerrito's independent judgment.
6. The City Council certifies that the Supplemental Environmental Impact Report has been completed in compliance with CEQA and the CEQA Guidelines.
7. The City hereby makes the findings and adopts a statement of overriding considerations in compliance with Sections 15091, 15092, 15093, and 15097 of the CEQA Guidelines and Sections 21081, 21081.5, and 21081.6 of CEQA, as set forth in detail in the attached Exhibit A, and based on the above certified Final SEIR and substantial evidence in the record.
8. The City Council hereby adopts the mitigation measures and the Mitigation Monitoring and Reporting Program to be implemented for each mitigation measure as included in Exhibit B, in compliance with Section 15097 of the CEQA Guidelines.
9. The location of the documents that constitute the record of proceedings are available for public review during business hours at El Cerrito City Hall, Community Development Department, 10890 San Pablo Avenue, El Cerrito CA.

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

I CERTIFY that at a special meeting on December 6, 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 December _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

Exhibit A
FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE SAN PABLO AVENUE SPECIFIC PLAN UPDATE
(Public Resources Code, section 21000 et. seq.)

I. INTRODUCTION

The San Pablo Avenue Specific Plan update ("project") represents an update to the San Pablo Avenue Specific Plan which was adopted in 2014. The Specific Plan contains the following elements: (1) a Form-Based Code (FBC); (2) multi-modal transportation goals and policies, recommended streetscape design improvements, and design standards as part of the Complete Streets Plan; and (3) infrastructure improvements.

The Specific Plan Update:

1. Form-Based Code

The Specific Plan Form-Based Code (FBC) supports the community vision of a vibrant, walkable, sustainable, and transit-oriented corridor that respects surrounding neighborhoods, by establishing development standards that further these goals.

2. Complete Streets Plan

The Complete Streets Plan provides direction for the redesign and development of the street right-of-way (ROW) in the Plan area, such as travel lanes, intersections, bike lanes, cycletracks, crosswalks, and medians. The Plan also provides guidance for the pedestrian realm of the ROW. The Complete Streets Plan aims to create a streetscape environment that balances the needs of all users and encourages "mode shift" to increase the percentage of pedestrians, cyclists, and transit users.

3. Infrastructure Systems

The Specific Plan update (especially the Infrastructure Systems chapter) includes infrastructure goals and policies, and recommends feasible improvements to infrastructure systems to support the Plan objectives. The systems evaluated in the plan include water, wastewater, storm drainage, and dry utilities (e.g., gas, electric, cable).

Development Capacity Assumptions

The certified EIR notes, "When and if [the development capacity] numbers are reached, regardless of the year they are reached, new environmental analysis, documentation, and determination pursuant to CEQA would need to be conducted." This SEIR is that new environmental analysis, documentation, and determination for the Specific Plan Update. No site-specific, individual

development proposals will be approved as part of the Specific Plan Update SEIR certification process. Any such individual project would be subject to its own CEQA review, including evaluation against the Specific Plan SEIR.

The Plan area development capacity assumptions used for the impact analyses in the 2014 EIR were first based on projections provided by the Association of Bay Area Governments (ABAG) for the Plan area, then on entitled and planned projects in the Plan area, and projections for the construction of projects consistent with the Form-Based Code development standards. For this SEIR, ABAG Plan Bay Area growth projections were applied to the development standards, including on-site parking, site layout, and height parameters, to forecast a realistic growth projection for the Specific Plan area. The development capacity assumptions also incorporate locally refined data of development feasibility that is more precise than regional projections.

The Specific Plan update requires the following approvals:

Implementation of the San Pablo Avenue Specific Plan update would require, but not be limited to, the following discretionary approvals:

- Certification of the Final Supplemental Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of amendments to the San Pablo Avenue Specific Plan (the Specific Plan update)
- Adoption of General Plan amendments and zoning changes as necessary to ensure consistency between the Specific Plan and the General Plan and Zoning Ordinance
- Discretionary review as necessary, including CEQA review, for future individual public and private development proposals in the Plan area

II. PROJECT OBJECTIVES

The City Council has determined that the Project has been designed to meet the following objectives:

Goal A: Enliven San Pablo Avenue

Strategy 1: Attract pedestrian activity, and increase residential population to foster community, support businesses and create places of interest.

Strategy 2: Attract new businesses and support existing businesses.

Strategy 3: Improve walkability through more intensive and varied development that provides additional services and locates more future residents in service-rich nodes.

Strategy 4: Plan for all modes of travel.

Strategy 5: Require active ground-floor commercial uses at key nodes.

Strategy 6: Provide publicly-accessible open spaces in appropriate locations.

Strategy 7: Encourage dynamic public art.

Goal B: Encourage Practical and Market Friendly Development

Strategy 1: Provide development clarity and objective design standards to encourage investment.

Strategy 2: Incorporate flexible development codes processes and standards that respond to constrained parcels, surrounding context and the market.

Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan Area's residential base.

Goal C: Support Climate Action Goals

Strategy 1: Encourage modern higher-density development in the Specific Plan area in order to increase resource efficiency of housing units.

Strategy 2: Reduce vehicle miles traveled by locating higher-density development in close proximity to transit and bicycle infrastructure and commercial and public-serving uses.

Strategy 3: Invest in public right-of-way improvements that enhance travel for transit users, pedestrians and bicyclists through public funding and private contributions.

Strategy 4: Reduce parking requirements to encourage transit use and reduce reliance on the private automobile and to make development near transit more feasible.

Strategy 5: Incorporate Complete Streets that enhance the experience, safety, and efficiency of pedestrians, bicyclists, and transit users.

Goal D: Create Housing That Supports a Diverse Population

Strategy 1: Encourage a range of units types across the Specific Plan area.

Strategy 2: Promote the creation of affordable housing units through implementation of the City's Inclusionary Zoning requirements and through partnering with affordable housing providers.

Strategy 3: Allow new development to provide housing that responds to market demands.

Strategy 4: Support diversified transportation options for residents by promoting housing development in proximity to existing or planned transportation investments.

Strategy 5: Continue to support a wide variety of community amenities to attract and maintain a diverse population.

Strategy 6: Allow sufficient housing in the Specific Plan area to accommodate the City's required Regional Housing Needs Allocation at all income levels.

III. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

On September 22, 2014, the El Cerrito City Council adopted the San Pablo Avenue Specific Plan and certified the San Pablo Avenue Specific Plan Final Environmental Impact Report (State Clearinghouse Number 2014042025) (Specific Plan EIR), which assessed the potential environmental impacts of implementing the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan Update Supplemental Environmental Impact Report supplements the previously certified Specific Plan EIR per CEQA Guidelines Sections 15162 and 15163. This includes changes in the environmental and regulatory setting, potential environmental effects associated with the San Pablo Avenue Specific Plan update.

On November 20, 2020 the City circulated a Notice of Preparation ("NOP") for 30 calendar days to help identify the type of impacts that could result from the Specific Plan update, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices on the Plan. In addition, the NOP was posted on the City's website. A public scoping meeting was held on December 3, 2020. Comments received by the City on the NOP and at the public scoping meeting were considered during preparation of the Draft SEIR.

The Draft SEIR was made available for public and agency review on July 19, 2022. Copies of the Notice of Availability (“NOA”) of the Draft SEIR were mailed to public agencies (including the State Clearinghouse (SCH #2014042025)), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices about the Plan. In addition, copies of the Draft SEIR were distributed to public agencies (including the State Clearinghouse). Copies of the Draft SEIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A public comment session on the Draft SEIR was held before the Planning Commission on August 17, 2022. The CEQA-mandated 45-day public comment period for the Draft EIR ended on September 2, 2022. All comments on the Draft SEIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the CEQA Guidelines.

The comments on the Draft SEIR, changes to the Draft SEIR, and the written responses were incorporated into a Final SEIR that was published on October 15, 2022. Copies of the Final EIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A duly and properly noticed public hearing was scheduled before the Planning Commission of the City of El Cerrito on October 19, 2022, and all persons interested and expressing a desire to comment were heard. The Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to recommend to the City Council to certify the Final SEIR.

A duly and properly noticed public hearing was scheduled before the City Council of the City of El Cerrito on November 15, 2022, and all persons interested and expressing a desire to comment were heard.

B. Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the record of proceedings consists of the following documents and testimony:

- (a) The NOP, comments received on the NOP or at the scoping meeting, and all other public notices issued by the City in conjunction with the Plan;
- (b) The Draft San Pablo Specific Plan update released for public review on July 19, 2022 and the revised Draft San Pablo Specific Plan released on October 15, 2022;
- (c) The Draft SEIR for the Project (July, 19, 2022), appendices to the SEIR, and technical materials cited in the document;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR;
- (e) The Final SEIR for the Specific Plan update, including comments received on the Draft SEIR, responses to those comments, text revisions to the Draft SEIR, the technical appendices, and technical materials cited in the document, as well as all comments and staff responses entered into the record orally or in writing between July 19, 2022 and September 2, 2022;

- (f) The Mitigation Monitoring and Reporting Program for the Plan;
- (g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Specific Plan update prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Plan;
- (h) All documents submitted to the City (including the Design Review Board, the Planning Commission and the City Council) by other public agencies or members of the public in connection with the SEIR, up through the close of the public hearing on November 15, 2022;
- (i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the SEIR;
- (j) All matters of common knowledge to the Commission and Council, including, but not limited to:
 - (i) The El Cerrito General Plan and other applicable policies;
 - (ii) The El Cerrito Zoning Ordinance and other applicable ordinances;
 - (iii) The 2014 San Pablo Avenue Specific Plan
 - (iv) The 2014 EIR for the San Pablo Avenue Specific Plan
 - (v) Information regarding the City's fiscal status; and
 - (vi) Applicable City policies and regulations; and
- (k) Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The documents described above comprising the record of proceedings are located in the Community Development Department, City of El Cerrito, 10890 San Pablo Avenue, El Cerrito, CA 9453. The custodian of these documents is the Community Development Director or his/her designee.

C. Findings Are Determinative

These City of El Cerrito findings required under CEQA for the Specific Plan update ("Findings") are the City's findings under CEQA (Pub. Resources Code, §21000 et seq.) and *CEQA Guidelines* (Cal. Code of Regulations, Title 14, §15000 et seq.) relating to the Specific Plan update. The Findings provide the written analysis and conclusions of the Council regarding the update's environmental impacts, mitigation measures and project alternatives that, in the Council's view, justify approval of the Plan update. All mitigation measures listed below in this Findings document are included in a Mitigation Monitoring and Reporting Program ("MMRP").

In certifying the Final SEIR, the City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the document and testimony that make up the SEIR and the administrative record; that experts disagree; and that the City Council must base its decision and these findings on the substantial evidence in the record that

it finds most compelling. Therefore, by these findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the SEIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

The mitigation measures proposed in the SEIR have been adopted and included in the MMRP, substantially in the form proposed in the SEIR, with such clarifications and non- substantive modifications as the City Council has deemed appropriate to implement the mitigation measures. The MMRP is expressly incorporated into the Project.

The findings and determinations in this Exhibit A are to be considered as an integrated whole and, whether or not any subdivision of this Exhibit A fails to cross-reference or incorporate by reference any other subdivision of this Exhibit A, any finding or determination required or permitted to be made shall be deemed made if it appears in any portion of this document. All of the text included in this document constitutes findings and determinations, whether or not any particular caption sentence or clause includes a statement to that effect.

Each finding in this Exhibit A is based on the entire record. The omission of any relevant fact from the summary discussions below is not an indication that a particular finding is not based in part on the omitted fact.

Many of the mitigation measures identified in this Exhibit A may have the effect of mitigating multiple impacts (e.g., conditions imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts, etc.). The City Council has not attempted to exhaustively cross-reference all potential impacts mitigated by a particular mitigation measure; however, any failure to cross-reference shall not be construed as a limitation on the potential scope or effect of any such mitigation measure.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. SCENIC VISTAS

Aesthetics Impact 4-1: Project Impacts on Scenic Vistas.

Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond.

Aesthetics Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02.

Mitigation Measure Aesthetics 4-1 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. *Effects of Mitigation:* Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. Incorporation of this measure would reduce the impact on scenic vistas.
2. *Remaining Impacts:* Because the outcome of this decision-making process for any individual, future proposals cannot be guaranteed within the framework of this program SEIR, the impact is considered significant and unavoidable.
3. *Finding.* Because the outcome of future decision making process is cannot be guaranteed to work within the framework of the SEIR, No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3))

CULTURAL AND HISTORIC RESOURCES.

Impact 7-1: Destruction/Degradation of Historic Resources.

There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines section 15064.5[b]).

Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards:

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a ***less than- significant level*** (CEQA Guidelines section 15064.5).

(b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register.

If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:

(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's *Standards for Architectural and Engineering Documentation*. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society.

(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction.

(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character defining features and materials for educational and interpretive use onsite, or for reuse in new construction on the site in a way that commemorates their original use and significance.

(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan area.

Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources.

Mitigation Measure HR 7-1 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. This SEIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level.
2. Remaining Impacts: The impacts to cultural and historic resources would remain significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

NOISE

Impact 13-3: Construction Noise.

Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more.

Mitigation 13-3.

Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities:

- Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Prohibit unnecessary idling of internal combustion engines.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors
- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Businesses, residences, or noise sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would address complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.
- Conspicuously post a telephone number for the liaison at the construction site.

Mitigation Measure NOISE 13-3 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Constraints to daily construction times have been noted and a list of ways to lessen noise impacts have been included. Changes or modifications have been incorporated into the project that lessen the significant environmental effects identified in the EIR, although not to a level of insignificance.
2. Remaining Impacts: The impact of increased noise on businesses and residences during construction is significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

Impact 13-4: Construction-Related Vibration.

Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings.

Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities:

- Avoid impact pile driving where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.
- Avoid using vibratory rollers and tampers near sensitive areas.
- In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:

- Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration.
Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
- Design construction contingencies that would be implemented when vibration levels approached the limits.
- At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
- When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Conduct post-construction survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Mitigation Measure Noise 13-4 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessens the significant environmental effects identified in the SEIR, although not to a level of insignificance. Even with the above mitigation measures it may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan update. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce groundborne vibrations below a level of significance.
2. Remaining Impacts: The Specific Plan update would have a significant and unavoidable impact resulting from construction related vibration.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations § 15091(a) (3))

V. FINDINGS FOR SIGNIFICANT IMPACTS AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Potentially significant impacts of the Specific Plan are listed below with applicable mitigation measures, all of which are included in the Mitigation Monitoring and Reporting Plan. For each of

the impacts listed, the City Council finds that changes or alterations have been required in the Specific Plan, through the adoption of the MMRP, to mitigate or avoid the significant impacts on the environment (14 California Code of Regulations §15091(a)(1)), as described in this Section V.

A. AESTHETICS AND VISUAL RESOURCES

Impact 4-2: Project Light and Glare Impacts.

The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties.

Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process.

Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the Mitigation Monitoring and Reporting Program (“MMRP”) and it will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the utilizing the design review process and requiring facades to be constructed from non-reflective materials will cause the impact to be less than significant with implementation of the mitigation measure.
2. Remaining Impacts: Any remaining impacts related to impacts of light and glare would not be significant.

Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline- powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM₁₀ and PM_{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Demolition and renovation of buildings can also generate PM₁₀ and

PM_{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO_x emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO_x emissions during grading and soil import/export for large projects may exceed the BAAQMD NO_x emission thresholds.

Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter and PM₁₀ from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

Dust (PM₁₀) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 5 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions:
 - The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the

construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet- average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.

- Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
- Maintain written logs on site and available for review showing the maintenance of all gasoline and diesel engines on site to ensure low emissions.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP. The City finds that implementing the following BAAQMD-recommended measures to control particulate matter emissions during construction will reduce the impacts caused by diesel particulate matter and PM10 to ensure that short-term health impacts to nearby sensitive receptors are to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of diesel particulate matter and PM10 would not be significant.

Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors.

Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM2.5 exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant.

Mitigation 5-2. Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by-project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection;

- Use of alternative fuels and engine retrofits, temporary line power or electric equipment;
- Modified construction schedule; and
- Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for a project-level construction health risk assessment is feasible and will reduce the impacts of TACs of sensitive receptors during construction to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of TACs of sensitive receptors during construction would not be significant.

Impact 5-3: Toxic Air Contaminant Exposure - Long-Term Operations.

The Specific Plan would allow growth of new residential land uses that could include sensitive receptors, as well as new non-residential land uses that would be potential new emissions sources. Typically, these sources would be evaluated through the project-specific BAAQMD permit process or the CEQA process to identify and mitigate any significant exposures. However, some sources that would not be required to undergo such a review, such as truck loading docks or truck parking areas, may have the potential to cause significant increases in TAC exposure. While average daily traffic along Specific Plan area surface streets is not readily available, the *roadway screening analysis tables* indicate that health risk from high volume surface streets such as Central Avenue, Carlson Boulevard, and Potrero Avenue would be less-than- significant at average daily traffic volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. If projects under the Specific Plan are located within close proximity to surface streets with daily traffic volumes higher than 40,000 ADT this would represent a potentially significant impact.

Mitigation 5-3. Implement the following measures in site planning and building designs to reduce TAC and PM_{2.5} exposure where new receptors are located within the overlay distances identified above:

- Future development under the Specific Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the overlay distances from highways and stationary sources shall require site-specific analysis to determine the level of TAC and PM_{2.5} exposure, or for projects located near surface streets with daily traffic volumes exceeding 40,000 ADT. This analysis shall be conducted following procedures outlined by BAAQMD. If the site- specific analysis reveals significant exposures, such as cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated.

- Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard greater than 1.0, or annual PM2.5 exposures greater than 0.3 µg/m3, or a significant cumulative health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a Hazard Index greater than 10.0 or annual PM2.5 exposures greater than 0.8 µg/m3.
- For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).
- Air filtration systems installed shall be rated MERV-13 or higher, and a maintenance plan for the air filtration system shall be implemented.
- Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. Trees that are best-suited to trapping particulate matter shall be planted, including the following: Pine (*Pinus nigra* var. *maritime*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and rail lines.
- Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for the following measures in site planning and building designs will reduce the impacts of TACs to a less-than-significant level.
2. Remaining Impacts: Any remaining long term impacts related to TACs would not be significant.

B. BIOLOGICAL RESOURCES

Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats.

The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take"

under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed.

Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

2) A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

Actions (1) and (2) can be implemented simultaneously.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the pre-construction surveys and measures for the avoidance of active nests and bats are feasible and will reduce potential impacts to nesting birds and bats to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to nesting birds and bats would not be significant.

C. CULTURAL AND HISTORIC RESOURCES

Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains.

Development facilitated by the Specific Plan could disturb unrecorded sensitive archaeological resources in the plan area.

Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of

the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures.

In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site.

Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission.

Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities.

A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]).

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for a site- specific cultural resources study and technical report meeting state and federal requirements performed by a qualified archaeologist or equivalent cultural resources professional and treatment plans for identified resources as well as resources discovered during construction are feasible and will reduce potential impacts to archaeological resources to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to archaeological resources would not be significant.

Impact 7-3: Potential for Disturbance of Paleontological Resources.

Development facilitated by the Specific Plan could disturb unrecorded paleontological resources in the plan area.

Mitigation 7-3. During the City’s standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures:

(1) *Education Program.* Project applicants shall implement a program that includes the following elements:

- Resource identification training procedures for construction personnel;
- Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and
- Procedures for reporting discoveries and their geologic context.

(2) *Procedures for Resources Encountered.* If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, “standard” samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material

collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement to educate earth moving crews on the appearance of fossils, procedures to follow if any are discovered, and ensuring that a paleontologist assess the significance of any fossil find, and recovers it, if appropriate are feasible and would reduce potential impacts to paleontological resources to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts to paleontological resources would not be significant.

Supplemental Impact 7-1: Impacts on Tribal Cultural Resources.

Development facilitated by the Specific Plan Update could disturb unrecorded sensitive archaeological resources which qualify as Tribal Cultural Resources in the Plan Update Area. Additionally, resources could be disturbed that are associated with Native American activity which would not normally be considered significant resources under CEQA, such as non-unique archaeological resources. These resources have the potential to be significant to a Native American Tribe and, therefore, could be considered Tribal Cultural Resources. Such resources are considered significant under CEQA.

Supplemental Mitigation 7-1.

During ground-disturbing construction activities, if archaeological resources are encountered which are, or appear to be, Native American in origin, these artifacts (“tribal finds”) shall be presumed to be significant Tribal Cultural Resources pursuant to PRC 21074. Certified 2014 EIR Mitigation 7-2 (see above) shall apply. In addition to implementation of Certified EIR Mitigation 7-2, the Native American Heritage Commission shall be contacted to identify the appropriate tribal contact(s). The identified contact(s) shall be informed of the find, and the City will invite the representative(s) for consultation while seeking to avoid damaging effects on the resource, and to define a data recovery plan (if required). The City shall also retain a qualified archaeologist for joint consultation with the tribal representative(s). The City, pursuant to PRC 21074, in consultation with the appropriate tribe(s) and a qualified archaeologist, shall consider the significance under CEQA of the tribal find, and determine the next appropriate actions based on the consultation.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as

identified in the SEIR. The City finds that the requirement to notify appropriate tribal contacts and engage in consultation if tribal finds are encountered will reduce potential impacts to tribal resources to a less-than-significant level.

2. Remaining Impacts: Any remaining impacts to tribal resources would not be significant.

D. GEOLOGY AND SOILS

Impact 8-1: Potential Ground Instability Impacts. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings and other improvements.

Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for site-specific geotechnical investigations and engineering studies would reduce potential impacts related to geologic stability to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts related to geologic stability resources would not be significant.

E. NOISE

Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from BART noise. Future noise levels would exceed El Cerrito's noise and land use compatibility standards.

Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito General Plan. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA L_{dn}, the local established land use compatibility threshold. In areas where residential developments would be exposed to an L_{dn} of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects.

- Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L_{dn} from roadway traffic and 70 dBA L_{dn} from BART noise.

The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{dn} should not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower and meet instantaneous noise limits.

- Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA L_{dn}, in order to meet adopted noise standards.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for site-specific consideration outside noise levels and appropriate requirement of project-specific acoustical analyses would reduce potential impacts to noise and land use compatibility to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts to noise and land use compatibility resources would not be significant.

Impact 13-2: Commercial Development Noise. The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact.

Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

- Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limit for the City of El Cerrito. The approval of the commercial development shall require a noise study demonstrating how the business--including loading docks, refuse areas, and ventilation systems--would meet these requirements and would be consistent with the City's noise standards.
- Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for approval of commercial development near residences to complete a noise study ensuring that the business would be consistent with the City's noise standards and reduce potential impacts to commercial development noise to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to commercial development noise would not be significant.

VI. GROWTH INDUCING EFFECTS

The City Council finds that implementation of the Specific Plan update could result in a net increase in housing and population in the Specific Plan area over existing conditions, as explained in Section 3.6 (Development Capacity Assumptions) and Chapter 14 (Population and Housing) of this SEIR. The net increases through the horizon year of 2040 would be approximately 2,500 residential units. The direct increase in residential units and population could have an indirect economic "multiplier" effect, generating additional employment in the broader region.

No substantial, detrimental, growth-inducing effect is expected. Specific Plan update implementation would not extend roads or infrastructure through undeveloped or low-density areas; one of the main objectives of the Specific Plan update is to facilitate new development efficiently and effectively in an area where roads and infrastructure already exist (see Chapter 3, Project Description). Any future individual development proposals outside the Plan area would require standard local review of associated development applications, including CEQA-mandated development specific environmental review, to ensure that any adverse environmental impacts are adequately addressed. These existing requirements and procedures would be expected to avoid or reduce the potential environmental impacts of such secondary growth inducement associated with the Specific Plan to less-than-significant levels, except where specific CEQA statements of overriding consideration are adopted.

VII. PROJECT ALTERNATIVES

The potential environmental consequences of the San Pablo Avenue Specific Plan were analyzed in detail in the 2014 San Pablo Avenue Specific Plan EIR (2014 EIR). After considering a reasonable range of potentially feasible alternatives, including a No Project alternative, the City chose to adopt the Specific Plan project as proposed. This SEIR is intended to supplement the City-certified 2014 EIR; it is not intended to be a completely new EIR. As required under CEQA Guidelines Section 15163, the scope and content of this supplement to the 2014 EIR is limited to additions and changes necessary to make the previous EIR adequate for the project as revised.

Consequently, this SEIR addresses only the environmental issues that are raised by the differences between the approved 2014 Specific Plan and the proposed Specific Plan Update project (which includes a Specific Plan Amendment to increase the development cap allowance, expand the 2014 Plan Area, and revise and refine various Plan components to clarify and improve implementation of the Specific Plan). The scope of any further alternatives analysis would therefore be limited to a discussion of alternatives to the proposed Specific Plan Update project that would avoid or substantially lessen the significant effects resulting from the project above and beyond the 2014 EIR alternatives analysis. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources, Geology and Soils), the Specific Plan Update project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). Therefore, no further discussion of alternatives to the proposed Specific Plan Update project is required.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

The City Council adopts and makes the following Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources, Geology and Soils), the Project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). The significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, with the following exception: Impact 16-1: Cumulative Traffic Impacts (Chapter 16) is no longer a significant unavoidable impact or a cumulative impact for this Project due to the change in metric from Level of Service (LOS)/Multi-Modal Level of Service (MMLOS) in the 2014 EIR to Vehicle Miles Traveled (VMT) in the SEIR. After review of the entire administrative record, the City Council finds that, pursuant to CEQA section 21081(b) and CEQA Guidelines section 15093, specific economic, legal, social, technological and other benefits of the Project outweigh the Project's unavoidable adverse impacts and the City Council finds that the significant and unavoidable adverse impacts are acceptable in light of the Project's benefits.

A. Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the entire administrative record, the City has determined that the Project would result in significant unavoidable transportation impacts, as described in Section IV of these Findings.

The City hereby finds that, where possible, changes or alterations have been required in or incorporated into the Project that substantially lessens the significant environmental effects identified in the EIR. The project and the MMRP incorporate all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. The City further finds that there are no additional feasible mitigation measures or alternatives that could be imposed or adopted to eliminate the significant and unavoidable impacts listed above. These impacts could not be reduced to a less- than-significant level by feasible changes, mitigation measures or alternatives to the Project.

B. Overriding Considerations

The City Council has carefully balanced the benefits of the Project against any adverse impacts identified in the SEIR that could not be feasibly mitigated to a level of insignificance. The City Council finds that each of the specific environmental, economic, fiscal, social, housing and other overriding considerations set forth below constitutes a separate and independent ground for a finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. With the exception of Impact 16-1 (no longer an impact), the significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, and therefore the overriding considerations remain unchanged. The City Council specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project.

Substantial evidence in the record demonstrates the City would derive the following substantial public benefits from adoption and implementation of the Project:

1. The Project is the product of a transparent, multi-year process designed to develop community consensus. The Project has benefitted from unprecedented levels of public outreach and participation, and has been informed by appropriate analyses. In addition to large attendance at the community workshops, the Planning Commission and City Council both conducted a detailed and public review of the Draft Specific Plan update and provided clear direction that has been comprehensively addressed. As a result, the Project is reflective of the community's diverse preferences and goals.
2. The Project will enhance the public realm, through an integrated network of public spaces, including widened sidewalks, plazas and parks, that invites strolling and public gathering and allows for community life, identity and sense of place. The Project's comprehensive public space network supports a more active, vibrant downtown and healthier living by encouraging walking, biking and social gathering.
3. The Project will create a more active, vibrant urban area, with a mix of commercial and residential uses that complement and support one another and bring vitality, including increased retail sales, to the area. In addition, the Project will establish standards and guidelines that encourage development of underutilized and vacant land on San Pablo Avenue while ensuring a building character that is modulated visually interesting.

4. The Project recognizes and promotes healthy living and activity by encouraging walking, biking and access to transit as alternatives to vehicular use, supported by widened sidewalks and new bicycle facilities; enhanced public spaces; development intensity focusing on the two BART stations; and a greater mix and diversity of uses. The Project takes a comprehensive approach to sustainability and carbon emissions reduction, utilizing standards integrated with best practices and guidelines for both public and private improvements. The Project also encourages context sensitive design.

X. SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Plan, shall continue in full force and effect unless amended or modified by the City.

EXHIBIT B

MITIGATION MONITORING CHECKLIST--SAN PABLO AVENUE SPECIFIC PLAN UPDATE

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the San Pablo Avenue Specific Plan Update in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
AESTHETICS AND VISUAL RESOURCES						
Impact 4-1: Project Impacts on Scenic Vistas. Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond. This is considered a <i>potentially significant impact</i> .	Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02. Incorporation of this measure would reduce the impact on scenic vistas. However, because the outcome of this decision-making process for any individual, future proposal cannot be guaranteed within the framework of this program EIR, the impact is considered <i>significant and unavoidable</i> .	City; Individual project applicants	City	During individual project review		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Impact 4-2: Project Light and Glare Impacts. The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties. These impacts related to light and glare are considered a <i>potentially significant</i>.	Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process. With this requirement incorporated into the local design review process, the light and glare impact of future parking structures would be <i>less-than-significant</i>. Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating. This requirement would reduce potential glare impacts of building materials to a <i>less-than-significant level</i>.	Individual project applicants	City	During individual project review; Condition of occupancy permit issuance		
		Individual project applicants	City	Condition of building permit issuance; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
AIR QUALITY						
Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM ₁₀ and PM _{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Demolition and renovation of buildings can also generate PM ₁₀ and PM _{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO _x emissions, in addition to PM ₁₀ and PM _{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO _x emissions during grading and soil import/export for large projects may exceed the BAAQMD	Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter, PM ₁₀ , and PM _{2.5} from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced: <i>Dust (PM₁₀ and PM_{2.5}) Control Measures:</i> - Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. - Cover all hauling trucks or maintain at least two feet of freeboard. - Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
NO _x emission thresholds. Without application of appropriate control measures to reduce construction dust and exhaust, construction period impacts would be considered a <i>potentially significant impact</i> .	inactive for 10 days or more). ▪ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. ▪ Limit traffic speeds on any unpaved roads to 15 mph. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Suspend construction activities that cause visible dust plumes to extend beyond the construction site. ▪ Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions: ▪ The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	particulate reduction compared to the most recent CARB fleet average for the year 2011. - Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site. - The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). - Properly tune and maintain equipment for low emissions. Implementation of these measures would reduce project construction-related air quality impacts to a <i>less-than-significant level</i>.					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors. Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM_{2.5} exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant. Health risks associated with temporary construction would, therefore, be considered a potentially significant impact.	Mitigation 5-2. Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by-project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures: - Construction equipment selection; - Use of alternative fuels and engine retrofits, temporary line power or electric equipment; - Modified construction schedule; and - Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust. Implementation of these industry-recognized measures would reduce TAC construction impacts to a less-than-significant level.	Individual project applicants	City	During individual project review (health risk assessment); Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
BIOLOGICAL RESOURCES						
Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats. The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take" under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed. This is considered a potentially significant impact .	Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist. In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. Implementation of this measure would reduce the impact to a less-than-significant level .	Individual project applicants	City	Condition of grading permit issuance; Field verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	(2) A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>. Actions (1) and (2) can be implemented simultaneously.	Individual project applicants	City	Condition of grading permit issuance; Field verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
CULTURAL AND HISTORIC RESOURCES						
Impact 7-1: Destruction/Degradation of Historic Resources. There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines Section 15064.5[b]). Such adverse changes in the significance of a CEQA-defined historic resource would be a significant impact .	Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards: ▪ Secretary of Interior's <i>Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i> ; or ▪ Secretary of Interior's <i>Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i>	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a <i>less-than-significant level</i> (CEQA Guidelines Section 15064.5). (b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register. If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's <i>Standards for Architectural and Engineering Documentation</i>. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society. (d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction. (e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance. (f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan area.					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources. However, this program EIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level. Consequently, this impact may remain significant and unavoidable .					
Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains. Development facilitated by the Specific Plan could disturb unrecorded sensitive archaeological resources in the plan area. This possibility represents a potentially significant impact .	Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures. In general, to make an adequate determination in these instances, the	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching). If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site. Preservation may be accomplished by: ▪ Planning construction to avoid the archaeological site; ▪ Incorporating the site within a park, green space, or other open space element; ▪ Covering the site with a layer of chemically stable soil; or ▪ Deeding the site into a permanent conservation easement. When in-place mitigation is determined by the City to be infeasible, a <i>data recovery plan</i>, which makes provisions for adequate recovery of culturally or					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission. Identified cultural resources shall be recorded on form DPR 422 (archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities. A <i>data recovery plan</i> and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines Section 15126.4[b]). In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources. If human remains are found, special rules set forth in State Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15126.4(b) shall					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	apply. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>.					
Supplemental Impact 7-1: Impacts on Tribal Cultural Resources. Development facilitated by the Specific Plan Update could disturb unrecorded sensitive archaeological resources which qualify as Tribal Cultural Resources in the Plan Update Area. Additionally, resources could be disturbed that are associated with Native American activity which would not normally be considered significant resources under CEQA, such as non-unique archaeological resources. These resources have the potential to be significant to a Native American Tribe and, therefore, could be considered Tribal Cultural Resources. Such resources are considered significant under CEQA. These possibilities represent a <i>potentially significant impact</i>. This is a new impact not identified in the 2014 Specific Plan EIR because this new CEQA criterion was added after the 2014 EIR was certified.	Supplemental Mitigation 7-1. During ground-disturbing construction activities, if archaeological resources are encountered which are, or appear to be, Native American in origin, these artifacts ("tribal finds") shall be presumed to be significant Tribal Cultural Resources pursuant to PRC 21074. Certified 2014 EIR Mitigation 7-2 (see above) shall apply. In addition to implementation of Certified EIR Mitigation 7-2, the Native American Heritage Commission shall be contacted to identify the appropriate tribal contact(s). The identified contact(s) shall be informed of the find, and the City will invite the representative(s) for consultation while seeking to avoid damaging effects on the resource, and to define a data recovery plan (if required). The City shall also retain a qualified archaeologist for joint consultation with the tribal representative(s). The City, pursuant to PRC 21074, in consultation with the appropriate tribe(s) and a qualified archaeologist, shall consider the significance under CEQA of the tribal find, and determine the next appropriate actions based on the consultation. Implementation of this measure would reduce the impact to a <i>less-than-significant level</i>.	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
GEOLOGY AND SOILS						
Impact 8-1: Potential Ground Instability Impacts. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings and other improvements, representing a potentially significant impact .	Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards. Project incorporation of this mitigation requirement would reduce this impact to a less-than-significant level .	Individual project applicants	City	During individual project review; Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		
Impact 8-2: Paleontological Resources Impacts (formerly Impact 7-3: Potential for Disturbance of Paleontological Resources). The certified 2014 EIR determined that this impact would be potentially significant because the San Pablo Avenue Specific Plan would allow development in areas that may include unrecorded paleontological resources. The 2014 EIR found that the alluvium that underlies the plan area has a high potential for containing fossil resources, and it is possible that significant paleontological resources could be discovered during ground-disturbing activities. The Plan Update Area would include these soils with the potential for unrecorded paleontological resources, as the geological conditions have not changed since the 2014 EIR was certified. This possibility represents a potentially significant impact .	Mitigation 8-2 (formerly Mitigation 7-3). During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures: (1) <i>Education Program.</i> Project applicants shall implement a program that includes the following elements: ▪ Resource identification training procedures for construction personnel; ▪ Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and ▪ Procedures for reporting discoveries and their geologic context.	City; Individual project applicants	City	During individual project review; Condition of grading permit issuance; Field verify implementation during grading		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	(2) <i>Procedures for Resources Encountered.</i> If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources. Implementation of this measure would reduce the impact to a <i>less-than-significant level.</i>					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
NOISE						
Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L _{dn} from traffic noise and 70 dBA L _{dn} from BART noise. Future noise levels would exceed both El Cerrito's and Richmond's noise and land use compatibility standards. This is a potentially significant impact .	Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito and Richmond general plans. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA L _{dn} , the local established land use compatibility threshold. In areas where residential developments would be exposed to an L _{dn} of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects. In Richmond General Plan Action SN4.A, new noise-sensitive uses that are located in an area with day-night average sound levels (L _{dn}) of 55 or greater require a noise study report; the report shall identify noise mitigation measures that limit noise to an acceptable level compared to existing conditions. ▪ Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L _{dn} from roadway traffic and 70 dBA L _{dn} from BART noise. ▪ The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L _{dn} or lower, and	Individual project applicants	City	During individual project review; Condition of building permit issuance; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{dn} should not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower and meet instantaneous noise limits. Similar to above, noise insulation features shall be considered on a					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA L_{dn}, in order to meet adopted noise standards. Implementation of these measures would reduce potential noise and land use compatibility impacts to a less-than-significant level.					
Impact 13-2: Commercial Development Noise. The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact. This is a potentially significant impact.	Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards. - Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limits for the Cities of El Cerrito and Richmond. The approval of the commercial development shall require a noise study demonstrating how the business – including loading docks, refuse areas, and ventilation systems – would meet these requirements and would be consistent with the respective City's noise standards. - Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities, are limited to the hours of 7:00 AM to 9:00 PM. Implementation of these measures would reduce the potential commercial development noise impacts to a less-than-significant level.	Individual project applicants	City	During individual project review; Condition of building permit issuance; Condition of occupancy permit issuance		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Impact 13-3: Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more. This is a significant impact .	Mitigation 13-3. Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities: ▪ Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment. ▪ Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. ▪ Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area. ▪ Prohibit unnecessary idling of internal combustion engines. ▪ Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. ▪ Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise-sensitive land uses. ▪ A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. ▪ Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. ▪ Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. ▪ Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends and holidays. ▪ Businesses, residences, or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a "construction liaison" who would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	construction site. Although the above measures would reduce noise generated by construction, the impact would remain significant and unavoidable as a result of the extended period of time that adjacent receivers could be exposed to construction noise.					
Impact 13-4: Construction-Related Vibration. Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings. This is a significant impact.	Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities: ▪ Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. ▪ Avoid using vibratory rollers and tampers near sensitive areas. ▪ In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: – Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall	Individual project applicants	City	Condition of grading permit issuance; Condition of building permit issuance; Field verify implementation during grading and construction		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. - Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. - Design construction contingencies that would be implemented when vibration levels approached the limits. - At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. - When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. - Conduct post-survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities. It may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce ground-borne vibrations below a level of significance. Therefore, this impact would be significant and unavoidable.					

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL APPROVING OF A
GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR
PROPERTY LOCATED IN SAN PABLO AVENUE SPECIFIC PLAN AREA

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, adopting a General Plan Amendment for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Ordinance 2014-06, rezoning properties within the San Pablo Avenue Specific Plan area; and

WHEREAS, the draft Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, on July 19, 2022, the City released for a 45-day public review period a Draft Supplemental Environmental Impact Report (SEIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Supplemental Environmental Impact Report and a final draft of the San Pablo Avenue Specific Plan update and released both documents for public review on October 15, 2022; and

WHEREAS, adoption of the Specific Plan update has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2022 at which it received testimony and other evidence and recommended that the City Council certify the Supplemental Environmental Impact Report and adopt the San Pablo Avenue Specific Plan update with amendments regarding building electrification and electric vehicle charging.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council, based on its review and consideration of the San Pablo Avenue Specific Plan update, attached exhibits, and associated Final Supplemental Environmental Impact Report, and all public testimony, adopts the General Plan amendment for the San Pablo Avenue Specific Plan update as detailed in Exhibit A and finds as follows:

1. The proposed amendment is deemed to be in the public interest.

The SPASP update is in the public interest because it adopts context-sensitive regulations to be applied throughout the Plan area

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

The SPASP update is consistent in all significant respects with the General Plan; in that supports the spirit and intent of all of the existing goals and policies in the General Plan related to the San Pablo Avenue corridor.

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The SPASP update shall be implemented in compliance with all appropriate sections of the El Cerrito Municipal Code, including the Building and Fire Codes as well as in concert with its Supplemental Environmental Impact Report, ensuring that it will not be detrimental to the public's health, safety or welfare.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

A Supplemental Environmental Impact Report (SEIR) was prepared for the San Pablo Specific Plan update in full compliance with applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA) and the Planning Commission recommended that the City Council certify the SEIR on October 19, 2022, and the City Council certified the SEIR, adopted a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program.

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

I CERTIFY that at a special meeting on December 6, 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:

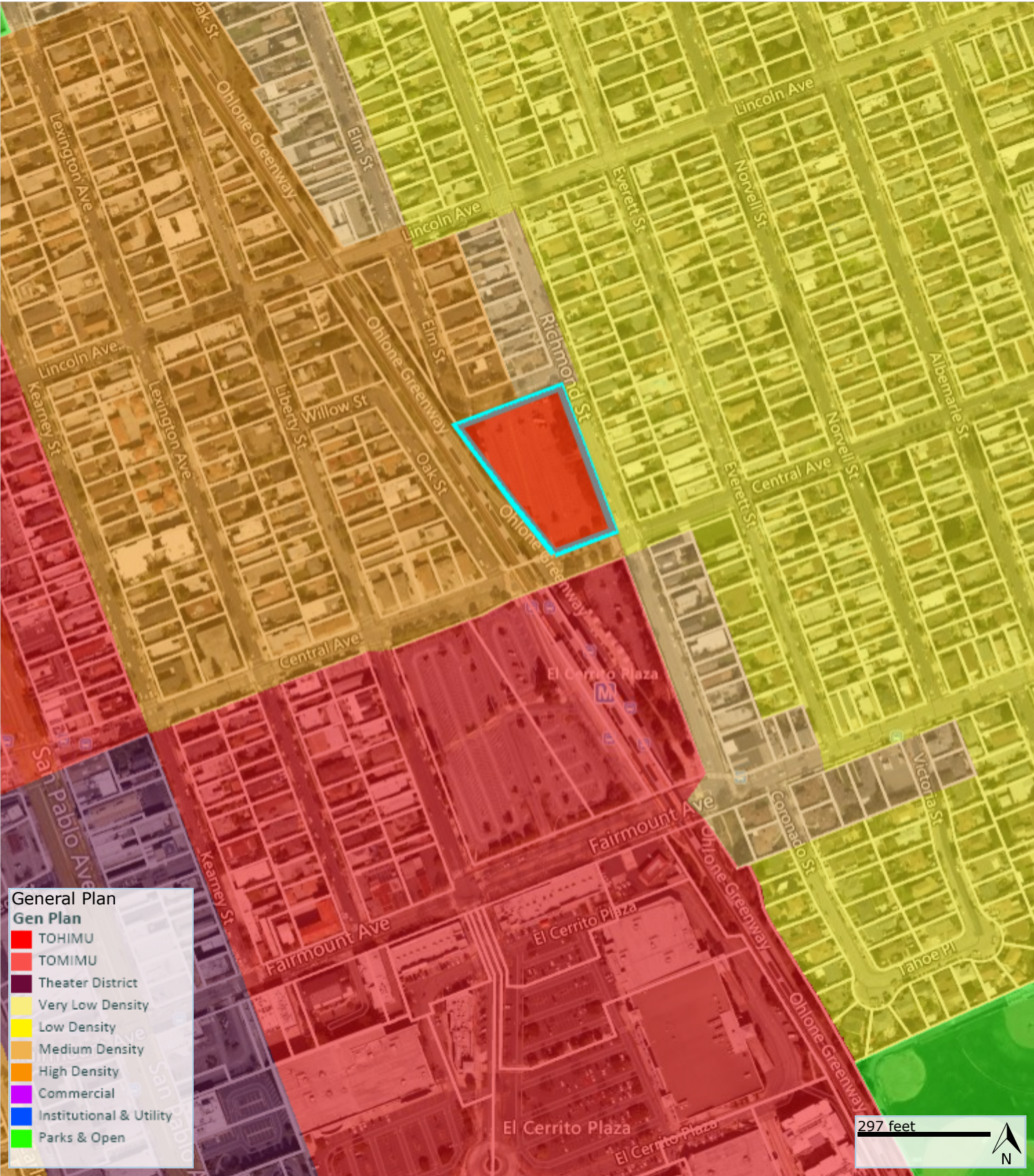
IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December _____, 2022.

Holly M. Charl  ty, City Clerk

APPROVED:

Gabe Quinto, Mayor

Exhibit A



San Pablo Avenue Specific Plan Update General Plan Amendment



RESOLUTION 2022-XX

A RESOLUTION OF THE CITY OF EL CERRITO CITY COUNCIL ADOPTING THE
UPDATED SAN PABLO AVENUE SPECIFIC PLAN WITH AMENDMENTS
REGARDING BUILDING ELECTRIFICATION AND ELECTRIC VEHICLE CHARGING

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-50, certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-51, adopting a General Plan Amendment for the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Resolution 2014-52, adopting the San Pablo Avenue Specific Plan; and

WHEREAS, on September 22, 2014, the El Cerrito City Council adopted Ordinance 2014-06, rezoning properties within the San Pablo Avenue Specific Plan area; and

WHEREAS, the draft Specific Plan update was released for public review on July 19, 2022; and

WHEREAS, on July 19, 2022, the City released for a 45-day public review period a Draft Supplemental Environmental Impact Report (SEIR) which identified and evaluated the potential environmental impacts of the proposed Specific Plan; and

WHEREAS, the City completed the Final Supplemental Environmental Impact Report and a final draft of the San Pablo Avenue Specific Plan update and released both documents for public review on October 15, 2022; and

WHEREAS, adoption of the Specific Plan update has complied with the provisions of Government Code Section 65453; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 19, 2022 at which it received testimony and other evidence and recommended that the City Council certify the Supplemental Environmental Impact Report and adopt the San Pablo Avenue Specific Plan update with amendments regarding building electrification and electric vehicle charging; and

WHEREAS, building electrification reduces carbon emissions and staff will provide additional information supporting the building electrification amendments referenced herein.

WHEREAS, scientific evidence has established that natural gas combustion, procurement and transportation produce significant greenhouse gas emissions that contribute to global warming and climate change.

WHEREAS, Section 2.05.05.01.04 of the San Pablo Avenue Specific Plan update is reasonably necessary because of local climatic, geologic and topographical conditions as listed below:

1. As a coastal city located on the San Francisco Bay, El Cerrito is vulnerable to sea level rise, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, which contribute to melting of glaciers and thermal expansion of ocean water--resulting in rising sea levels.
2. El Cerrito is situated along a wildland-urban interface and is extremely vulnerable to wildfires and firestorms, and human activities releasing greenhouse gases into the atmosphere cause increases in worldwide average temperature, drought conditions, vegetative fuel, and length of fire seasons.
3. Structures in El Cerrito are located along or near the Hayward fault, which is likely to produce a large earthquake in the Bay Area.

WHEREAS, substitute electric heating and cooling infrastructure in new buildings fueled by less greenhouse gas intensive electricity is linked to significantly lower greenhouse gas emissions and is cost competitive because of the aggregate cost savings associated with all electric designs that avoid new gas infrastructure and increasing natural gas fuel prices.

WHEREAS, reducing natural gas infrastructure benefits the health, welfare, and resiliency of El Cerrito and its residents.

WHEREAS, the most cost-effective time to integrate electrical infrastructure is in the design phase of a building project because building systems and spaces can be designed to optimize the performance of electrical systems inasmuch as projects can take full advantage of avoided costs and space requirements from the elimination of natural gas piping and equipment venting systems.

WHEREAS, it is the intent of the San Pablo Avenue Specific Plan to reduce obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where electric infrastructure can be most practicably integrated, thereby reducing the environmental and health hazards produced by the consumption and transportation of natural gas.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council, based on its review and consideration of the San Pablo Avenue Specific Plan update, attached exhibits, associated Final Supplemental Environmental Impact Report, and all other information and testimony, hereby adopts the San Pablo Avenue Specific Plan update, with amendments as set forth in Exhibit A, Exhibit B, and the Errata Memorandum dated November 15, 2022, and finds as follows:

1. The San Pablo Avenue Specific Plan update is in the public interest and will advance the health, safety, and general welfare of the City of El Cerrito.

2. The San Pablo Avenue Specific Plan update is consistent with the El Cerrito General Plan.

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

I CERTIFY that at a special meeting on December 6, 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:

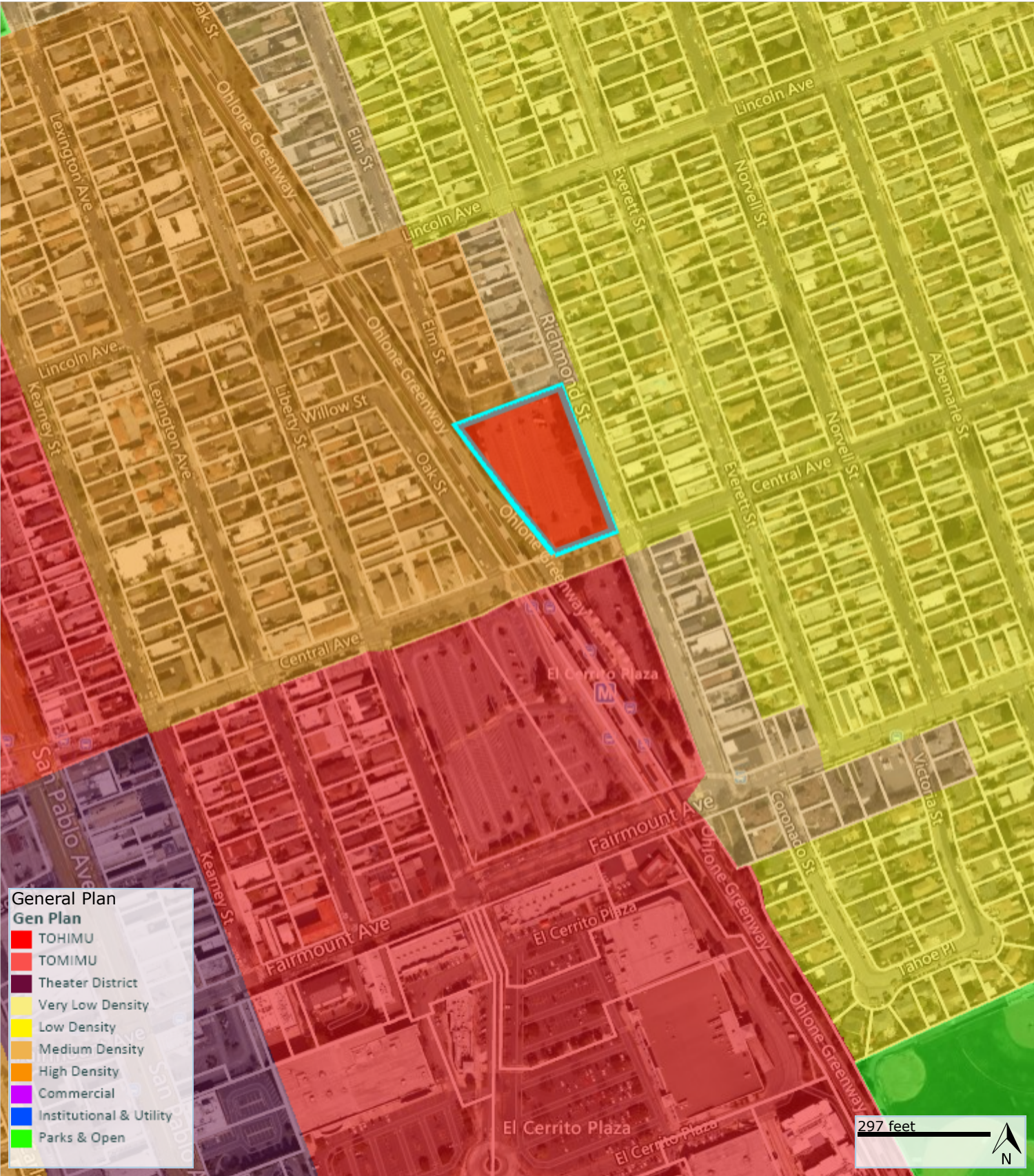
IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

Exhibit A



San Pablo Avenue Specific Plan Update General Plan Amendment



O. Electric Vehicle Charging

All parking spaces shall be equipped with a raceway that originates at the main electric service or subpanel.

When parking is provided for a project containing 5 or more residential dwelling units and/or 6,000 square feet or more of commercial space, a minimum of 20 percent of the parking spaces, but not less than one parking space, shall be installed with Level 2 Electric Vehicle Supply Equipment (EVSE). For the purposes of this Section, "EVSE" shall be as defined by the California Green Building Standards Code. An automatic load management system (ALMS) shall be permitted to reduce load when multiple vehicles are charging. For the purposes of this Section, "ALMS" shall be as defined by the California Green Building Standards Code.

1. Exceptions

- a. Significant Hardship or Technical Infeasibility. If an applicant for a project subject to this Section believes that the type of project or physical site conditions, necessary operational requirements, or the public health, safety, or economic welfare make it a hardship or infeasible to meet the requirements of this Chapter, or the project meets any City-adopted sustainability and environmental policies, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.
- b. Financial Infeasibility. If an applicant for a new project subject to this Section believes that the amount of EVSE required by this Section will render the project as a whole financially infeasible, then the applicant may request an exemption or modification from the Zoning Administrator. The burden shall be on the applicant to demonstrate the grounds for any exemption.

2. Process for consideration of exemption applications.

- a. To assist the Zoning Administrator in evaluating an exemption request, the City may retain one or more consultants to peer review information submitted by the applicant. The applicant shall reimburse the City for the costs of the consultants retained, plus the City's standard charge for administrative overhead as set forth in the City's Master Fee Schedule.
- b. In making a determination in response to an exemption application under this Section, the Zoning Administrator shall determine that the facts offered in support of an application demonstrate both that substantial evidence in the record supports the exemption request, and that the purposes of this Section will have been achieved to the maximum extent reasonably allowed by the circumstances. Any exemption granted shall require the applicant to comply with the requirements of this Section to the fullest extent reasonably achievable given the circumstances, provided such requirements meet or exceed the EVSE requirements in the El Cerrito Municipal Code.
- c. The Zoning Administrator's decision shall contain a statement of the facts upon which the decision was based, as well as the reduced compliance level requirements

that must be achieved. The Zoning Administrator's decision shall become a condition of the development or building permit issued for the project.

- d. The Zoning Administrator's decision shall be mailed or electronically mailed to the applicant to the address shown on the application.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY OF EL CERRITO REZONING PROPERTIES
LOCATED IN THE SAN PABLO AVENUE SPECIFIC PLAN AREA

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

Section 1: Rezone The zoning map of the City of El Cerrito is hereby amended such that certain real property currently zoned/described as: the 2.28-acre area bounded by Central Avenue, Richmond Street, the Ohlone Greenway, and Willow Street; and more particularly described in Exhibit A, are rezoned to San Pablo Avenue Specific Plan.

Section 2: 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 and every 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 3: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a special meeting of the City Council on December 6, 2022 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

ADOPTED AND ORDERED published at a special meeting of the City Council held on (Month, DD, YYYY) and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

APPROVED:

Gabe Quinto, Mayor

ATTEST:

Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

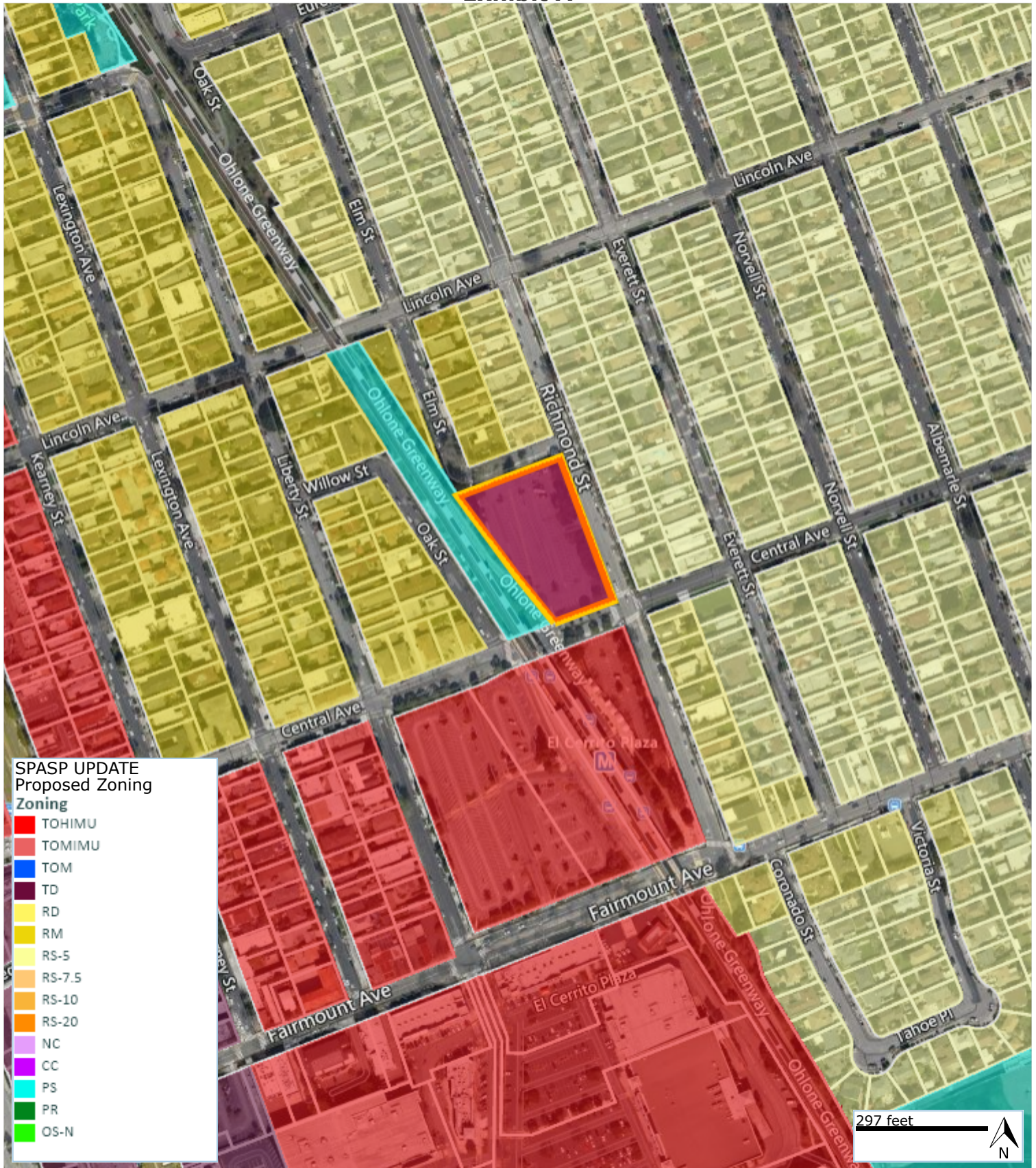
I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. (2022-XX) of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the (DD day of Month, 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 (Month), 2022.

Holly M. Charléty, City Clerk

Exhibit A: Amended Zoning Map

Exhibit A



San Pablo Avenue Specific Plan Update Rezone





2023 City Council Regular Meeting Schedule

City Holiday/Closed
 Council Meeting (6pm)
 Advisory Body Interviews (4 pm)
 City Council Retreat
Location: 10890 San Pablo Ave
or remote via zoom

JANUARY 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JUNE 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JULY 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER 2023						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Notes: 1st Tuesday in January cancelled due to holiday; reduced to 3rd Tuesday only for summer months; includes additional meetings for advisory body bi-annual interviews



AGENDA BILL

Agenda Item No. 6.B.

Date: December 6, 2022
To: El Cerrito City Council
From: Sandra Dalida, Finance Director/City Treasurer, Finance Department
Subject: Approve Contract Request with Maze and Associates Accountancy Corporation for Accounting Temporary Services

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to increase the professional services agreement for temporary accounting staff with Maze & Associates Accountancy Corporation by \$65,000.00 and extend the terms through June 30, 2023.

BACKGROUND AND ANALYSIS

During the past 14 months, the Finance Department has experienced significant staff attrition and long-term leaves and absences, including the Finance Director/City Treasurer, Finance/Budget Supervisor, Senior Accountant, Finance Technician II – Accounts Receivable and Finance Technician II – Accounts Payable. The Finance Department has employed retiree annuitants and temporary accounting staff from Maze & Associates to perform accounting and financial management duties to assure effective and timely completion of revenue and expenditure accountings, budget reconciliation, compliance audits, and regulatory financial and tax reporting.

On July 5, 2022, the City entered into a professional services agreement with Maze & Associates in the amount of \$35,000.00 to provide temporary accounting staff as needed for the period ending June 30, 2023. The temporary accounting staff are required to perform accounting and financial duties to assure continuity of operations as the recruitment process proceeds.

Despite the City's proactive recruitment efforts to fill the vacant Finance Department positions, the current labor market shortages across all accounting-related classifications and the highly competitive compensation offered by neighboring cities, counties, and special districts have resulted in extending and reposting recruitments. The City looks forward to outcomes from the Classification and Compensation Study to quantify compensation ranges for comparable accounting-related positions at other local public sector organizations.

Due to the delays in filling vacant accounting-related positions, the City is requesting approval to increase the professional services agreement with Maze & Associations by \$65,000.00, for a total of \$100,000.00, for temporary accounting staff. The City will return to the City Council during the FY 2023 Mid-Year process should additional modifications be necessary.

STRATEGIC PLAN CONSIDERATIONS

Assuring financial staffing are available is required to effectively manage the City's financial assets, ensure adherence to financial policies and procedures as specified in the City's Comprehensive Financial Policy and the City's Strategic Plan Goal B: Achieve long-term financial sustainability; and to comply with state and federal requirements for management of public funds (i.e., requirements referenced in California Government Code, Title 4 and Title 5, and Code of Federal Regulations, Title 2, etc.).

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The City is requesting approval to increase the professional services agreement for temporary accounting staff with Maze & Associates by \$65,000.00, for a total of \$100,000.00, to ensure essential staffing is available to complete critical revenue and expenditure accounting, budget reconciliation, compliance audits, and regulatory financial and tax reporting.

The FY 2022-23 Adopted Budget includes \$1,088,396.00 for all salaries and benefits-related expenses (i.e., workers compensation, employer's share of FICA/Medicare, retirement, etc.) for six positions in the Finance Department. As of October 29, 2022 (33% of the fiscal year completed), only \$262,503.75 or 24% of the adopted budget has been utilized with a year-to-date salary savings of \$96,666.93. The salary savings will continue to increase until the vacant positions are filled.

No additional budget appropriation is requested.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF EL CERRITO AND MAZE AND ASSOCIATES ACCOUNTANCY CORPORATION FOR AN AMOUNT NOT TO EXCEED \$100,000

WHEREAS, in July 2022 the City of El Cerrito entered into a professional services agreement with Maze and Associates Accountancy Corporation for \$35,000 to provide temporary accounting staff to perform accounting and financial management duties during the recruitment process to fill one (1) vacant position; and

WHEREAS, the current three (3) vacant positions and one (1) employee leave necessitates the additional \$65,000 to increase the agreement with Maze and Associates Accountancy Corporation to provide temporary accounting staff for continuity of operations; and

WHEREAS, funding for the additional \$65,000 is requested to be appropriated from the FY 2022-23 Approved Budget for the Finance Department's salaries and benefits for budgeted positions currently vacant.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to amend the professional services agreement with Maze and Associates Accountancy Corporation by \$65,000 for an amount not to exceed \$100,000.

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

I CERTIFY that as a special meeting on December 6, 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 December _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



AGENDA BILL

Agenda Item No. 6.C.

Date: December 6, 2022
To: El Cerrito City Council
From: Shannon Bassi, Senior Human Resources Analyst
Subject: Adoption of a Side Letter between the City of El Cerrito and the El Cerrito Police Employees' Association

ACTION PROPOSED

Adopt a resolution approving a side letter agreement between the City of El Cerrito and the El Cerrito Police Employees' Association Memorandum of Understanding (MOU) to modify the language on salaries and other working conditions and address recruitment and retention concerns.

BACKGROUND/ANALYSIS

On December 31, 2020, the City Council approved a four-year agreement with the Police Employees' Association (PEA) by modifying salaries and creating a Memorandum of Understanding (MOU) effective January 1, 2020 through June 30, 2024. The PEA represents Police Officers, Corporals, Sergeants and Non-Sworn Police Employees.

The City of El Cerrito and the PEA recognize the tremendous recruitment and retention issues the City of El Cerrito Police Department is facing regarding sworn positions, especially in the last year. Not only is recruitment and retention a local issue, it is also a county, state, and nationwide issue as many other agencies are facing similar struggles to maintain sworn officers. Collectively, City staff and the PEA strategized several ways to enhance recruitment and retention for the El Cerrito Police Department.

The following is a summary of the updated agreement with the PEA:

- The agreement will remain effective January 1, 2020 through June 20, 2024.

Recruitment

- Temporarily suspend Step 1 of the Police Officer classification – effective when the City deems appropriate after February 1, 2023; move current incumbents in the Police Officer classification from Step 1 to Step 2.
- Recruitment incentive- to be established by the City, if it deems necessary:
 - On Hire - \$2,500
 - On completion of FTO - \$2,500
 - On completion of Probation - \$5,000

Retention

- Establish a Step 6 for the Police Officer, Police Corporal, and Police Sergeant classifications.
- Move all sworn employees up one step effective the first full pay period in January 2023: Employees at Step 1 are moved to Step 2, Employees at Step 2 are moved to Step 3, Employees at Step 3 moved to Step 4, Employees at Step 4 moved to Step 5; Employees at Step 5 moved to the newly established Step 6 (Employees will be eligible to move to the next step on their next regularly scheduled anniversary date).
- Retiree Health Savings (RHS) accounts to be established as soon as practicable after January 1, 2023, but no later than April 1, 2023; City to pre-fund all full-time employees accounts with \$600 who are employed with the City as of January 1, 2023 and still employed with the City as of the establishment of the RHS; after the establishment of the RHS account the City shall contribute \$50 and the Employees shall contribute \$25 per pay period.
- Delay the January 2023 salary increase for sworn classifications until the first full pay period in July 2023 (for a total sworn salary increase of 4.5% effective the first full pay period in July 2023). Non-sworn employees shall receive the January 2023 salary increase (1.5%) as scheduled.
- Step Increases- The following criteria shall apply in the step-to-step movement of individual employees who are on a step plan:
 - Step 1 shall be the minimum hiring rate.
 - Step 2 Employees hired at Step 1 shall be eligible for advancement to Step 2 upon completion of six months employment, affirmation by the department head that there has been satisfactory growth in the service value of the employee, and approval of the City Manager.
 - Employees hired at Steps 2, 3, 4, or 5 shall be eligible for advancement to the next step on the anniversary date of their employment, provided that the department head affirms that there has been satisfactory growth in the service value of the employee and there is City Manager approval.
 - City Manager may increase an employee's salary on the basis of merit within the range set forth. The City Manager also may designate the salary rate or step at which an employee is appointed.
- All other terms and conditions of the Memorandum of Understanding, which expired on December 31, 2019 and extended by the Side Letter to Extend Memorandum of Understanding dated December 31, 2020, not addressed herein shall remain in full force and effect through the term of these agreements.

The City would like to thank the PEA for the leadership they have continued to show during this challenging time by agreeing to defer their cost-of-living adjustment in January 2023 and strategizing new ways to recruit and retain sworn staff. The City looks forward to continuing the strong collaborative relationship with the PEA.

STRATEGIC PLAN CONSIDERATIONS

Adopting the Resolution for the PEA fulfills Goal A, Deliver Exemplary Government Services, including the strategies of "Recruiting and retaining a talented and effective workforce" and "Maintain emphasis on providing excellent customer service"; and, Goal B, "Achieve long-term financial sustainability."

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

- The cost to implement Step 6 and move all employees (1) step is approximately \$260,685.
- The cost for each Recruitment Incentive is \$10,000 for each lateral employee and the total estimated future costs for lateral Recruitment Incentives is unknown at this time and will depend on applications received.
- The cost to implement and pre-fund RHS (Retirement Health Savings) Account for the entire Bargaining Unit is approximately \$46,000 and will cost approximately \$24,050 for the remainder of FY 2022-2023.
- By delaying the Sworn employees salary increase scheduled in January 2023 until July 2023, there is a cost savings of \$55,743.

LEGAL CONSIDERATIONS

The City Attorney reviewed this action and found that legal considerations have been addressed.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING A SIDE LETTER TO THE EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE POLICE EMPLOYEES ASSOCIATION (PEA) TO MODIFY LANGUAGE ON SALARIES AND BENEFITS

WHEREAS, the Meyers-Milias-Brown Act allows employee units within the City to represent themselves on matters concerning salaries, hours and working conditions; and

WHEREAS, the Employer-Employee Relations Ordinance of the City of El Cerrito provides the methods and procedures for meeting and conferring in good faith; and

WHEREAS, the Police Employees Association is recognized as the majority bargaining unit for Police Officers, Police Corporals, Police Sergeants, and Police Non-Sworn staff; and

WHEREAS, representatives of the City of El Cerrito and the Police Employees Association, have met and conferred in good faith; and

WHEREAS, Resolution 2020-26 approved the current Memorandum of Understanding with the Police Employees Association; and

WHEREAS, the City of El Cerrito and the Police Employees Association representatives have agreed to modify the salaries and benefits and of the current Memorandum of Understanding ending June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby adopt the side letter, attached hereto as Exhibit A, between the City of El Cerrito and the Police Employees Association effective through June 30, 2024.

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

I CERTIFY that at a special meeting on December 6, 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, I sign this document and affix the corporate seal of the City of El Cerrito on December _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

**SIDE LETTER TO MEMORANDUM OF UNDERSTANDING
BEWTEEN
CITY OF EL CERRITO
AND
EL CERRITO POLICE EMPLOYEES' ASSOCIATION**

December 6, 2022

Representatives for the City of El Cerrito met with representative of the El Cerrito Police Employees Association regarding the financial challenges that the City is experiencing. As a result of the discussions, the parties have agreed to modify the Memorandum of Understanding (MOU) between the parties. The Side Letter modifying the MOU is as following:

Recruitment

- Temporarily suspend Step 1 of the Police Officer's classification – Effective when the City deems appropriate after February 1, 2023
 - Move current incumbents in the Policer Officer classification that are on step 1 to step 2.
- Recruitment incentive
 - To be established by the City, if it deems necessary
 - On Hire - \$2,500
 - On completion of FTO - \$2,500
 - On completion of Probation - \$5,000

Retention

- Establish a Step 6 for the Police Officer, Police Corporal, and Police Sargent classifications.
- Move all sworn employees up one step effective the first full pay period in January 2023 (Employees at Step 1 are moved to Step 2; Employees at Step 2 are moved to Step 3; Employees at Step 3 moved to Step 4; Employees at Step 4 moved to Step 5; Employees at Step 5 moved to the newly established Step 6 (Employees will be eligible to move to the next step on their next regularly scheduled anniversary date).
- Article 7.10 Retiree Health Savings
 - Retiree Health Saving accounts to be established as soon as practicable after January 1, 2023, but no later than April 1, 2023..
 - City to prefund all full-time employees accounts with \$600, who are employed with the City as of January 1, 2023 and still employed with the City as of the establishment of the RHSA.
 - After the establishment of the Retiree Health Savings account the City and the Employees pay period contribution shall be:
 - City - \$50
 - Employee - \$25
- Article 13.1 Base Monthly Salaries

- Delay the January 2023 salary increase for sworn classifications until the first full pay period in July 2023 (for a total sworn salary increase of 4.5% effective the first full pay period in July 2023).
- Non-sworn employees shall receive the January 2023 salary increase (1.5%) as scheduled.

• 13.3 STEP INCREASES

The following criteria shall apply in the step-to-step movement of individual employees who are on a step plan:

- A. Step 1 shall be the minimum hiring rate.
- B. Step 2: Employees hired at Step 1 shall be eligible for advancement to Step 2 upon completion of six months employment, affirmation by the department head that there has been satisfactory growth in the service value of the employee and approval of the City Manager.
- C. Employees hired at Steps 2, 3, 4 or 5 shall be eligible for advancement to the next step on the anniversary date of their employment, provided that the department head affirms that there has been satisfactory growth in the service value of the employee and there is City Manager approval.

City Manager may increase an employee's salary on the basis of merit within the range set forth. The City Manager also may designate the salary rate or step at which an employee is appointed.

All other terms and conditions of the Memorandum of Understanding, which expired on December 31, 2019 and extended by the Side Letter to Extend Memorandum of Understanding dated December 31, 2020, not addressed herein shall remain in full force and effect through the term of these agreements.

For the City

For the Association

Date: _____

Date: _____

EL CERRITO CITY COUNCIL PROCLAMATION
In Recognition Upon Retirement of Maintenance Superintendent Bill Driscoll

WHEREAS, Bill Driscoll, Maintenance Superintendent, has served the El Cerrito community for 24 years with dedication and goodwill and upon the occasion of his retirement, is deserving of recognition; and

WHEREAS, after growing up in El Cerrito, Bill's nearly 40 years of public service began with the West Contra Costa Unified School District where he worked for over 13 years; and

WHEREAS, Bill joined the City of El Cerrito on November 30, 1998 as a Lead Maintenance Worker and was promoted to Supervisor on July 12, 2009 and ultimately to serving as the Maintenance Superintendent overseeing the maintenance of parks, playfields, paths, streets, storm drains, buildings and facilities and coordinating routine, urgent, and emergency responses from the Public Works Department; and

WHEREAS, during his tenure, Bill was responsible for quickly and successfully addressing countless urgent and routine requests for service, ensuring tree limbs were removed from the street, trip hazards were repaired from sidewalks, tennis courts were resurfaced, parks were well maintained, memorial benches were installed, and much more; and

WHEREAS, Bill also played a key role in significant projects, supporting the construction of new facilities, landscape and streetscape improvements, and providing maintenance support and expertise on a vast array of capital improvement projects, small and large; and

WHEREAS, Bill has been responsible for recruiting, training, and inspiring the City's outstanding maintenance team, providing unrivaled responsiveness and outstanding customer service to the El Cerrito community; and

WHEREAS, given his roots in El Cerrito, role in supporting special events from baseball parades to 4th of July, and customer service focus, Bill is well-known in the community and has been the face of the Public Works Department for over two decades; and

WHEREAS, in fulfilling these roles, Bill has made a significant positive impact in the City contributing to the health, safety and quality of life of the community and is deserving of recognition upon his retirement on November 30, 2022; and

WHEREAS, Bill is supported by his wife Kelly, his children Frank, Lily, Lexi, and Dominic, and his Anatolian Shepherd, Seamus.

NOW THEREFORE, the City Council of the City of El Cerrito takes great pride and pleasure in drawing special public attention to Bill Driscoll for his record of service to the local community and extends to him their sincere appreciation and best wishes for continued happiness and success in his retirement.

Dated: December 6, 2022

Gabe Quinto, Mayor



AGENDA BILL

Agenda Item No. 8.A.

Date: December 6, 2022
To: El Cerrito City Council
From: Will Provost, Operations and Environmental Services Division Manager;
Yvetteh Ortiz, Public Works Director/City Engineer, Public Works
Department
Subject: Proposed East Bay Sanitary Garbage & Organic Waste Collection and
Post-Collection Rates and Integrated Waste Management Fees --
Effective January 1, 2023

ACTION PROPOSED

Conduct a public hearing and upon conclusion adopt a resolution establishing maximum allowable East Bay Sanitary (EBS) garbage and organic waste collection and post-collection rates, effective January 1, 2023.

BACKGROUND

Each year the City Council approves the maximum allowable rates and fees charged to ratepayers in the City of El Cerrito for solid waste collection and post-collection (meaning transfer, transport, processing, and disposal). These consist of three components as follows:

- A per service rate for the collection of garbage and organic waste by the City's waste hauler, East Bay Sanitary Company (EBS);
- A per ton rate by Republic Services for the processing and disposal of solid waste, organic waste, household hazardous waste (HHW), and other waste types through the services and facilities of the Golden Bear Transfer Station, Keller Canyon Landfill, West Contra Costa Sanitary Landfill, and West County Resource Recovery, as well as funding of El Cerrito's participation in the West Contra Costa Integrated Waste Management Authority (WCCIWMA); and
- An Integrated Waste Management (IWM) fee which funds unlimited curbside recycling collection for El Cerrito residents and businesses, the daily operations and waste reduction and recycling services of the El Cerrito Recycling + Environmental Resource Center (RERC), and other solid waste collection, source reduction and integrated waste management services.

The rates and fees for these three components are based on the annual revenue required to run the operations that provide these services. Residential and commercial customers pay these rates on either a per cart (based on the size of their garbage container) or per bin (based on the cubic yards of a weekly service) basis. Industrial customers (those using debris boxes or customer-owned compactors) pay on a per service plus per ton basis.

ANALYSIS

East Bay Sanitary Garbage and Organic Waste Collection Rates

EBS sets and charges the rates for garbage and organic waste collection (EBS Collection Rates) based upon maximum rates authorized by the City Council, pursuant to City of El Cerrito Municipal Code Chapter 8.12 and the terms of the Agreement between the City and EBS. The Agreement allows for an annual adjustment to EBS's compensation via a Refuse Rate Index (RRI). The RRI is based upon a proscribed formula in which inflation indices for seven operational cost categories (e.g., fuel and labor) are weighted and calculated to provide an annual percentage adjustment to the revenue requirement.

The Agreement also includes a Revenue Balancing Account, which provides for adjustments in the revenue requirement to account for any difference between the projected rate revenues and the actual rate revenues received in prior calendar years. The Revenue Balancing Account ensures that any over-or under-collection of revenues is captured in future years' rates, meaning that EBS is fairly compensated when revenues are lower than required by the Agreement. Conversely, when revenues are higher than required, any over-collection of revenues is used to offset future rate adjustments. Since 2016, the balancing account has shown a surplus and has thus been used to offset rates, including for this current rate setting. The current-most over-collection through 2021 is primarily a result of revenue coming from debris box orders, which are seasonal and for the most part due to increased demolition and construction activity in the City. An amount of \$332,056 in balancing account funds (from 2021) will be applied to offset the amount of compensation owed to EBS in 2023.

EBS has calculated and proposed a 2023 RRI revenue adjustment of 5.41% over their 2022 revenue requirement. This results in a 2023 revenue requirement of \$5,344,408 for collection operations, an increase of \$274,293, which is then offset by \$332,056 in the Revenue Balancing Account, resulting in a total revenue requirement of \$5,012,352 to be collected via the rates. With the assistance of R3 Consulting Group (R3), a consulting firm that specializes in solid waste management, City staff reviewed the RRI adjustment figures and the proposed 2023 collection revenue requirement and found it to be accurate, consistent, and reasonable. The proposed 2023 EBS Collection Rates necessary to meet the revenue requirement, as well as a reasonable reserve for rate smoothing, are included in Attachments 1 and 2 and further described in the "Overall Rate Changes" section below.

East Bay Sanitary Post-Collection (Processing and Disposal) Rates

The City Council also authorizes the maximum allowable Post-Collection Rates (Resolution 2013-64) to cover expenses for processing and disposal of waste. Effective January 1, 2014, the City Council approved a Post-Collection Agreement between the City and Republic Services (PCA) for processing and disposal services (Resolution 2013-54) through the services and facilities of the Golden Bear Transfer Station, Keller Canyon Landfill, West Contra Costa Sanitary Landfill, and West County Resource Recovery.

2023 Blended Per Ton Rate

Per the methodology set forth in the terms of the PCA, Republic Services has calculated and proposed a 2023 Blended Rate of \$121.85 per ton of garbage, organic waste, construction and demolition debris and commercial dry waste delivered by EBS to Republic's facilities. This per ton rate also includes funding of El Cerrito's participation in the WCCIWMA, known as RecycleMore, the regional agency which oversees the HHW budget and post-collection revenue requirement in West County, and includes funding of State law compliance activities undertaken by RecycleMore on behalf of its member agencies. The 2023 Blended Rate per ton also covers costs to provide HHW disposal services for El Cerrito residents both through Republic's satellite program on Tuesdays at the RERC and through the regional HHW Facility in Richmond.

RecycleMore assists the City with compliance with the following State laws: AB 939 California Integrated Waste Management Act reporting, AB 1826 Mandatory Commercial Organics Recycling and, most recently and importantly, SB 1383 Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions. The RecycleMore funding was previously included in the IWM Fees, as described below, but in 2020 was incorporated into the Post-Collection Rates (as is done by the other RecycleMore member agencies). This was done to limit expenses in the IWM Fund to those related to services directly operated or managed by the City.

RecycleMore's SB 1383 Compliance Activities

In 2023, the proposed per ton rates will fund \$250,000 for SB 1383 compliance efforts, yielding more than \$600,000 in SB 1383 compliance funds collected by RecycleMore since 2020. Much of this funding remains available for SB 1383 compliance efforts for RecycleMore's member agencies, including the City, and RecycleMore is in the process of developing and implementing a compliance work plan for various activities as described in the [November 16, 2021 Agenda Bill](#) regarding the ordinance amending the City's municipal code to implement SB 1383. El Cerrito City staff have been working collaboratively on a memorandum of understanding (MOU) with RecycleMore to formally delegate certain activities, required under SB 1383, to be completed by RecycleMore on behalf of the City. Staff anticipate that the MOU will be ready for City Council consideration in early 2023.

Republic's Change in Law Request

For processing and disposal, Republic requested an additional \$2.62 per ton to fund improvements to organics processing operations at the composting facility. These improvements will increase compost quality by removing residual contamination for organic wastes. City staff and R3 met with Republic to review the request and have conditionally approved it for the purposes of setting 2023 rates. Further review processes being undertaken by the City and RecycleMore will confirm whether these costs will be allowable on an ongoing basis via the PCA. Including the \$2.62 per ton increase in addition to the other components of the Blended Per Ton Rate yield a total Blended per Ton Rate of \$124.47.

With the assistance of R3 and RecycleMore, City staff reviewed the proposed 2023 Blended Rates per ton described above and found them accurate, consistent, and reasonable. These disposal, processing, RecycleMore and HHW costs are paid by EBS to Republic Services as part of their disposal costs and are included in the rates that EBS collects. The proposed 2023 EBS Post-Collection Rates necessary to meet the revenue requirement for the 2023 Blended Rate per ton (\$1,495,511 calculated based on the per ton rate of \$124.47 times a projected 12,015 tons) are included in Attachments 1 and 2.

Integrated Waste Management Fees

In 1990, the City of El Cerrito established IWM Fees to cover integrated waste management services provided by the City. Covered services include curbside collection of recyclable materials, operations of the RERC, and other waste collection, reduction, recycling and related environmental programs operated by the City (such as illegal dumping abatement, technical assistance for businesses that must comply with state mandated recycling and composting laws, and collection of materials banned from landfills including electronics, batteries, and medical sharps).

The budget for the IWM Fund is approved as part of the City's budget setting process for each fiscal year, while the IWM Fees are usually approved as part of the solid waste rates on a calendar year basis. However, because the IWM Fund is in a healthy position, no adjustments to the current IWM Fees are being requested for calendar year 2023. IWM Fees were increased in recent years due to the unprecedented declines and instability in recycling revenues, increases in recyclables processing costs, and the continued need to plan for and implement actions necessary for compliance with State Laws AB 341, AB 1826 and SB 1383. Additionally, IWM Fees were also increased in 2020 in order to reverse a negative Unrestricted Fund Balance, which led to a substantial amount due to the General Fund at the end of FY 2018-19. The IWM Fees have since fully repaid the General Fund and generated a healthy and stable fund balance.

City staff estimated that IWM Fee revenues of \$3,765,077 are needed in the 2023 calendar year to maintain existing programs and services and maintain a minimum fund balance over 20% for cash flow and contingency purposes. No change to the IWM Fees is required to meet this revenue target. As a result, staff is not requesting that the City Council consider and approve new IWM Fees for 2023; taking no action on the IWM Fees, the Fees previously approved that became effective January 1, 2022, will remain in effect.

Overall Rate Changes

Residential solid waste services are priced based on the garbage container size, regardless of how much a customer's reduction in garbage is shifted to recycling and organic waste. Commercial customers also receive unlimited recycling service based on the garbage container size. To a large extent, this has historically resulted in customers downsizing their garbage containers, which is a testament to the success of El Cerrito's recycling and organic waste programs. However, even though customers save money

by reducing their garbage subscriptions, the overall cost of service does not change as a result of such migration. This is due to the largely fixed costs of providing these services: recycling and organics services cost as much as (or sometimes more than) garbage service and solid waste operating costs do not scale incrementally with changing behaviors because operational cost changers are “per route,” not per household.

The long-term trend in El Cerrito has been a “migration” from larger (higher revenue) subscription levels to smaller (lower revenue) subscription levels. El Cerrito’s rate structure accounts for migration impacts on revenues by calculating rates based on current subscription information and the overall operational revenue need. Consequently, percentage rate increases are generally higher than the percentage increase in revenue generation, with migration impacts spread over the existing pool of customers. These migration trends were exacerbated by the impacts of COVID-19, with a decrease in overall subscription levels reported for 2021 compared to 2020. However, there were slight increases in subscription levels from 2021 through 2022 along with continued migration to smaller container sizes.

This, combined with the lack of needed adjustment in the IWM Fees, and the large \$332,056 carryforward from 2021 to the EBS Revenue Balancing Account, means that overall rate revenues are minimally increasing in 2023, especially as compared to current inflation. Because the impacts of inflation are anticipated to further increase rates in future years, City staff and R3 are also recommending additional funding at an estimated amount of \$144,441 to be included in the 2023 rates. Setting 2023 rates to include this additional funding is intended to help smooth out any future rate increases by pre-funding a positive balance in the EBS Revenue Balancing Account. Similarly, because of increased subscription levels, the current IWM Fees are estimated to generate additional funding at an estimated amount of \$53,952 despite no proposed increase in the fee amount. In the short-term, the cash-flow resulting from this additional funding, which will be carried forward to reduce rate increases in future years, will also support EBS in implementing a variety of new activities under the recently executed Franchise Agreement (e.g., procuring new software, providing new containers, conducting additional outreach to residents and businesses, etc.).

As shown in the table below, the revenue requirement for the entire suite of solid waste services (including funding to smooth out future rate increases) will increase by 1.95% (compared to January 1, 2022) for a total 2023 rate revenue of \$10,471,808. Overall, residential solid waste rates and fees are proposed to increase by 2.87% to 3.38%, which is lower than current rates of inflation. Commercial solid waste rates and fees are proposed to increase by 2.89% to 3.90%, also below inflation.

Table 1: 2023 Revenue Requirements

	2022	2023	\$ Change	% Change (Each)	% Change (Overall)
EBS Collection Revenue	\$5,070,115	\$5,344,408	\$274,293	5.41%	2.67%
EBS Balancing Account	(\$101,673)	(\$332,056)	(\$230,382)	226.59%	-2.24%
EBS Post-Collection Revenue	\$1,521,402	\$1,495,511	(\$25,891)	-1.70%	-0.25%
IWM Revenue	\$3,781,123	\$3,765,077	(\$16,046)	-0.42%	-0.16%
Additional Funding	\$698	\$198,868	\$198,170	N/A	1.93%
Total Revenue	\$10,271,664	\$10,471,808	\$200,144	1.95%	1.95%

For EBS, any over-collection of revenues compared to the revenue requirement will carry forward via the Revenue Balancing Account. The amount in the Revenue Balancing Account is calculated based on EBS's annual financial statements, which are available after each "rate year," meaning that the 2023 balancing account balance will be known in 2024 and applied to the rates in 2025. Likewise, 2023 IWM Fee revenues will be captured in the IWM fund balance, with any greater-than-anticipated revenues being available to offset rate increases in 2024.

If the maximum proposed adjustments are implemented, the combined fees will result in total monthly cost increases (over rates adopted January 1, 2022) for residential customers of \$1.32 for 20-gallon customers (49% of residential subscriptions), \$2.02 for 35-gallon customers (47% of residential subscriptions), and \$4.02 for 64-gallon customers (4% of residential subscriptions). Bulk commercial collection rates will increase by \$12.13 to \$24.22 for once weekly collection for a one cubic yard and two cubic yard container, respectively. The proposed EBS Collection and Post-Collection Rates are included in Attachments 1 and 2.

STRATEGIC PLAN CONSIDERATIONS

Adoption of the combined EBS Rates will help fulfill the following City of El Cerrito Strategic Plan goals and objectives:

- Goal A: Deliver Exemplary Government Services by maintaining an emphasis on providing excellent customer service and adequately funding critical solid waste services.
- Goal B: Achieve long-term financial sustainability by ensuring the IWM Fund has a fund balance for cash flow and contingency purposes.
- Goal F: Foster Environmental Sustainability Citywide (Implement the City's Climate Action Plan, including reducing the amount of waste generated in El Cerrito). Specifically, the proposed rates and fees will support high waste diversion rates and allow for implementation of SB 1383, which aims to directly reduce the emissions of short-lived climate pollutants and subsequently help mitigate the effects of climate change.

ENVIRONMENTAL CONSIDERATIONS

All jurisdictions in California are required by law to provide recycling and organics recycling services for their residents and businesses through mandates established in AB 989, AB 341, and AB 1826. Recent legislation, SB 1383, mandated higher recycling and composting compliance rates starting in 2022. Reliable and proper disposal, processing, and diversion of solid waste is necessary to protect the health and welfare of the community and environment. The services being funded by the proposed 2023 EBS Collection Rates and Post-Collection Rates not only ensure compliance with State law and reliable solid waste collection, they also enable El Cerrito to reduce its environmental impact through strong solid waste diversion and HHW programs.

FINANCIAL CONSIDERATIONS

Authorization of the maximum 2023 EBS Rates supports funding the revenue requirements of the entities that provide solid waste services for the City. The proposed EBS Rates will result in approximately a 4% increase in EBS Franchise Fee revenue.

Existing IWM Fees, while slightly lower than budgeted, will maintain the IWM Fund's overall financial position without the need for adjustment in 2023. This is because unaudited expenses in FY 2021-22 were lower than budgeted.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed. The public hearing notice was published in the November 26 and December 2, 2022 editions of the West County Times.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. 2023 Solid Waste Rates

RESOLUTION 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ESTABLISHING MAXIMUM ALLOWABLE RATES FOR THE COLLECTION, PROCESSING AND DISPOSAL OF GARBAGE AND ORGANIC WASTE EFFECTIVE, JANUARY 1, 2023

WHEREAS, the City of El Cerrito and East Bay Sanitary Company ("the Company") have entered into that certain Franchise Agreement dated June 1, 2022 ("Franchise Agreement"); and

WHEREAS, the Company has submitted a request for rate increases to be effective January 1, 2023, and such request was submitted pursuant to the methodology established in the Agreement; and

WHEREAS, the rate adjustments submitted to the City have been reviewed for accuracy, consistency with the adjustment methodology, and reasonableness.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the maximum monthly rates, unless otherwise noted, that East Bay Sanitary Company may charge, effective January 1, 2023 are as follows:

Container Size and Type	EBS Collection Rate (\$)	Post-Collection Rate (\$)
Garbage: 20 Gallon Cart - Residential	21.97	5.46
Garbage: 35 Gallon Cart - Residential	30.86	9.57
Garbage: 64 Gallon Cart - Residential	61.72	19.13
Garbage: 20 Gallon Cart - Commercial	23.94	5.46
Garbage: 35 Gallon Cart - Commercial	33.59	9.57
Garbage: 64 Gallon Cart - Commercial	67.18	19.13
Garbage: One Cubic Yard - Loose	223.34	55.34
Garbage: One Cubic Yard - Compacted	382.37	110.67
Garbage: Two Cubic Yards - Loose	430.37	110.67
Garbage: Two Cubic Yards - Compacted	764.75	221.35
Garbage: On-Call Compacted per yard	88.24	25.54
Organics: Additional 35 Gallon Cart	15.44	4.78
Organics: Additional 64 Gallon Cart	30.87	9.57
Organics: Additional One Cubic Yard - Loose	215.19	55.34

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

I CERTIFY that at a special meeting on December 6, 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 December __, 2022.

APPROVED:

Holly M. Charléty, City Clerk

Gabe Quinto, Mayor

The City of El Cerrito

2023 Solid Waste Collection, Processing and Disposal Rates Effective January 1, 2023



Residential Rates | Single Family Homes and Multi-family Dwellings up to 4 units

Residential Solid Waste Services include weekly collection of recycling (grey), organics (green), garbage (blue); limited free on-call collection of larger quantities from your home; free access to the regional Household Hazardous Waste (HHW) Facility, and free access to most services at the El Cerrito Recycling + Environmental Resource Center. Additional recycling carts are available at no extra cost.

Weekly Collection of Recycling, Organics, and Garbage						
<i>Monthly Cost based on garbage container size</i>						
Container Size	Collection	Post-Collection	IWM Fee	January 2023 Total Monthly Cost	January 2022 Total Monthly Cost	\$ Change in Monthly Cost
20 Gallon Cart	\$ 21.97	\$ 5.46	\$ 19.86	\$ 47.29	\$ 45.97	\$ 1.32
35 Gallon Cart	\$ 30.86	\$ 9.57	\$ 21.72	\$ 62.15	\$ 60.13	\$ 2.02
64 Gallon Cart	\$ 61.72	\$ 19.13	\$ 42.57	\$ 123.42	\$ 119.40	\$ 4.02
Weekly Collection of Additional Organics Containers (one 64 gallon organics container serviced weekly included in above rates)						
<i>Monthly Cost based on size of each additional organic waste container</i>						
Container Size	Collection	Post-Collection	IWM Fee	January 2023 Total Monthly Cost	January 2022 Total Monthly Cost	\$ Change in Monthly Cost
35 Gallon Cart	\$ 15.44	\$ 4.78	\$ 10.86	\$ 31.08	\$ 30.07	\$ 1.01
64 Gallon Cart	\$ 30.87	\$ 9.57	\$ 21.29	\$ 61.73	\$ 59.71	\$ 2.02

Integrated Waste Management (IWM) Fee: The IWM Fee funds unlimited curbside recycling collection for El Cerrito residents and businesses, the daily operations of the El Cerrito Recycling + Environmental Resource Center (RERC), and other waste collection, source reduction, and integrated waste management services. The IWM Fee is set and assessed on each trash container collected by East Bay Sanitary Company based on trash container size, and any extra organics container collected by East Bay Sanitary Company based on the size of the extra organic waste container.

Commercial Rates | Businesses and Multi-family Dwellings over 4 units

Commercial Solid Waste Services include collection of recycling (grey), one 64 gallon organic waste (green) container collected once weekly, and garbage (blue). Commercial Solid Waste Services also include access to the El Cerrito Recycling + Environmental Resource Center (in quantities equivalent to those of residential properties). Additional recycling carts are available at no extra cost.

Once Weekly Collection of Garbage Containers						
Monthly rate based on garbage container size						
Container Size	Collection	Post-Collection	IWM Fee	January 2023 Total Monthly Cost	January 2022 Total Monthly Cost	\$ Change in Monthly Cost
20 Gallon Cart	\$ 23.94	\$ 5.46	\$ 19.86	\$ 49.26	\$ 47.86	\$ 1.40
35 Gallon Cart	\$ 33.59	\$ 9.57	\$ 21.72	\$ 64.88	\$ 62.75	\$ 2.13
64 Gallon Cart	\$ 67.18	\$ 19.13	\$ 42.57	\$ 128.88	\$ 124.65	\$ 4.23
One Cubic Yard (Loose)	\$ 223.34	\$ 55.34	\$ 153.44	\$ 432.12	\$ 419.99	\$ 12.13
One Cubic Yard (Compacted)	\$ 382.37	\$ 110.67	\$ 153.44	\$ 646.48	\$ 622.26	\$ 24.22
Two Cubic Yards (Loose)	\$ 430.37	\$ 110.67	\$ 306.89	\$ 847.93	\$ 823.71	\$ 24.22
Two Cubic Yards (Compacted)	\$ 764.75	\$ 221.35	\$ 306.89	\$ 1,292.99	\$ 1,244.50	\$ 48.49
Multiple Weekly Collections of Garbage Containers						
Monthly rate based on garbage container size and number of pickups per week						
Container Size	1	2	3	4	5	6
20 Gallon Cart	\$ 49.26	\$ 98.52	\$ 147.78	\$ 197.04	\$ 246.30	\$ 295.56
35 Gallon Cart	\$ 64.88	\$ 129.76	\$ 194.64	\$ 259.52	\$ 324.40	\$ 389.28
64 Gallon Cart	\$ 128.88	\$ 257.76	\$ 386.64	\$ 515.52	\$ 644.40	\$ 773.28
One Cubic Yard (Loose)	\$ 432.12	\$ 832.13	\$ 1,232.14	\$ 1,632.15	\$ 2,032.16	\$ 2,432.17
One Cubic Yard (Compacted)	\$ 646.49	\$ 1,292.98	\$ 1,939.47	\$ 2,585.96	\$ 3,232.45	\$ 3,878.94
Two Cubic Yards (Loose)	\$ 847.93	\$ 1,647.87	\$ 2,447.80	\$ 3,247.73	\$ 4,047.67	\$ 4,847.60
Two Cubic Yards (Compacted)	\$ 1,292.98	\$ 2,585.96	\$ 3,878.94	\$ 5,171.92	\$ 6,464.90	\$ 7,757.88
Additional Weekly Collection of Universal Organic Waste Containers						
Monthly rate based on each additional collection of organic waste containers <i>beyond those provided with base garbage rates</i>						
Container Size	1	2	3	4	5	
64 Gallon Cart (first weekly collection included in garbage rate)	INCLUDED	\$ 61.73	\$ 123.46	\$ 185.19	\$ 246.92	
Weekly Collection of Additional Organic Waste Containers						
Monthly rate for each additional organic waste container beyond the one provided with the base garbage rate, collected once weekly						
Container Size	Collection	Post-Collection	IWM Fee	January 2023 Total Monthly Cost	January 2022 Total Monthly Cost	\$ Change in Monthly Cost
35 Gallon Cart	\$ 15.44	\$ 4.78	\$ 10.86	\$ 31.08	\$ 30.07	\$ 1.01
64 Gallon Cart	\$ 30.87	\$ 9.57	\$ 21.29	\$ 61.73	\$ 59.71	\$ 2.02
One Cubic Yard	\$ 215.19	\$ 55.34	\$ 35.40	\$ 305.93	\$ 294.10	\$ 11.83
Multiple Weekly Collections of Additional Organic Waste Containers						
Monthly rate based on size and collection frequency for each additional organic waste container						
Container Size	1	2	3	4	5	
35 Gallon Cart	\$ 31.08	\$ 62.16	\$ 93.24	\$ 124.32	\$ 155.40	
64 Gallon Cart	\$ 61.73	\$ 123.46	\$ 185.19	\$ 246.92	\$ 308.65	
One Cubic Yard	\$ 305.93	\$ 579.75	\$ 853.57	\$ 1,127.39	\$ 1,401.21	
On-Call Bulk Collection (Debris Boxes and Compactors)						
Rates listed are per pickup, and are not inclusive of all charges for these services. Please call East Bay Sanitary for complete rates and fees at 510-237-4321.						
Container Type	Collection	Post-Collection	IWM Fee	Total		
Compacted Rates (per yard)	\$ 88.24	\$ 25.54	\$ 35.41	\$ 149.19		
Roll-off (Debris Box)	Market Rate (per load)	Market Rate (per ton)	\$ 112.13 (per load)	Varies - Call East Bay Sanitary at 510-237-4321 for price quote.		

Integrated Waste Management (IWM) Fee: The IWM Fee funds unlimited curbside recycling collection for El Cerrito residents and businesses, the daily operations of the El Cerrito Recycling + Environmental Resource Center (RERC), and other waste collection, source reduction, and integrated waste management services. The IWM Fee is set and assessed on each trash container collected by East Bay Sanitary Company based on trash container size, and any extra organics container collected by East Bay Sanitary Company based on the size of the extra organic waste container.



AGENDA BILL

Agenda Item No. 8.B.

Date: December 6, 2022
To: El Cerrito City Council
From: Sean Moss, Planning Manager; Diego Romero, Assistant Planner; Aissia Ashoori, Housing-Economic Development Manager, Community Development Department; Yvetteh Ortiz, City Engineer/Public Works Director
Subject: Temporary Outdoor Dining and Retail Program Urgency Ordinance

ACTION PROPOSED

Conduct a public hearing and upon conclusion adopt an interim urgency ordinance extending the Temporary Outdoor Dining and Retail Program to support business recovery. A four-fifths vote of the City Council is necessary to adopt an interim urgency ordinance.

BACKGROUND

On March 13, 2020, the El Cerrito City Council enacted a Local Emergency related to COVID-19 pandemic via Resolution No. 2020-12 (Local Emergency). Subsequently, the County of Contra Costa Health Officer issued a Shelter in Place public health order (SIP Order) due to COVID-19 on March 17, 2020, that resulted in the multi-month closure of many of the County's local businesses. Governor Gavin Newsom issued a statewide stay at home order on March 19, 2020. These responses were necessary to protect public health.

In Summer 2020, three months after the SIP Order was issued, the Contra Costa County Health Officer eased some of the initial restrictions to allow businesses to resume or begin operating based on the State guidelines. On July 31, 2020, the City Council adopted Resolution 2020-42 amending the Local Emergency to approve a Temporary Outdoor Dining and Retail Program (Program) in El Cerrito to enhance business recovery during the COVID-19 pandemic. As part of the Program, three categories of outdoor dining and retail activities were established: 1) Use of outdoor private property; 2) Use of public sidewalks; and 3) Use of public parking spaces. The Program provides flexibility by waiving existing requirements that limit the use of outdoor space, and provides a one-stop, no-cost platform to apply for and obtain a permit. The City's current provisions in the Municipal Code regulate outdoor dining and retail, temporary uses, parking requirements, signage, and encroachments into the public right of way, including streets and sidewalks. The Program permit waives the processes and requirements in lieu of the proposed Temporary Outdoor Dining and Retail Permit. Several categories of spaces are included in the Program, including use of public sidewalks, use of public parking spaces, use of outdoor private space, and use of private parking lots. Additionally, the Program allows for additional signage. Under the current Program, a total of nine businesses applied for and received temporary permits.

At the same time, the [California Department of Alcohol Beverage Control \(ABC\)](#) also [provided a COVID-19 Temporary Catering Authorization](#) to allow on-sale privileges to a property that is adjacent to the licensed premises so long as the property is under control of the licensee, and where bona fide meals are being served in accordance with state and local health and safety directives. Restaurants seeking to expand their permitted alcohol sales are allowed to do so by filing with the ABC. These measures are subject to ABC legislation and approval.

On June 15, 2021, sixteen months into the SIP Order, the [State](#) lifted all capacity restrictions on indoor seating for restaurants to fully reopen the economy. Although indoor operations were allowed, many customers were not yet comfortable and continued to utilize other means of business service models. Throughout this time, the City's Local Emergency remained in place.

On September 20, 2022, the City Council adopted Resolution 22-74 to end the Local Emergency effective December 31, 2022, at 11:59 pm. Given that the Local Emergency provided authority to enact temporary emergency measures, including this Program, staff began exploring mechanisms to continue to allow local businesses to operate outdoor dining and retail activities. Within the condensed three-month timeline, staff have been in consultation with the City Attorney contemplating an interim urgency ordinance to allow additional time to create a more permanent, long-term regulatory solution. Although the current Program is temporary, it expanded options for businesses in the City to operate with added flexibility.

Over the past two years, many other jurisdictions across the State adopted temporary outdoor dining and retail programs in response to public health orders. Some of these jurisdictions are exploring the implementation of long-term provisions beyond the pandemic response. However, establishing these standards/guidelines requires public outreach and staff time. Accordingly, many jurisdictions have adopted interim regulations while permanent regulations are developed.

Ordinance Process

In the absence of the Local Emergency, the current Program sunsets on December 31, 2022. However, when there is an immediate need to protect public health, safety and welfare, a City Council may adopt an interim urgency ordinance. Section 3 of the Urgency Ordinance contains the necessary findings.

Interim urgency ordinances are effective for 45 days, unless extended pursuant to the Government Code. Interim urgency ordinances adopted at a public hearing may be extended for up to 22 months and 15 days. Staff anticipates recommending an extension of this interim urgency ordinance in January 2023.

ANALYSIS

In order for the City to effectively assist businesses in recovering from the challenges of the pandemic, an Urgency Ordinance modifying existing policies and regulations is needed to extend the Program. All temporary suspension of regulations, policies, and

requirements of the El Cerrito Municipal Code and San Pablo Avenue Specific Plan will go into effect for the duration of the interim urgency ordinance to ensure that the City has appropriate outdoor dining and retail regulations in effect on January 1, 2023 to implement these allowable temporary uses. Staff recommends that the City Council adopt the proposed ordinance which requires a 4/5th vote to pass. If passed, the interim urgency ordinance would become effective immediately, as an interim measure, while the City develops permanent regulations.

The proposed Program will continue to allow businesses to submit a permit application at no cost for three categories of outdoor dining and outdoor retail activities:

- 1) Use of Outdoor Private Property: Any sidewalks, plazas or parking lots located on private property, including any that are part of a shopping center.
- 2) Use of Public Sidewalks: Public sidewalks are adjacent to public streets and building frontages.
- 3) Use of Public Parking Spaces: Public parking spaces are all parking on public streets that are not on Caltrans state right-of-way, which is San Pablo Avenue south of Cutting Boulevard.

These regulations will provide additional capacity on both public and private properties to support businesses. To be eligible, businesses will be required to adhere to the Outdoor Dining & Retail Program Guidelines (Guidelines) – as detailed in Attachment 2. The City Manager is authorized to amend the Guidelines for changes that are consistent with and in furtherance of the Program. While the Guidelines prescribe the standards, a permit would be revocable if a business does not adhere to the standards and guidelines of the City, County or State.

Application

The framework of the Program is to provide a streamlined permit process. All three categories of uses will utilize one simplified digital application. The standard review time is five days. Below is a list of the standards and conditions for all businesses as well as the Program application documentation. In most cases, the permit will be issued automatically once the required submittals are uploaded and the applicant agrees to operate under established guidelines.

The following is a list of the topics addressed by the general standards in the Guidelines:

1. *Adequate Clearances*
2. *ADA Compliance*
3. *Temporary Furnishings*
4. *Temporary Signs*
5. *No Outdoor Food Preparation*
6. *Site Maintenance*
7. *Solid Waste*
8. *Hours of Operation*
9. *Driveways*
10. *Fire Safety and Emergency Access*

11. *Electrical Extension Cords*
12. *Space Heater*
13. *Fire and Building Codes*
14. *Temporary Use*
15. *County and State Requirements*
16. *Private Property Owner*

The application requires the following documentation:

1. Site Plan
2. Pedestrian Control Plan (if utilizing public right-of-way)
3. ABC Approval (if applicable)
4. Certificate of Insurance
5. Acknowledgment of various terms and conditions of the Program

The Program aims to remain as streamlined and automated as possible and includes a webpage where the Guidelines are posted and an online form through which businesses will agree to operate under best practices and follow the Guidelines. The Program waives some municipal requirements but does not relieve a business from other obligations with property owners, adjacent property owners, and State law. The Guidelines would require businesses not to interfere with American with Disabilities Act access or parking spaces.

Other Regulations

The State Department of Alcohol Beverage Control currently provides extended regulatory relief through the [Temporary Catering Authorization](#) that is slated to sunset on July 1, 2024. All businesses serving alcohol must adhere to the current ABC requirements.

Timeline

Staff and the City Attorney recommend extending the Program through tonight's action to provide additional time to undertake a public process that will create permanent regulations. If adopted, the urgency ordinance with proposed regulations will remain in place for a period of 45 days. This period of time may be extended under the Government Code for up to 22 months and 15 days, and staff anticipates recommending an extension in January 2023.

STRATEGIC PLAN CONSIDERATIONS

The proposed Program would support the City's Strategic Plan vision by establishing more flexible regulations to support a City with thriving businesses and vibrant public places. The program would support Goal B: Achieve long-term financial sustainability by maximizing opportunities for existing and expanding businesses and exploring opportunities for public/private partnerships and Goal C: Deepen a sense of place and community identity.

ENVIRONMENTAL CONSIDERATIONS

The Temporary Outdoor Dining and Retail Program established by the proposed

urgency ordinance is exempt from review under the California Environmental Quality Act (CEQA), based on the Common Sense Exemption in Section 15061(b)(3) of the CEQA Guidelines, because the project does not have the potential for causing a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The proposed Program waives fees for encroachment permits, Temporary Use Permits, and Administrative Use Permits for activities that support the purpose of the program. In order to reduce the cost of administering the program, the online platform aims to automate the process as much as possible. The program will be administered by existing staff and technology. There are no additional funds required to develop or implement the program.

LEGAL CONSIDERATIONS

The proposed Program and resolution were prepared in collaboration and consultation with the City Attorney and legal considerations have been addressed.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Ordinance
2. Outdoor Dining & Retail Program Guidelines

ORDINANCE NO. 2022-04

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
ESTABLISHING A TEMPORARY OUTDOOR DINING AND RETAIL PROGRAM TO
ENHANCE BUSINESS RECOVERY

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, and general welfare, of their citizens; and

WHEREAS, the City of El Cerrito proclaimed the existence of a Local Emergency related to the Novel Coronavirus (COVID-19) on March 13, 2020 via Resolution No. 2020-12 (the "Emergency Proclamation"); and

WHEREAS, on July 31, 2020, the El Cerrito City Council adopted Resolution 2020-42 amending the Emergency Proclamation to approve a temporary outdoor dining and retail program in the City of El Cerrito to enhance business recovery during the COVID-19 pandemic; and

WHEREAS, the City has an important governmental interest in maintaining a healthy, active, and thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, to achieve this purpose, the City wishes to extend the Temporary Outdoor Dining and Retail Program (the "Program"), which would continue to allow interested restaurants and businesses within the City to, by complying with standards established by the City, County and State and subject to review and approval by the City, utilize public right-of-way spaces, including certain public parking spaces, private outdoor spaces and certain private parking spaces (the "Outdoor Spaces"), for an expanded dining or retail area; and

WHEREAS, existing provisions of State law, the El Cerrito Municipal Code ("ECMC") and the San Pablo Avenue Specific Plan ("SPASP") regulate outdoor dining and retail, temporary uses, parking requirements, and encroachments onto the public streets and sidewalks, signage requirements; and

WHEREAS, for the City's business community to survive the challenges presented by COVID-19, the City Council finds that an urgency ordinance modifying existing policies and regulations is needed to extend the Program; and

WHEREAS, the City Council finds that it is in the best interest of public health, safety and welfare to continue to permit the temporary use of the Outdoor Spaces by restaurants and businesses, with appropriate conditions to preserve the public safety and necessary public access to those resources, and that modifications to existing City policies, procedures and regulations are in order to effectively assist the City's local businesses in their efforts; and

WHEREAS, California Government Code Section 36937 authorizes the City Council to introduce and adopt an ordinance it declares to be necessary as an emergency measure to preserve the public peace, health, and safety at one and the same meeting if passed by at least a four-fifths (4/5ths) vote; and

WHEREAS, California Government Code Section 65858 also authorizes a city to adopt an interim urgency measure by a four-fifths (4/5ths) vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance; and

WHEREAS, any interim urgency measure adopted pursuant to Government Code Section 65858 shall be of no further force and effect forty-five (45) days from its date of adoption unless extended by the City Council.

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. Establishment of Temporary Outdoor Dining and Retail Program. For the term of this Urgency Ordinance, and notwithstanding otherwise applicable regulations of the El Cerrito Municipal Code ("ECMC") and the San Pablo Avenue Specific Plan ("SPASP"), the City Council hereby establishes an Outdoor Dining and Retail Program in the City as set forth below.

1. **Allowable Use.** Notwithstanding applicable regulations of Title 19, Chapter 19.15, and Sections 19.20.150, and 19.20.160 of the ECMC, and applicable regulations of Section 2.02.03 of the SPASP, outdoor dining uses and outdoor retail sales may be considered an allowed use, subject to the City Manager's or their designee's discretionary approval of an Outdoor Dining & Retail Program Permit.
2. **Permit Application.** An applicant for an Outdoor Dining & Retail Program Permit shall submit an application form provided by the Community Development Department with all information requested on the form, including but not limited to:
 - a. Business entity and contact information
 - b. Site description and proposed activities
 - c. Site plan and pedestrian control plan, if required
 - d. Certificates of insurance and indemnification acknowledgments
 - e. Food and beverage, health and safety, accessibility, city business license, and other standard acknowledgments
3. **Standards.** Applications shall be reviewed for consistency with the standards set forth in the Outdoor Dining & Retail Program Guidelines, including but not limited to, the general standards for all outdoor dining and business activities, and the specific

standards applicable to use of outdoor private property, use of public sidewalks and/or use of public parking spaces.

- a. *Encroachments*. Notwithstanding applicable regulations of Title 13, Chapter 13.12 relating to encroachments, an application consistent with the standards set forth in the Guidelines shall not require an encroachment permit.
- b. *Parking*. Notwithstanding applicable regulations of Title 11, Chapters 11.40 and Title 19, Chapters 19.15 and 19.24 of the ECMC and applicable regulations of Section 2.05.08 of the SPASP, an application consistent with the standards set forth in the Guidelines shall not count towards on-site parking requirements, including any parking requirements related to the computation of spaces per ratio of gross floor area or customer seating area, for Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales, and parking spaces that would otherwise be required by Title 11, Chapters 11.40 and Title 19, Chapters 19.15 and 19.24 of the ECMC and applicable regulations of Section 2.05.08 of the SPASP may be repurposed for outdoor dining and outdoor retail sales uses consistent with the standards set forth the Guidelines.
- c. *Signs*. Notwithstanding applicable regulations of Title 19, Chapter 19.15 and Sections 19.26.030, 19.26.050, 19.26.070, 19.26.090, and 19.26.100 of the ECMC, applicable regulations of Sections 2.05.09 and 2.05.10 of the SPASP, and applicable regulations of any adopted master sign programs, temporary signs for Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales that are consistent with the standards set forth the Guidelines shall be allowed.
- d. *Outdoor alcohol consumption*. Notwithstanding application regulations of Section 10.20.010 of the ECMC, the outdoor consumption of alcohol in public places, including but not limited to streets, sidewalks, parking lots, as applicable, shall be allowed for Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales applications which comply with the standards set forth in the Guidelines. Other regulations applicable to alcohol consumption and sales, including regulations administered by the Department of Alcoholic Beverage Control (ABC) still apply, and if any of the current regulations related to ABC's COVID-19 Temporary Catering Authorization change or expire the applicant shall be required to comply with the most current regulation set forth by the Department of Alcoholic Beverage Control.

4. Approval.

- a. The City Manager or their designee is vested with the authority to (a) discretionarily approve an application for an Outdoor Dining & Retail Program Permit that is consistent with the Guidelines and/or (b) require that participating restaurants and businesses adhere to specific standards and conditions for approval of any application submitted pursuant to this

ordinance, and/or (c) require that any necessary supporting documentation be submitted for approval of any application submitted pursuant to this ordinance.

- b. Notwithstanding the foregoing, nothing in this ordinance shall relieve a business from any the following:
- i. The requirement to comply with all applicable standards and conditions described herein, including any application or other documentation approved by or required by the City Manager or their designee pursuant to this ordinance.
 - ii. Any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain consent of any private property owners whose property will be used for outdoor operations.
 - iii. Any obligations or laws requiring consent from or approval by CalTrans for use of any public right-of-way subject to CalTrans' authority.
 - iv. The requirement to provide accessible parking spaces pursuant to the Americans with Disabilities Act.
 - v. The requirement to obtain a building permit for outdoor activities if a building permit would otherwise be required, and compliance with all provisions of the Building Code, including but not limited to, maximum occupancy requirements.
 - vi. The requirement to undergo design review for exterior alterations if such design review is otherwise required, except that temporary installations, including but not limited to tents, fencing, barriers, enclosures, and platforms and ramps, may be authorized by the City Manager or their designee to facilitate proposed outdoor activities consistent with the provisions of this ordinance.
 - vii. The requirement to obtain any and all County and State permits regarding the provision of food and dining services, including alcoholic beverages, including but not limited to the COVID-19 Temporary Catering Authorization required by the State Department of Alcoholic Beverage Control.

Section 3. Urgency Findings. The City Council of the City of El Cerrito hereby finds and determines that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated below, in the Recitals above, in the staff report, as well as any oral and written testimony given at the City Council meeting.

As a result of prior state and local health orders, a significant number of local restaurants and businesses were forced to close. The rapid, immediate and unexpected loss of revenue from closure was devastating to local businesses, and businesses that survived

the most restrictive phase of the pandemic are struggling to rebuild. This Urgency Ordinance to continue allowing outdoor dining and retail will assist in the economic recovery of local businesses. This Urgency Ordinance is also beneficial to the public health and safety because it will promote social distancing and make it easier to dine and patronize local business outdoors where COVID-19 transmission is less likely.

Section 4. Adoption of Outdoor Dining & Retail Program Guidelines. The City Council hereby adopts the Outdoor Dining & Retail Program Guidelines, attached hereto as Exhibit A and incorporated herein by reference. The City Council further authorizes the City Manager or their designee to approve revisions to the Guidelines, without further City Council action, provided the revisions are consistent with and in furtherance of the intent of this Urgency Ordinance.

Section 5. Clarification Regarding Updated SPASP. The City Council is considering an update to the SPASP. If adopted, above-referenced citations of the SPASP may be obsolete or renumbered and the references herein shall be modified accordingly. The intent of this Urgency Ordinance is to adopt the Program set forth in Section 2 as an interim zoning regulation pursuant to Government Code Sections 36937 and 65858, notwithstanding conflicts with the governing SPASP.

Section 6. Compliance with the California Environmental Quality Act. The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") because the proposed program will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and it can be seen with certainty that there is no possibility that the ordinance will have a significant impact on the environment (CEQA Guidelines Section 15061(b)(3)).

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 8. Publication and Effective Date. Within fifteen (15) days from and after adoption, this Ordinance or a summary thereof shall be published in accordance with California Government Code Section 36933.

Following adoption by at least a four-fifths vote of the City Council, this Ordinance shall take effect and be enforced immediately and shall remain in effect for forty-five (45) days from its date of adoption unless extended by the City Council as provided for in the Government Code.

THE FOREGOING ORDINANCE was introduced, adopted, and ordered published at a special meeting of the City Council on December 6, 2022 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

APPROVED:

Gabe Quinto, Mayor

ATTEST:

Holly M. 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. 2022-04 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 the 6th day of December, 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 December, 2022.

Holly M. Charléty, City Clerk



Outdoor Dining & Retail Program Guidelines

If you are a business owner and want to use the outdoor private and/or public space in proximity to your business, the City has created a streamlined no-fee Outdoor Dining & Retail Permit Application for **three** categories of outdoor dining and business activities: **Use of Outdoor Private Property, Use of Public Sidewalks, and Use of Public Parking Spaces.**

The guidelines, including general and specific standards, for each of three categories are described below. Please review the guidelines before moving forward with the Outdoor Dining & Retail Permit Application.

General standards for Outdoor Dining and Business Activities (These general standards apply to all applications. Also review the specific standards listed in the three categories below.)

- **Adequate Clearance** – Permanently maintain a minimum sidewalk clearance and pedestrian through zone of 4 feet, and preferably 5 feet, from any physical obstruction including light poles, news racks, trees, benches or other barriers. Furnishings and merchandise shall not be placed in a manner that obstructs access to this pedestrian clearance.
- **ADA Compliance** - Outdoor seating and business activity areas must comply with all requirements of the Americans with Disabilities Act (ADA). Outdoor dining and business activity areas shall not utilize parking spaces required by ADA or interfere with the path of travel for the parking stalls. Outdoor activities must be conducted in a manner that would facilitate immediate removal of any obstruction of an accessible path of travel identified by a member of the public.
- **Temporary Furnishings** -Tables, seating, umbrellas, space heaters, planters, solid waste receptacles, racks, shelving for merchandize, other temporary furnishings needed to provide business services, and platforms or ramps to achieve ADA compliance, and physical barriers to mark the outdoor activity area are the only items permitted. These items must be designed to be weighted down so as not to be blown by the wind or easily tipped over and must be removable. Temporary furnishings shall not block visibility for required street signs, crosswalks, and intersections. No stacking or storage of furnishings in outdoor areas. If a tent or other barricade is used, exits must be clearly marked if the point of entry and exit is controlled.
- **Temporary Signs** - A maximum of one (1) free-standing menu or merchandizing boards may be displayed, which shall have no more than two (2) faces. Temporary signs may have a maximum total surface area of six (6) square feet per face and can be up to 42 inches tall by 30 inches wide. Free-standing signs must not encroach on the pedestrian right of way or the accessible path.

- **No Outdoor Food Preparation** - No heating, cooking or open flames (including candles) are permitted.
- **Site Maintenance** - The area shall be maintained in a sanitary condition free from litter, debris and infestation from pests, and the storm drain must be kept clear. At the end of each business day, establishments are required to clean (sweep and mop) the area in and around the outdoor use area. No debris shall be swept, washed, or blown into the sidewalk, gutter or street. Any discharge other than storm water into the storm water drainage system is prohibited.
- **Solid Waste** – All solid waste generated by the operation, including garbage, green waste and recycling, must be properly disposed of in receptacles provided and serviced by the business. City on-street trash and recycling receptacles shall not be used.
- **Hours of Operation** - The outdoor dining and business activity areas shall adhere to the same approved hours of operation as the existing business.
- **Driveways** - All driveways and drive aisles must be kept clear.
- **Fire Safety and Emergency Access** - All building exits, exit pathways and fire drive aisles must be kept clear. Access to building fire protection equipment (PIV, FDC, Riser) and sidewalk fire hydrants must be kept clear. A fire extinguisher inside the building must be quickly accessible and located no more than 75' (path of travel) from the furthest point of outside occupancy to the location inside the building with no locked doors. If patio heaters are going to be used, a fire extinguisher must be mounted outside with a sign and easily accessible.
- **Electrical Extension Cords** - All electrical outside must utilize heavy duty extension cords (minimum 14 gauge wire) plugged into GFCI receptacles. Cords cannot be in an area subject to damage or creating a trip hazard. Any electrical cords that cross drive aisles shall be protected, e.g. by a commercial raceway or 2x4 boards. At a minimum, any electrical cords that cross pedestrian paths of travel shall be taped down. Cords cannot be hung overhead by themselves unless supported by other means (e.g. attached to a cable). Any change in elevation to facilitate electrical on the ground must meet ADA standards.
- **Space Heater** - Space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
- **Fire and Building codes** - Comply with all applicable Fire and Building codes at all times.
- **Temporary Use** – This Program only allows temporary use during the duration of the interim urgency ordinance and must discontinue and all materials and tables shall be removed when the interim urgency ordinance expires. Applicant agrees to discontinue use and remove any temporary improvements within 48 hours or notification by the City.
- **County and State Requirements** - Prior to use, applicant shall contact Contra Costa County Health and, if planning to serve alcohol outdoors, California Department of Alcohol Control (ABC) and comply with any requirements/ clearances.
- **Private Property Owner** – For use of outdoor private property such as plazas and parking areas, applicant is responsible to consult and receive authorization of your landlord (the property owner) for the temporary use, including the size and location of the temporary use. Prior to filing an application, please contact your landlord and confirm their agreement for your plan to use parts of the parking lot and exterior of the building for this temporary use. The City will not be a party to discussions or arrangements concerning the leasing or use of outdoor space on private property. City approval of the temporary outdoor use does not replace or supersede any private lease or contractual agreements between your business and the property owner/landlord or property owner's authority for use of their land/site.

New Alcohol Beverage Control (ABC) Regulatory Relief

ABC's COVID-19 Temporary Catering Authorization authorizes on-sale privileges to a property that is adjacent to the licensed premises so long as the property is under the control of the licensee, and where bona fide meals are being served and in accordance with state and local health and safety directives. [Learn more.](#)

Restaurants that wish to expand their permitted alcohol sales may do so by filing both of the following forms:

- [ABC Form 218 CV19 \(Temporary Catering Authorization\)](#)
- [ABC Form 253 Supplemental Diagram and the COVID Social Distancing Protocol Appendix](#)

These forms may be turned into an [ABC office](#) via mail or in person. A check or money order of \$100 will be accepted, no credit card payments.

General Application Requirements: In order to apply for a temporary outdoor dining & retail permit, you will need to have the following information ready before you complete the application form:

- *ABC Approval (only if you plan to serve alcohol outside)* – If alcohol is sold and served, you will be asked to upload proof of California Department of Alcoholic Beverage Control (ABC) approval. More ABC information: <https://www.abc.ca.gov/ninth-notice-of-regulatory-relief/>
- *Certificates of Insurance* - General Liability insurance is required, in an amount not less than \$1,000,000. Additional requirements apply for use of the public right-of-way as described below.

Use of Outdoor Private Property

Description: Any sidewalks, plazas or parking lots located on private property, including any that are part of a shopping center. The City of El Cerrito is temporarily suspending requirements restricting the provision of outdoor dining and business activities, minimum parking standards, and planning application Conditions of Approval related to parking and outdoor business. Suspending these requirements will temporarily allow restaurants and businesses to conduct outdoor dining and business activities in their respective private sidewalks, plazas, and parking lots.

Specific Standards: In addition to the general standards listed above, the following standards will be required to be met while the temporary outdoor dining/retail on private property:

- Dining and business activity area must be limited to the property on which the business is located.
- Restaurant patrons shall have access to the restroom(s) affiliated with the subject restaurant.

Additional Application Requirements: Property Owner Information - You will need to enter basic contact information for the property owner.

Fill out on-line application. Automatic permit, no fee.

Use of Public Sidewalks

Description: Public sidewalks are adjacent to public streets and building frontages.

Specific Standards: In addition to the common standards listed above, the following standards apply to a Use of Public Sidewalks:

- Dining and business activity area must be limited to the street frontage width of the business, unless reviewed and specifically approved by the City and adjacent business(es).
- Temporary furnishings shall not be secured to streetlights, trees or any other public street furniture.

Additional Application Requirements: Additional Insured Endorsement - An endorsement naming the City of El Cerrito and its officers, employees and agents as additional insureds is required.

Fill out on-line application. Automatic permit, no fee.

Use of Public Parking Spaces

Description: Public parking spaces are all parking on public streets that are not on Caltrans state right-of-way, which is San Pablo Avenue south of Cutting Boulevard. These are on streets in business districts such as Fairmount Avenue, Central Avenue, Stockton Avenue, Moeser Lane, Potrero Avenue and Knott Avenue. Parking spaces on Caltrans State right-of-way must follow Caltrans permitting process.

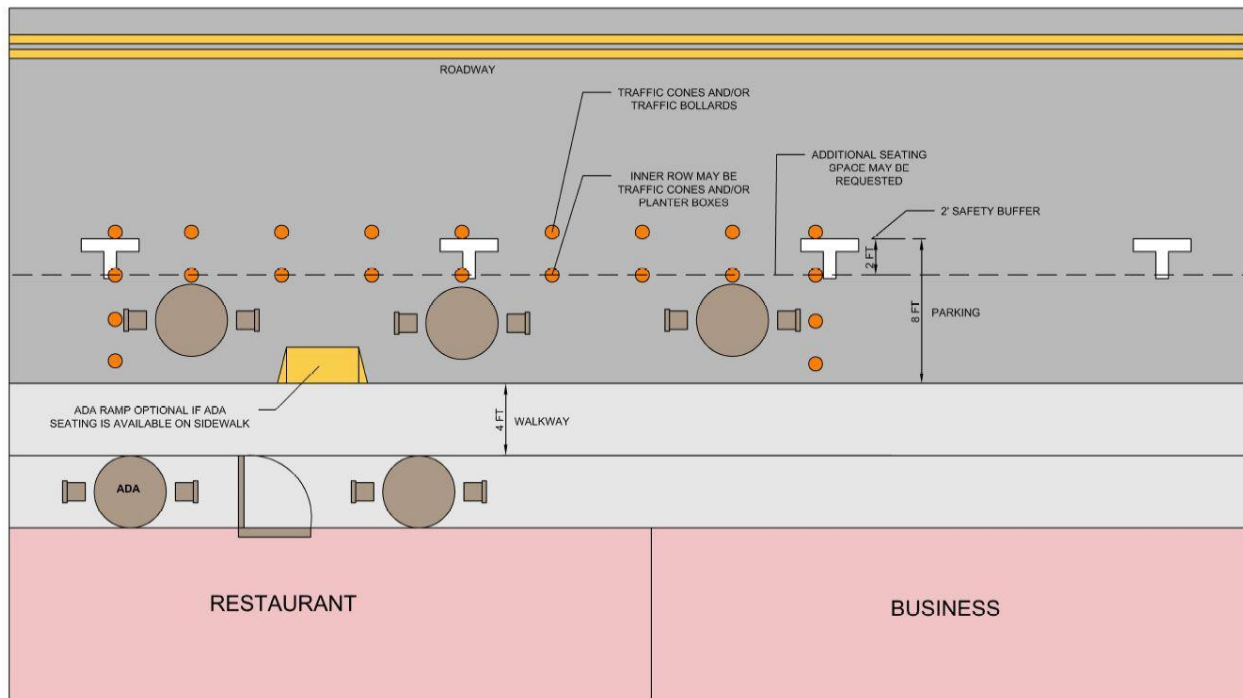
Specific Standards: In addition to the general standards listed above, the following standards apply to a Use of Public Parking Spaces

- Traffic control (traffic cones, posts) must be at least 28" tall, meet [California Manual on Uniform Traffic Control Devices standards](#) and be placed at the edges of the parking space. Traffic control must include reflection if parking space is to be utilized at night. A secondary barrier (traffic cones, planter boxes, posts with rope, etc.) must be placed 2 feet in from the external barrier — maintaining a 2-foot buffer between customers and vehicle traffic at all times. Water filled traffic rated barriers will be required to be used on San Pablo Avenue.
- Patio umbrellas may be used in the parking space. Umbrellas or shade structures may not intrude beyond the inner barrier of the 2-foot buffer zone, and they may not interfere with driver or pedestrian visibility of store signage, street signs, or traffic signals.
- Temporary furnishings shall not be secured to streetlights, trees, or any other public street furniture.
- Alternately, short-term parking for curbside pick-up can be implemented using temporary parking restriction signs available from the City. Signs will be available for pick-up at City Hall. Businesses should use temporary posts or similar to install the signs on curb fronting their business.

Additional Application Requirements:

Site Plan and Traffic and Pedestrian Control Plan - You must submit a Site Plan showing the layout of the outdoor space and any improvements, structures and/or materials to be used to facilitate outdoor activities, including where furnishings or merchandise will

be placed, and a Traffic and Pedestrian Control Plan ensuring the safety of customers and employees engaged in approved outdoor activities in public rights-of-way, and accounting for accessible pedestrian access through the area or improvements subject to this application.



This diagram is provided for illustration purposes only.

- Applicant may request to utilize any parking spaces fully within their storefrontage. Parking spaces partially within a business' storefrontage can be requested for outdoor dining on a case by case basis. ***No spaces other than those fully or partially in front of business will be made available for use under this permit.***

Fill out on-line application. Application requires staff review prior to approval.



AGENDA BILL

Agenda Item No. 9.A.

Date: December 6, 2022
To: El Cerrito City Council
From: Holly M. Charléty, City Clerk, City Management
Subject: City Council Wall of Fame Nomination Ad-Hoc Committee Recommendation

ACTION PROPOSED

Consider the Wall of Fame Ad-Hoc Committee's recommendation to induct Norman La Force into the El Cerrito Wall of Fame and direct the City Clerk to return to the City Council with a resolution confirming the appointment and schedule the formal induction ceremony at a future City Council meeting pending availability of all parties involved.

BACKGROUND/ANALYSIS

Resolution 2017-80, adopted by City Council on November 21, 2017 provides for a July 1st application deadline annually for nominations to the City's Wall of Fame. The City received one application by the deadline and on June 21, 2022 the City Council appointed Mayor Pro Tem Motoyama and Councilmember Abelson to serve on an ad-hoc committee for the purpose of reviewing nomination(s).

The ad-hoc committee met on July 29 and November 2, 2022 to review nomination materials. At the November 15, 2022 City Council meeting, the committee reported their recommendation to forward the nominee, Norman La Force, to the full City Council for consideration.

Norman La Force has been active in El Cerrito for 39 years, serving as a City Councilmember from 1991-1999, Mayor in 1995, and as a member on the Park and Recreation Commission from 2016-present. Several activities and achievements in El Cerrito and the regional area are referenced in the application including opening the Creek at Poinsett Park; promoting urban in-fill including the Plaza Bart project; working on the Rubicon project, city zoning and general plan modifications for high density transit-oriented housing; and chairing the Campaign for Measure A (initially in 2000 and the renewal in 2019) for Swim Center maintenance.

Norman is the co-founder of a non-profit for East Shore Parks, has over 15 years of ongoing activities primarily related to regional parks, open space and shoreline advocacy; and authored a book detailing the history of the creation of the East Shore State Park.

Pursuant to Resolution 2017-80, following the November 15, 2022 City Council Ad-Hoc recommendation, the City Clerk notified the nominee and all parties who submitted the Nomination Application of the meeting date for the City Council to consider taking action. The next step in the process is for the City Council to consider the Ad-Hoc

Committee's recommendation to induct Norman La Force into the El Cerrito Wall of Fame and if so, direct the City Clerk to return to the City Council with a resolution confirming the appointment and schedule the formal induction ceremony at a future City Council meeting pending availability of all parties involved.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal A: Deliver Exemplary Government Services by maintaining an emphasis on providing excellent customer service.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

Financial considerations include professional photography, custom framing costs, and light refreshments for induction which are estimated at less than \$1,000, and adequate funds are included in the adopted City Council budget for fiscal year 2023.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read 'Karen Pinkos', is positioned above the printed name.

Karen Pinkos, City Manager

Attachments:

1. Nomination of Norman La Force
2. Resolution 2017-80



RECEIVED
MAY 09 2022
City of El Cerrito
City Clerk

WALL OF FAME NOMINATION APPLICATION

Name, Address and Phone No. of Nominee:

Norman La Force

Date:

May 5, 2022

Note: The nominee must be a resident of the City of El Cerrito.

Describe why the nominee deserves this honor. What (non-profit) activities did the nominee participate in that warrants acclamation. Indicate whether each activity is non-profit if it is not inherently obvious.

Please see Attachment A.

How long has the nominee been actively engaged in carrying out the above described activity(s)?

39 years

How have these activity(s) benefited or potentially benefited residents of El Cerrito?

Please see Attachment A.

Please list the names and addresses of any groups or organizations that have recognized the nominated person's activities on behalf of this community. Please state how recognition was given and when. *(Attach supporting documentation as necessary)*

See Attachment B

Submitted by: See attachment A

Signature



Name (please print): Chris Chenoweth
Phone & email: [REDACTED]
Relationship to Nominee: personal friend, neighbor, colleague
How long have you known the nominee: 39 years

Name of individual(s) or organization(s): Robert Chasly
Address: [REDACTED]
Phone number: [REDACTED]

Name of individual(s) or organization(s): Arthur Feinstein
Address: [REDACTED]
Phone number: [REDACTED]

Name of individual(s) or organization(s): A.L. Riley
Address: [REDACTED]
Phone number: [REDACTED]

Please attach at least two letters of recommendation from community members or community organizations knowledgeable about the person's contributions, activities, accomplishments and achievements along with any other supporting documentation you wish.

If you have any questions or require additional information please contact Holly M. Charléty, City Clerk, at 215-4305 or cityclerk@ci.el-cerrito.ca.us.

Attachment A-Reasons for Honoring Norman La Force on the El Cerrito Wall of Fame

To: Mayor Gabe Quinto and Mayor Pro Tem Lisa Motoyama, Council Members Janet Abelson, Paul Fadelli, and Tessa Rudnick

We, the undersigned, are pleased to nominate Norman La Force to the El Cerrito Wall of Fame. We each have known and worked with Norman over the past 39 years on different issues and in different contexts. We wish to collectively share our reasons for nominating him as set forth below.

Norman La Force's Work for El Cerrito and the East Bay Community

Norman La Force has dedicated the past 39 years to improving the quality of life of El Cerrito and Bay Area residents. In 1983, his wife and he bought a house in El Cerrito where they have lived ever since raising two daughters. Soon after becoming a resident of El Cerrito, he got involved with city issues and in regional park and open space issues.

City and School Activism

One of the first issues he became involved in was the financial crisis facing the Richmond United School District of which El Cerrito is a part. Concerned about maintain local control, he represented children and parents, pro bono, in litigation over the bankruptcy of the former Richmond Unified School District in 1985-1987. He also supported the school district's tax measures to improve the schools.

He also worked at the same time on local park and open space issues in El Cerrito, especially creek restoration. In 1991, he was elected to the El Cerrito City council and served for two terms until 1999. He was mayor in 1995-1996. While on the City Council, he worked to create higher density mixed use development along San Pablo Avenue and at the City's two BART stations. He also promoted creek restoration and the maintenance of the City's parks and pools.

Promoting Urban In-Fill

Examples of the development projects he supported and approved are the housing complex at El Cerrito Plaza by the BART station, the Rubicon project on San Pablo that provided housing to indigent and homeless people infected with HIV (when the HIV crisis was at its most virulent), and changes to the City's zoning and general plan that has enabled the City to approve and build more high density transit, oriented housing projects in El Cerrito.

Restoring El Cerrito Creeks

He also was the key leader on restoring El Cerrito creeks. A major accomplishment was in opening up the creek at Poinsett Park. This was originally a culverted creek. Instead of keeping it culverted with a new culvert, he pushed for the removal of the culvert, opening up the

creek, and restoring it as the park. He also pushed for restoration of other creeks such as El Cerrito creek.

Restoring the City's Finances and Budget

He also advocated and supported the fiscal policies that restored El Cerrito's finances at that time. In 1991 when he came into office, the State of California took away 20% of the City's tax revenues two years in a row to balance its budget. At that time in 1991, the City had no reserve. When he left office in 1999, the City had a reserve of 10% of its revenues and had restored significant portions of employees' salary and retirement benefits.

Rebuilding and Maintaining El Cerrito's Swim Center

A major accomplishment was the rebuilding of the El Cerrito Swim Center pools. In the late 1990's the El Cerrito swim center was in such decrepit state that the recommendation was made to close the pool and bulldoze it out of existence. Norman led the effort for a tax measure, Measure A, to provide funding for the reconstruction of the pool. This passed in 2000. The pool was rebuilt and is now considered one of, if not the best, outdoor pools in the East Bay. When Measure A was set to expire in 2020, he chaired the 2019 campaign to extend the Measure A tax to permanently fund its capital maintenance. This was Measure H. It passed in November 2019 with a 76% vote in support, a clear message as to how much El Cerrito residents love their pool and also how much they trusted the City to use this tax money wisely for the pool.

But Measure H was more than just a tax for the pool. It also provided permanent funding for capital improvements to El Cerrito's parks and provided funding for the City's program of prevention of wild fires.

Current Participation on the City's Park and Recreation Commission

Norman is currently serving his second term on the City's Park and Recreation Commission. On that body, he is an advocate for the City's park and recreation programs, rehabilitation of its parks, and the continued maintenance of the swim center as one of the best outdoor swimming facilities in the East Bay

Activism on East Bay Park and Open Space Issues

At the same time that he became active in El Cerrito issues, he also took on a leadership role within the local Sierra Club chapter in the community campaign to create what became the McLaughlin Eastshore State Park. Almost the entire shoreline from the Oakland Bay Bridge north to the Albany-Richmond border was privately owned. In Emeryville and Berkeley the landowner, Santa Fe Railroad proposed large-scale commercial development.

Norman chaired the Sierra Club's East Bay Shoreline Park Task Force that advocated for stopping this development and transferring the shoreline properties into the future East Shore State Park. He was instrumental in the creation of what was called the Sierra Club Plan for the Berkeley Waterfront. This zoning plan was adopted by Berkeley voters in 1986 and saved the

Berkeley waterfront as a park, laying the basis for the creation of what is now called the McLaughlin East Shore State Park. He also was a key lawyer in protecting the sensitive habitat areas known as the Emeryville Crescent and the Albany Mudflats with the Public Trust as sensitive natural wildlife habitat areas.

After its loss in Berkeley, Santa Fe Railroad then proposed redeveloping the Golden Gate Fields racetrack with large-scale commercial development. In his role as the Sierra Club East Bay parks leader, he worked with Albany residents to pass Albany's Measure C, which required any change to Albany's waterfront zoning be approved by the voters. After that measure passed, Santa Fe dropped its development plans and agreed to sell the portion known as the Albany Plateau to the East Bay Regional Park District for inclusion in the McLaughlin East Shore State Park.

He also was a key leader in the creation of the Tom Bates sports field complex advocating the transfer of that portion of the race track site as the site for desperately needed ball fields that would be operated by a joint powers agreement among Emeryville, Berkeley, Albany, El Cerrito, and Richmond in order to create more ball fields for both youth and adult sports.

In 2002, he wrote a history of the creation of the East Shore State Park, Creating the Eastshore State Park-An Activist History. He donated copies of the book to the Albany, Berkeley, El Cerrito, Emeryville, and Richmond public libraries. He also donated a copy along with underlying source documents to the Bancroft Regional History Library at the University of California, Berkeley. The book was used to support the renaming of the park for Sylvia McLaughlin. With Norman and other East Bay activists, she co-founded Citizens for East Shore Parks. Through intense lobbying efforts relying on Norman's history, State Parks ultimately agreed to rename the park for Sylvia McLaughlin while she was still alive.

East Bay Regional Park District Advocacy

Norman has worked on many other park and open space issues as a Sierra Club leader.

He was the co- or vice-chair of the East Bay Regional Park District (the Park District) ballot measure campaigns for funding for the regional parks. In fact, the Park District campaign specifically asked him to co-chair or vice-chair those campaigns. These included Measure AA in 1988 and Measure WW 2008 to provide funding for acquisition of new parks, including funding for the McLaughlin East Shore State Park, the Martin Luther King Regional Preserve in West Oakland, and many other parks. These measures resulted in the doubling the size of the East Bay Regional Park District.

He was also co-chair, again at the request of the Park District, of the Park District's Measure K campaign to provide funding for Park District operations. This measure lost, however.

Following the loss of Measure K, Norman worked with other key environmental leaders to craft a tax measure to fund Park District operations in the area from Oakland North to El

Sobrante, which included El Cerrito. This was Measure CC. It provided funding for the operation of the McLaughlin Eastshore State Park, funding for each city's park and open space needs, including El Cerrito, and funding for the Park District's vegetation management program to reduce wildlife risk among any other projects.

Norman was a strong advocate for Measure CC to fund vegetation management work because he was a key leader in the creation of the East Bay Regional Park District's vegetation management program to protect against another Great Oakland Fire.

When Measure CC was set to expire in 2018, he co-chaired the Measure FF campaign, which was the extension of Measure CC. Measure FF provided even more funding for wildlife and habitat protection, more funding for the Park District's vegetation management, and included funding for El Cerrito's parks and recreational needs. It passed with 85% voter approval.

Co-Founder of Citizens for East Shore Parks

In 1985, he co-founded the non-profit Citizens for East Shore Parks. This organization was key to the creation of the McLaughlin East Shore State Park. It is also a key organization in the effort to save Point Molate in Richmond and to expand the public's access and ownership of the East Bay shoreline as a necklace of shoreline parks as Sylvia McLaughlin described the goal.

Current Pro-bono Work on Parks

Since the 1990's Norman has worked with regional and Richmond residents to save Point Molate as a regional park and open space resource. He is currently the pro bono attorney for the Sierra Club in litigation to save Point Molate as a regional park.

Beginning around 2004 he also worked with regional and Richmond residents on the campaign to clean up the highly toxic former Stauffer chemical site, now called Zeneca. Proposals were made to build housing on the site with large floor to ceiling fans in the first floor parking garages that would supposedly run 24/7 all year to blow away the toxic fumes. This was a major environmental justice issue for the African-American community of South Richmond as well as a major health and safety issue. Currently, he is the pro bono attorney for the Sierra Club in lawsuits to stop the Department of Toxic Substances Control from allowing housing at this site.

Conclusion

In sum, for the close to 40 years, he has selflessly dedicated time and money to creating parks and open space for East Bay residents and making El Cerrito a great place to live. His biography that is attached discusses his other work. He would make a great addition to El Cerrito's Wall of Fame.

Christopher Chenoweth

I have known Norman LaForce and his family since moving to El Cerrito in 1983. We were neighbors and worked together at the same law firm in San Francisco at the beginning of our careers. Norman was lead counsel in a pro bono bankruptcy case filed on behalf of parents and students in the then Richmond Unified School District to try to maintain local control over the District as it spiraled into bankruptcy. I joined him in a supporting role on this case. I also served as treasurer for Norman's first city council campaign, and have been a long-time supporter of his work on parks and open space issues. I certainly support his nomination to join the El Cerrito Wall of Fame.

Robert Cheasty

I have known Norman since the mid 1980's while I served as Councilmember and as Mayor of the City of Albany. I got to know Norman even better as years progressed and we served on committees, subcommittees and boards together, including our work together on Citizens for East Shore Parks since 1985, where as President and now as Executive Director I have been able to observe Norman's amazing abilities up close. Norman has been among the hardest working and effective activists in the environmental movement, logging more hours, more meetings and more projects, than any other environmentalist I have personally known in my decades in the environmental movement - and I have known most of our environmental leaders in that span. Norman has been instrumental in some capacity or other in almost every major environmental battle in the East Bay (and beyond) during all these years and is an active leader still today. He has been the Sierra Club leader for land use issues in the East Bay for most of that time, leading fights to stop destructive waterfront development. He has helped lead successful fights to block a shopping mall from being built on the Albany waterfront, to draft and pass bond funding for park acquisition on the East Bay shoreline and throughout the counties of Alameda and Contra Costa. He was a co-founder of Citizens for East Shore Parks and helped lead the successful effort to create the McLaughlin Eastshore State Park, working tirelessly for years until the park was established. As Chair of the S.F. Chapter of the Sierra Club Norman led the Sierra Club into backing most of the major fights and litigation the environmental movement has engaged in around the Bay Area in the past decades. As a lawyer he has been supportive of and instrumental in most of the legal fights to protect the environment in the East Bay since I have met Norman. His work in Berkeley led to the successful passage of the Berkeley Waterfront Initiative that passed protective waterfront zoning. He was generous with his time and legal advice to those of us in Albany who passed protective zoning and worked with the environmentalists in Emeryville to help them do the same. He has done much of the same activism and leadership in his hometown in El Cerrito. His defining characteristics include an

irrepressible desire for community good, an indefatigable energy for the work to accomplish this community good and a willingness to work within groups to help create that community good. Norman fits the criteria for the El Cerrito Wall of Fame. It is an honor to know him, work with him and call him a friend.

Arthur Feinstein

IN the late 1980's I was a leader of the Golden Gate Audubon Society with office in Berkeley and I received a phone call from a youngish lawyer asking to make a presentation on an important issue, the Santa Fe railway effort to develop the shoreline. Our organization was already really busy and we were doubtful about taking on another issue, but Norman came and was so eloquent and convincing that Audubon immediately joined in the effort as did I. And for the next many years I had the pleasure of working with Norman to stop Santa Fe from destroying the shoreline, convince State Parks through several visits to Sacramento to create the, now named, McLaughlin East Shore State Park as well as successfully oppose the proposed development at Golden Gate Fields. I haven't worked with anyone as effective and good to work with as Norman. He's changed the face of the East Bay shoreline for the better and El Cerrito citizens all benefit from it. When I left Audubon I continued my environmental career with the Sierra Club and have been the local chapter chair as well as chair of the State Conservation Committee. In the Club I continued to work with Norman and have seen him work successfully on so many difficult issues on the East Bay Shoreline as mentioned in the text above. I can't think of anyone more deserving of this recognition than Norman.

A.L. Riley

Norman volunteered his time to the non-profit Waterways Restoration Institute and the Urban Creeks Council beginning in the early 1990s. He helped the creeks community prevent an ill-conceived development on Wildwood Creek on a very unstable, steep hillside in El Cerrito. He was instrumental in bringing in the creeks community to recover Baxter Creek at Poinsett Street from a botched engineering project that attempted to remove the creek from a culvert. The day-lighting restoration project at Poinsett that resulted is now viewed as a neighborhood and city asset and has served as a model for other creek restoration projects in constrained urban settings. Norman has been a reliable ally for the advocates protecting and restoring under-appreciated environmental resources in cities.

David Weinstein

See attached letter in support of Norman La Force's nomination

Attachment B

Mayor Gabe Quinto and members of the City Council

I support the nomination of Norman La Force for placement on the city's Wall of Fame. My support is based on his decades of volunteer work to preserve open space and habitat throughout the East Bay.

My support is also based on the invaluable help he has provided to Trail Trekkers, which I lead as president, for well over a decade.

Besides inspiring Trekkers through some of his well known victories and campaigns – helping create the McLaughlin State Park, helping preserve the Berkeley shoreline, and more – Norman has been someone we have turned to when confronting similar issues here in town.

We have come to Norman for strategic advice when we successfully sought National Park Service assistance to develop our map and a plan for trail signs throughout town.

When Trekkers sought to get the city to acquire the privately owned Madera Open Space (today a part of the Hillside Natural Area), Norman was generous in his time, helping us strategize, and helping us understand the fuller political picture.

When members of the Trekkers board worried about potential liability because of our actions during this time, Norman took time to assuage their fears.

When Trekkers turned to efforts to preserve Fairview Open Space, which remains threatened by development, Norman again offered not just encouragement, but the support of the Sierra Club.

In addition, Norman helped put the Fairview struggle into historical position, as he was working to preserve that valuable 15 acres of habitat close to 20 years ago, when a different developer had intentions for the site.

Characteristically, Norman's advice to Trekkers has generally tended to push us in the direction of strong actions, while taking into account the various consequences that could ensue.

It says a lot for Norman that while working on a larger, regional field, he has continued to pay attention to backyard issues like local open space and creeks.

His work to achieve the proper restoration of Poinsett Creek, which Trekkers learned about during one of our annual meetings, is just one more achievement that speaks to the nominee's commitment to the city of El Cerrito.

Thank you

Dave Weinstein

RESOLUTION NO. 2017-80

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING
RESOLUTION NO. 2008-17 TO REVISE THE POLICY FOR NOMINATION AND SELECTION
OF WALL OF FAME INDUCTEES

WHEREAS, on September 19, 2008 the Wall of Fame City Council Subcommittee met and prepared recommendations for Council consideration regarding the process for nomination and selection of appointments to the Wall of Fame; an Annual Wall of Fame Event; Guidelines for Nomination and Selection of Inductees into the Wall of Fame; and

WHEREAS, the City Council considered, discussed and adopted the City Council Wall of Fame Subcommittee recommendations by Resolution No. 2008-77 at its November 3, 2008 meeting; and

WHEREAS, at its meeting of April 4, 2017 the City Council appointed a Wall of Fame Subcommittee to perform a review Wall of Fame guidelines and procedures; and

WHEREAS, the Wall of Fame City Council Subcommittee represented by Mayor Abelson and Councilmember Fadelli met to review and discuss program criteria and recommend enhancing the display of Wall of Fame Inductees at City Hall and on the City's website by transitioning to an archived virtual Wall of Fame to promote volunteerism and accommodate future growth of the program and also recommends revisions to the Wall of Fame nomination and selection criteria.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby amends Resolution No. 2008-77 to revise Wall of Fame nomination and selection criteria to read as follows:

Section 1: PROCESS FOR NOMINATION AND SELECTION OF APPOINTMENTS TO
THE WALL OF FAME

A. Wall of Fame City Council Subcommittees shall consist of two members of the City Council who will be appointed on an ad-hoc basis by the Mayor for the purpose of reviewing nomination(s) for the Wall of Fame and may make a recommendation regarding an appointment to the City Council.

B. An application deadline of July 1st of every year is established for nominations to the Wall of Fame.

C. After July 1st of each year, the City Clerk will provide copies of all nomination packages, if any, received by the application deadline to the Wall of Fame Subcommittee.

D. Only complete applications will be passed on to the City Council Wall of Fame Subcommittee for review. The City Clerk will determine when an application is complete.

E. The City Council Wall of Fame Subcommittee shall review the nomination documents, interview candidates, determine whether to proceed with a recommendation and provide a written recommendation to the City Council regarding its selection, if any. No more than one candidate will be recommended for induction into the Wall of Fame each year.

F. If the City Council Wall of Fame Subcommittee identifies an individual for the City Council's consideration, the individual shall be notified of the City Council Wall of Fame Subcommittee's recommendation prior to the City Council's consideration of the Subcommittee's

recommendation and will be informed of the date and time the City Council will consider the recommendation.

G. If a selection is made, formal induction into the El Cerrito Wall of Fame will occur at a regularly scheduled City Council meeting which is mutually agreeable to the honoree.

Section 2: WALL OF FAME RECOGNITION

A. Every year, the City Newsletter will feature an article showcasing the El Cerrito Wall of Fame which will highlight the most recent person inducted into the El Cerrito Wall of Fame, describe the person's achievements and contributions and provide a complete list of all persons on the Wall of Fame and briefly describe why each was inducted in to the Wall of Fame. The City's website shall also showcase El Cerrito Wall of Fame honorees.

B. Any new inductee to the Wall of Fame shall be invited to and recognized at a Volunteer Recognition Dinner.

C. The Wall of Fame gallery will transition to a virtual Wall of Fame by publishing the archive of inductee photos and resolutions highlighting inductee community contributions and achievements on the City's website and a dedicated monitor located in the City Hall Chambers Vestibule to further promote volunteerism, visibility and recognition.

Section 3: GUIDELINES/POLICY FOR NOMINATION AND SELECTION OF INDUCTEES TO WALL OF FAME

The purpose and policy for nomination and selection of inductees shall remain as follows:

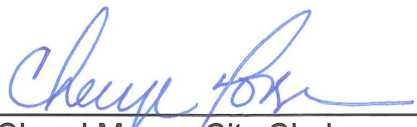
- A. PURPOSE: To reaffirm the City Council's commitment to recognizing residents of El Cerrito who have made a significant and/or lifetime contribution to El Cerrito for outstanding community service and civic contributions by portrayal on the "Wall of Fame" and to advise employees and the public of the guidelines for nomination and City Council selection.
- B. POLICY: It is the policy of the City of El Cerrito to recognize residents of El Cerrito who have made substantial civic contributions to the community over a long period of time through their work on special projects in the community and to honor their lifetime achievement and volunteer service. Any person selected by the City Council shall have their photograph, preferably in the setting of the activity for which they are most recognized, placed on the Wall of Fame located at City Hall and on the City's Wall of Fame website. The guidelines for selection are:
 - 1. The Honoree must be a resident of the City of El Cerrito.
 - 2. Nominators must identify themselves, their relationship to the nominee, and how long they have known the nominee. They must explain how they personally know about the nominee's community service, civic contributions and accomplishments.
 - 3. Nomination forms and documentation must be accompanied by at least two letters of recommendation from community members or community organizations knowledgeable about the person's contributions, activities, accomplishments and achievements.

4. Individuals eligible for nomination to the El Cerrito Wall of Fame shall have performed outstanding volunteer service of enduring value to the residents of El Cerrito. The civic contributions and community service for which an individual is recognized must be an ongoing activity in El Cerrito for at least fifteen years. Civic contributions may be in the founding, developing, supporting or sustaining of one or (usually) more organizations or community services leading to further honor, development or recognition.
5. The event(s) or activity(ies) must potentially be of benefit to all El Cerritans.
6. The event(s), contribution(s) or activity(ies) must be non-profit in nature.
7. City board, commission or committee service shall not be the sole criteria for selection.
8. Recipients of this honor should have been recognized for their efforts by a citizen group or an organization in El Cerrito, West County, regionally, statewide or nationally.

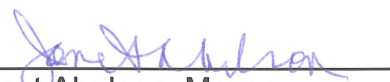
I CERTIFY that at a regular meeting on November 21, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson
NOES:	None
ABSENT:	None
ABSTAIN:	None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November 29, 2017.


Cheryl Morse, City Clerk

APPROVED:


Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 9.B.

Date: December 6, 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: Consulting Services Agreement with Cascadia Consulting Group to update the City of El Cerrito Climate Action Plan

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Cascadia Consulting Group, to develop a Climate Action and Adaptation Plan (CAAP) and a policy or ordinance to prohibit natural gas in new construction citywide concurrent with the development of the CAAP, in the amount not to exceed \$147,335, and amending the Fiscal Year 2022-23 Adopted Budget to appropriate \$147,335 from the General Fund Unreserved Fund Balance to cover the costs for this work.

BACKGROUND & ANALYSIS

The City of El Cerrito has been actively working to address climate change for more than a decade. In 2006, the El Cerrito City Council adopted Resolution 2006-61 endorsing the U.S. Mayors Climate Protection Agreement, in which local governments agreed to implement greenhouse gas (GHG) reduction measures and Resolution 2006-93 endorsing the reduction targets of the California Global Warming Solutions Act (AB 32). In 2008, Resolution 2008-33 accepted the City's 2005 baseline GHG emissions inventory and authorized development of a Climate Action Plan. In 2011, the City passed Resolution 2011-12 adopting GHG emissions reduction targets of 15% below 2005 levels by 2020 and 30% below 2005 levels by 2035 and Resolution 2011-26 approving the City's participation in the Institute for Local Government's Beacon Award Program for "Local Leadership toward Solving Climate Change." In 2013, the City Council passed Resolution 2013-27 to adopt the El Cerrito Climate Action Plan and in 2017, Resolution 2017-50 in support of the Paris Climate Agreement. In 2019, the City Council passed Resolution 2019-52 declaring a climate emergency and endorsing emergency mobilization efforts to restore a safe and stable climate. The Climate Emergency declaration additionally resolved for the City to strive for zero GHG emissions citywide as quickly as possible within the forthcoming Climate Action Plan update.

Following adoption of the El Cerrito Climate Action Plan (CAP) in 2013, the City has made meaningful progress to address climate change by installing solar panels on City facilities, joining MCE Clean Energy and opting up to "Deep Green" 100% renewable energy for all municipal accounts, reducing vehicle miles traveled by focusing on "transit-oriented development" and "complete streets" in the San Pablo Avenue Specific Plan, and more. Due to these efforts, the City of El Cerrito has been reducing emissions by

more than 1% per year and exceeding the CAP targets.

Those achievements notwithstanding, the City's CAP is now ten years old, with many actions that were identified having been accomplished or in progress. Further, the City's Environmental Quality Committee has proposed GHG reduction targets for the El Cerrito community and the City's own operation of carbon neutrality by 2045 and 80% below 1990 levels by 2050, aligning with Statewide goals. An updated CAP needs to be developed to enable the City to meet these new, more ambitious long-term reduction targets, and to incorporate new priorities, trends, and emerging technologies in the field.

Request for Proposals

To ensure the City continues to address climate change as prioritized by the City Council, in August 2022, the City's Public Works Department issued a Request for Proposals (RFP) from qualified consultants to assist the City in developing a Climate Action and Adaptation Plan (CAAP) that builds on the existing Climate Action Plan while serving as a standalone document. The CAAP is intended to specify strategies and actions that will enable the City to achieve or exceed GHG reduction goals; identify climate adaptation and resilience strategies; and provide a means of reporting and monitoring the effectiveness of the plan.

The RFP was posted to the City's website on August 23, 2022 and published in the West County Times on September 3, 2022. A notice inviting proposals was also emailed directly to 30 consulting firms. By the due date of September 28, 2022, the City received six proposals.

The RFP proposed a scope of work that included specific tasks which the City identified for inclusion but allowed each firm to develop a unique proposal based upon their expertise and to remove or adjust tasks in order to minimize costs while delivering the essential elements desired by the City. The basic scope included: 1) Analyze GHG Emissions; 2) Set Targets and Recommend GHG Emission Reduction Measures; 3) Forecast GHG Emission Reductions; 4) Engage City Advisory Bodies, City Council, and Community; 5.A) Develop Climate Resiliency and Adaptation Strategies; 5.B) (Optional) Conduct a Thorough Climate Change Vulnerability Assessment and Develop Detailed Adaptation Strategies; 6) Draft a CAAP; and 7) Support City in Adoption of the CAAP. In Addendum No. 1 issued September 19, 2022, the RFP also asked for proposers to provide a narrative about how they could help the City implement a GHG reduction project ("early win") concurrently with the update to the Climate Action Plan.

The proposals received are summarized in Table 1. Note, the tasks included in each proposal varied, as allowed in the RFP, and as such the prices do not reflect the same services being provided by each firm. Some proposals, for example, did not include a full GHG inventory, while others did not include full development of a new planning document. Additionally, only two proposals included the optional task related to climate adaptation.

Table 1 - Summary of Proposals Received and the Relative Cost

	AARC	Cascadia Consulting Group	Map Collective	Raimi + Associates	Bluepoint Planning / Rincon Consultants	Blue Strike / Fehr & Peers
Cost Proposed	\$99,820	\$119,800	\$94,950	\$99,548	\$99,860	\$104,380
Cost Proposed including Optional Task	NA	\$128,920	NA	NA	NA	\$123,620
Total Labor Hours Proposed	442	846	562	586	660	673
Imputed Cost Per Hour	\$225.84	\$152.39	\$168.95	\$169.88	\$151.30	\$183.68

Consultant Selection and Negotiations

Following receipt of the proposals, a selection committee comprised of staff from the Public Works and Community Development Departments evaluated them based on qualifications and experience of the firm and the experts assigned, demonstrated experience on comparable projects, the presentation, completeness, clarity, organization, and conformance to the RFP, client references, and cost competitiveness. Table 2 summarizes the results of the RFP evaluation process.

Table 2 - Firm Evaluation Rank

Top 3 Proposers Interviewed
1. Cascadia Consulting Group
2. Bluepoint Planning / Rincon Consultants
3. Blue Strike / Fehr & Peers

Public Works and Community Development staff then conducted interviews with the top three identified firms in order to better understand each proposal, the firms' approach to the project, and cost proposal. After interviews were completed, City staff met to discuss the top three firms to determine which proposal best suits the needs of the City and Cascadia Consulting Group (Cascadia) emerged as the top-ranked consultant. Although Cascadia's proposal came in at the highest total cost, City staff determined that it offers the best value for the City, as the proposal includes all of the tasks the City saw as desirable for inclusion in the CAAP and the imputed cost per hour is one of the two lowest. Cascadia has expertise in all aspects of climate analysis and planning and has

extensive and recent experience developing comprehensive, forward-thinking and community-informed climate plans for local governments.

As proposed by Cascadia, the CAAP will include a GHG inventory, including a consumption-based inventory, identify strategies, forecast GHG emission reductions, engage the community, identify climate adaptation and resilience measures, and prepare and develop a comprehensive plan. Notably, inclusion of the optional task with Cascadia will also ensure the City meets new requirements under SB 379 to develop climate adaptation and resilience strategies that can be incorporated into a new Safety Element for the General Plan when it is developed. After selecting Cascadia, the City negotiated with them at a cost of \$3,915 to add an additional task to the scope of work to evaluate best practices for GHG emissions reductions and recommend the highest priority actions or “early win” options that the City could take to reduce emissions concurrently with, and potentially prior to adoption, of the CAAP.

Finally, in response to input received from the community specifically an interest in prioritizing the development of a policy to prohibit natural gas in new construction citywide, City staff asked Cascadia to also provide a proposal to develop such an ordinance or policy concurrent with, and prior to adoption of, the CAAP. Cascadia's proposed scope for this task includes drafting the ordinance or policy based on best practices, completing a public outreach process integrated with the broader CAAP outreach and consisting of at least two additional focus groups, and presenting the policy to City committees and the City Council. The proposal is for 84 additional hours at a cost of \$14,500.

City staff is recommending that City Council authorize the City Manager to enter into an agreement with Cascadia for an amount not to exceed \$147,335 to develop a CAAP for the City of El Cerrito and complete the related tasks. This amount includes all of the tasks the City sought to include in the CAAP, the optional task related to climate adaptation, the early win analysis task, and funding for the additional task to develop a comprehensive policy or ordinance to prohibit natural gas in new construction, concurrent with the development of the Plan.

The CAAP will be developed over the next 12 to 14 months. The planning process will include a significant amount of community outreach, including at least two community workshops to develop strategies and goals that are well suited to El Cerrito. The final product will be a plan that is highly accessible to the community and provides an implementation plan for the City as an organization, and the community as a whole, to meet more ambitious emission reduction targets. Notably, inclusion of the additional tasks will ensure the City will implement at least one significant “early win” to reduce GHG emissions further, even prior to adoption of the CAAP.

STRATEGIC PLAN CONSIDERATIONS

Engaging the professional services of Cascadia to develop a CAAP is consistent with the following El Cerrito Strategic Plan Goals:

- Goal A – *Deliver exemplary government services* by developing and strengthening relationships with public and private partners, residents, businesses, schools, and community groups during the public engagement process as part of the CAAP update and implementation of the CAAP.
- Goal E – *Ensure the public's health and safety* by exploring innovative and best practices for promoting public health by supporting initiatives that decrease pollution and adapt to climate change to improve the health and prosperity of future generations.
- Goal F – *Foster environmental sustainability citywide* by implementing and monitoring the City's Climate Action Plan and being a leader in setting policies and providing innovative programs that promote environmental sustainability.

ENVIRONMENTAL CONSIDERATIONS

California Environmental Quality Act ("CEQA") requirements will be addressed and evaluated as necessary throughout the development of the updated CAAP and any potential "early wins". At this time, City staff believe that adoption of a Climate Action and Adaptation Plan is exempt from review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and 15308 (Actions by Regulatory Agencies for the Protection of the Environment).

FINANCIAL CONSIDERATIONS

City staff is requesting \$147,335 from the General Fund Unreserved Fund Balance to develop a Climate Action and Adaptation Plan that builds on the existing Climate Action Plan and to develop a policy to prohibit natural gas in new construction citywide prior to adoption of the CAAP. At the end of FY 2021-22, the General Fund Unreserved Fund Balance was \$7.2 million, and the additional unaudited FY 2021-22 General Fund balance is projected to be \$8 million for an estimated total of \$15.2 million General Fund Unreserved Fund Balance.

As discussed in June 2022 during the City Council meetings on the FY 2022-23 budget, because this is a one-time expenditure, City staff proposed that the City Council consider funding the update to the Climate Action Plan as a separate appropriation from the General Fund Unreserved Fund Balance at the time the agreement was ready to be executed, which is currently the case.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action, found that legal considerations have been addressed, and the consulting services agreement will conform to the City's standard agreement as approved by the City Attorney.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Cascadia Proposal
3. Draft Proposal - Natural Gas Ban
4. Draft Consulting Services Agreement

RESOLUTION 2022 - XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH CASCADIA CONSULTING GROUP, TO DEVELOP A CLIMATE ACTION AND ADAPTATION PLAN AND A POLICY OR ORDINANCE TO PROHIBIT NATURAL GAS IN NEW CONSTRUCTION CITYWIDE CONCURRENT WITH THE DEVELOPMENT OF THE PLAN, IN THE AMOUNT NOT TO EXCEED \$147,335, AND AMENDING THE FISCAL YEAR (FY) 2022-23 ADOPTED BUDGET TO APPROPRIATE \$147,335 FROM THE GENERAL FUND UNRESERVED FUND BALANCE TO DEVELOP THE PLAN AND POLICY PROHIBITING NATURAL GAS IN NEW CONSTRUCTION

WHEREAS, the City of El Cerrito has been actively working to address climate change for more than a decade; and

WHEREAS, the City Council has taken numerous actions, including adopting and implementing the El Cerrito Climate Action Plan, approved in 2013, which aimed to reduce the City's Greenhouse Gas (GHG) emissions by 30% from 2005 levels by 2035; and

WHEREAS, in the most recent inventories completed by the City, the City has been reducing emissions by more than 1% per year and exceeding these targets; and

WHEREAS, in the years since the El Cerrito Climate Action Plan was adopted, the science has become clear that a more ambitious timeline is required to reduce GHG emissions and mitigate the most severe impacts of climate change (e.g., increased fire risk, flooding, heat waves, etc.); and

WHEREAS, with the need for more immediate action in mind, the City Council adopted Resolution 2019-52 declaring a climate emergency and endorsing emergency mobilization efforts to restore a safe and stable climate and additionally resolved for the City to strive for zero GHG emissions as quickly as possible within the forthcoming Climate Action Plan update; and

WHEREAS, on August 23, 2022, the City issued a Request for Proposals (RFP) from qualified consultants to provide professional services to assist the City in developing a Climate Action and Adaptation Plan that builds on the existing Climate Action Plan to meet these more ambitious targets; and

WHEREAS, the RFP was posted to the City's website and a notice inviting proposals was published in the West County Times newspaper on September 3, 2022 and emailed directly to 30 firms; and

WHEREAS, the City received six proposals from qualified consultants by the September 28, 2022 due date; and

WHEREAS, upon consideration of qualification and experience of the firm and the experts assigned, demonstrated experience on comparable projects, the presentation, completeness, clarity and organization of the proposal, references and cost competitiveness, the City's selection committee, composed of staff in the Public Works Department and Community Development Department, determined that the proposal received from Cascadia Consulting Group (Cascadia) offers the best value and best fits the needs of the City; and

WHEREAS, the cost for Cascadia to complete a GHG inventory, identify strategies, forecast GHG emission reductions, engage the community, identify climate adaptation and resilience measures and develop strategies in compliance with SB 379, and prepare and develop an updated Climate Action and Adaptation Plan is \$128,920; and

WHEREAS, after selecting Cascadia, the City negotiated with Cascadia to add an additional task to the scope of work, for a cost of \$3,915, to evaluate best practices for GHG emissions reductions and recommend the highest priority actions or "early win" options that the City could take to reduce emissions concurrently with, and potentially prior to adoption, of the Climate Action Plan Update; and

WHEREAS, in response to input received from the community specifically an interest in prioritizing the development of a policy to prohibit natural gas in new construction citywide, the City asked Cascadia to also provide a proposal to develop such an ordinance or policy concurrent with, and prior to adoption of, the Climate Action and Adaptation Plan, and Cascadia provided a proposal to develop such a policy, including a public outreach process, at a cost of \$14,500; and

WHEREAS, funding for these consulting services is not provided in the FY 2022-23 Budget and a budget amendment is requested to begin the project in FY 2022-23.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to execute an agreement with Cascadia Consulting Group in an amount not to exceed \$147,335 to provide professional services to develop a Climate Action and Adaptation Plan and to develop a citywide policy or ordinance prohibiting natural gas in new construction for at least one "early win", to be completed concurrently with the Plan; and

BE IT FURTHER RESOLVED by the City Council of the City of El Cerrito that it hereby amends the Fiscal Year 2022-23 Adopted Budget to appropriate \$147,335 from the General Fund Unreserved Fund Balance to develop the Climate Action and Adaptation Plan and complete the related tasks; and

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

I CERTIFY that at a special meeting on December 6, 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 December____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

Climate Action Plan Update

PROPOSAL TO THE CITY OF EL CERRITO

UPDATED OCTOBER 28, 2022

SUBMITTED BY CASCADIA CONSULTING GROUP

Dear Evaluation Team,

Since its founding in 1993, Cascadia Consulting Group (“Cascadia”) has worked with public, corporate, nonprofit, and tribal clients to advance projects that benefit their communities and the environment. Cascadia’s expertise **cuts across all aspects of climate analysis and planning** — and we have extensive experience applying these skills to help local governments across the country accurately measure and reduce emissions while building resiliency to climate impacts.

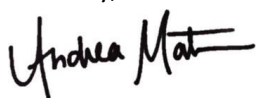
We are thrilled to be partnering on this project with **EcoDataLab** for this project. EcoDataLab is the first (and only) firm to offer consumption-based emissions inventories for US communities using the best-in-class methodology developed by the CoolClimate Network at UC Berkeley, and will draw on this nationally recognized expertise to lead the consumption-based analysis for El Cerrito.

Together, our team members bring a unique combination of leading-edge expertise managing some of the country’s most advanced greenhouse gas analysis efforts and extensive experience working closely with local governments on thoughtful, equitable, and community-informed climate planning processes. Specifically, we offer:

- **Unmatched local context and connections.** Our team has worked with numerous Bay Area jurisdictions on climate action planning and CAP engagement—including for the cities of Albany, Dublin, Livermore, Pleasanton, Santa Clara, San Francisco, and Alameda and San Mateo counties, among others—and have conducted extensive face-to-face and digital engagement on related sustainability and waste reduction topics in El Cerrito, Oakland, Fremont, and other local communities. Our team’s leadership in climate action and adaptation planning in California means we already have extensive data and community connections relevant to El Cerrito and can hit the ground running on a plan that is relevant and supported by regional efforts.
- **Cutting edge knowledge and fresh perspectives.** We complement our extensive on-the ground local experience with best practices developed through leadership on some of the most advanced and innovative emissions analyses in the country—including development of a consumption-based emissions toolkit, dynamic and easy-to use GHG forecasting & wedge analyses tools, online dashboards, and a first-of-its-kind [contribution analysis tool](#). Our proposed Principal-in-Charge, Andrea Martin, participates in a committee currently working to update and streamline the U.S. Community Protocol and associated tools and methods. We will bring this unrivalled experience to El Cerrito, delivering a comprehensive GHG emissions inventory that reflects the best practices and sets a clear course for climate action.
- **A fully customized process.** We don’t just offer a one-size-fits-all climate plan; we will build the CAAP ensuring that we meet the City’s needs and reflect the priorities and interests of the community. Our commitment to delivering a plan that is tailored to each client’s context is reflected in every step of our process, from investing in up-front research and visioning with the client team, to doubling down on meaningful and inclusive community engagement, to reflecting community priorities in the strategy prioritization phase, to creating a final plan that dovetails with other City policies and programs. Importantly, we frequently work with smaller local governments, and understand how to adjust our process to meet them on their terms.
- **Simplicity, accessibility, and quality.** We pride ourselves on distilling complex concepts into easy-to-understand narratives and graphics that answer key questions and tell a clear story. Cascadia’s internal editorial and design teams will ensure that all project materials are not just clear and concise, but engaging and inspiring, too.

Simply put, our team is fully prepared and eager to support El Cerrito in crafting a comprehensive, thoughtful, and community-informed plan that sets the City on a path to sustainability and resilience. We believe our team possesses the perfect blend of skills, knowledge, prior experience, and passion to deliver on that need. Do not hesitate to reach out to me with any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Martin", with a stylized flourish at the end.

Andrea Martin, Climate Action Director

Email: andream@cascadiaconsulting.com, Phone: 704-604-5727

General Information

Cascadia Consulting Group, Inc.

C-Corporation, Founded 1993

Phone: 206-343-9759

Oakland Office: 315 Washington St, Oakland, CA 94607

Seattle Office: 1109 1st Ave, Suite 400 Seattle, WA 98101

Contracting Contact: Andrea Martin, Climate Action Director

P: 704-604-5727

E: andream@cascadiaconsulting.com

Since its founding in 1993, **Cascadia Consulting Group** (Cascadia) has worked with public, corporate, nonprofit, and tribal clients to advance projects that benefit their communities and the environment. Cascadia's expertise includes strategic planning, analysis, and management of climate change mitigation and adaptation, energy efficiency and renewable energy, recycling and materials management, and resource conservation projects. Through effective engagement, research and analysis, decision-support tools, program evaluation, and reporting, we empower our clients to direct their own progress toward sustainability goals. Cascadia's award-winning climate planning work has included leading CAP 2.0 efforts for peer jurisdictions like Albany, Pleasanton, Santa Clara, and San Mateo County; we have also worked in Fremont since 2011, providing hundreds of local businesses with technical assistance as part of the StopWaste program. Cascadia is a women-owned small business with offices in Oakland, CA; Seattle, WA; and Charleston, SC.

To support the consumption-based emissions analysis, Cascadia is partnering with **EcoDataLab**. EcoDataLab, a California LLC, was launched in 2020 with the mission to address climate change by massively scaling data science solutions to empower action among individuals, organizations, and governments. The firm offers **best-in-class research and technology to provide policymakers with reliable, actionable data** and emissions inventories. EcoDataLab is made up of its two owners: Ben Gould, MS, MPP serves as President of EcoDataLab, while Chris Jones, PhD serves as Chief Science Officer. EcoDataLab is headquartered in Berkeley, CA. Together, Cascadia and EcoDataLab form a nationally renowned climate analysis and planning team, grounded in the best emissions inventory research and technology and decades of facilitation, community outreach, and planning experience—a combination that places our team **at the intersection of El Cerrito's core needs for this project**.

Statement of Experience and Qualifications

Our core team members are introduced below. In addition to the core staff, Cascadia also offers a deep bench of support staff with additional expertise in graphics and communications, outreach and community engagement, natural resource management, green infrastructure, data analysis, climate action planning, and equity and environmental justice who will support the project on an as-needed basis.

PROPOSED KEY STAFF AND EXPERIENCE



Andrea Martin | Cascadia | Principal-in-Charge

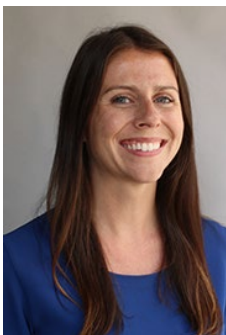
Andrea has 14 years of experience leading climate and sustainability analysis and planning projects, with a focus on local government clients throughout the West Coast. She has led over a dozen GHG emissions inventories and climate action planning processes for government clients and agencies, including for San Mateo and Alameda counties, the cities of Albany, Pleasanton, Dublin, Livermore, Santa Clara, Cupertino, and the City of San Francisco, as well as local government clients in Oregon, Colorado, and Arizona. She also managed the Puget Sound Regional Emissions Analysis project on behalf of King County and a group of partners, which included developing a first of its kind, comprehensive four-county emissions analysis. Her commitment to innovation has placed her at the

center of some of the country's most ambitious efforts, including outlining what carbon neutrality means for local governments, conducting carbon sequestration potential analyses, participating in the ICLEI *U.S. Community Protocol* update subcommittee, and working with pilot cities to develop a new, publicly available tool for assessing underlying factors that drive emissions trends (ICLEI's [Contribution Analysis Toolkit](#)). Andrea is also committed to centering equity in her work. She is led an equity and co-benefits evaluation for Oregon DEQ to inform development of their statewide cap-and-reduce program, as well as an inclusive engagement process for San Francisco's draft CAP. Andrea holds a Master of Environmental Management degree from Duke University and a B.S. in Biology with Honors from the University of North Carolina at Chapel Hill.



Alicia Fennell | Cascadia | Project Manager

Alicia manages all aspects of climate and sustainability projects at Cascadia — from GHG analyses to community engagement— through excellent facilitation, writing, research, and technical analysis skills. She is currently managing a large public engagement effort for the City of Cupertino Parks Department, an equitable engagement process for Foster City's Climate Action Plan, and Sonoma County's GHG inventory. She also served as Project Manager for a greenhouse gas inventory review for Tualatin Hills Park & Recreation District (OR). In addition, Alicia supported the Puget Sound Regional Emissions Analysis—a four-county emissions analysis and planning project covering the Seattle metropolitan corridor, and engagement for Alameda County's Climate Action Plan. Before joining Cascadia, Alicia worked with the County of Santa Barbara to assess the carbon stock and future sequestration potential of the county's natural and working lands. She also spent five years working in environmental education in the Bay Area. Alicia holds a bachelor's degree in environmental studies from UC Santa Cruz and a master's degree in environmental science and management from the Bren School at UC Santa Barbara.



Angela Pietschmann | Cascadia | GHG Analysis & Mitigation Lead

Since 2018, Angela has led and supported climate action planning, GHG analysis, and natural resource management projects, varying in scope and complexity from small-town climate action plans to comprehensive sustainability plans for major cities and regional governments. A skilled writer with an accounting background, Angela is adept at straddling the quantitative and qualitative sides of climate planning, with experience spanning from emissions analyses to final CAP writing. Angela recently completed Telluride's Climate Action Plan, and the Puget Sound Regional Emissions Analysis and developed a comprehensive, easy to use GHG emissions forecasting and analysis tool for King, Pierce, Snohomish, and Thurston counties. Angela currently supports San Francisco's GHG inventory and serves as a strategic advisor for the Sonoma County GHG inventory. In addition to her climate planning work, Angela is a skilled facilitator and process manager who has helped coordinate complex, multi-stakeholder planning efforts including the State of Washington's Orca Task Force. Angela has a M.P.A. from the University of Washington and a B.S. in Accounting from Penn State University.



Kristina Zeynalova | Cascadia | Adaptation Lead

Kristina brings over five years of experience in strategic planning with a focus on natural resource management, stormwater planning, and climate action projects. She holds central roles on a broad portfolio of projects, including co-leading a vulnerability assessment and disaster planning effort for the North Olympic Peninsula, supporting King County and the King County-Cities Climate Collaborative in developing shared priorities for integrating climate considerations into local comprehensive planning, and supporting a test pilot for climate comprehensive planning for the WA Department of Commerce. Her other recent experience includes supporting Climate Action Plans for Vancouver, WA and Telluride, CO—and managing a vulnerability assessment for the City of Issaquah. She also has direct experience working in the El Cerrito community conducting outreach to increase compliance with commercial composting laws. Kristina holds a B.A from the University of California, Santa Cruz, where she focused on

exploring the intersection of sociology and the environment and a M.S. in Environmental Studies from San Jose State University, where she researched environmental management and policy, corporate sustainability, and circular economy. Kristina also speaks fluent Russian.



Maddie Seibert | Cascadia | Facilitator & Community Engagement Support

Maddie leads community engagement, research and analysis, and planning and facilitation for a wide range of climate projects at Cascadia. She has held a central role on climate planning projects throughout California—including for the cities of Pleasanton, Santa Clara, Cupertino, and Livermore. Her recent work includes creating tools for engagement of unincorporated communities for the San Mateo County CAP process, supporting CAAP writing for Albany (CA), engagement for both the City of San Francisco and Alameda County Climate Action Plans, and designing community outreach and behavior change strategies to benefit recycling in the City of Oakland. Maddie also brings extensive expertise in food waste management and is serving as the Deputy Project Manager for CalRecycle and the San Francisco Department of the Environment's Food Waste Prevention and Rescue Grant Project. Prior to joining Cascadia, Maddie conducted research on Chinese coal emissions for the Natural Resources Defense Council and led student and faculty engagement around sustainability initiatives for GreenerU. She holds a B.A. and B.S. from Northeastern University and a Master of Global Affairs from Schwarzman College at Tsinghua University in China.



Hailey Weinberg | Cascadia | Writing & Analysis Support

Hailey provides expertise in greenhouse gas accounting and climate action planning for public-sector and institutional clients. She is currently supporting a GHG inventory for Sonoma County, engagement efforts with the City of Cupertino Parks Department, and the development of a Clean Economy Strategy for the City of Renton (WA). She recently completed work on the four-county Puget Sound Regional Emissions Analysis and climate action plans for the City of Santa Clara and Telluride (CO). Before joining Cascadia, Hailey was a Corporate Climate Accountability Researcher for the U.S. Partnership for Education for Sustainable Development. Her experience includes working for Northern Arizona University on the Social Cost of Carbon Proposal and presenting GHG reduction policies to university officials. Hailey also worked for 350 Madison, where she led a three-person team to create an action plan focused on energy efficiency and low-income housing. Hailey has a B.S. in Environmental Science from San Diego State University and a M.S. in Climate Sciences & Solutions from Northern Arizona University.



Ben Gould | EcoDataLab | Consumption-based GHG Inventory Lead

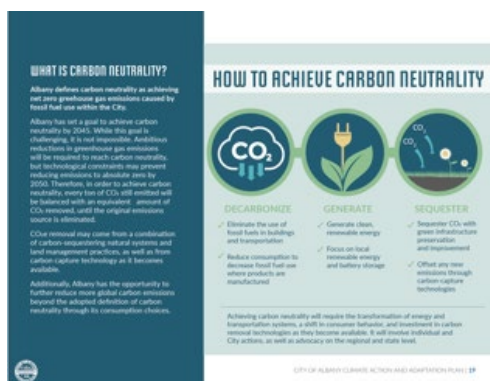
Ben brings an extensive background in local government sustainability and climate action planning. As President of EcoDataLab, Ben has managed consumption-based emissions inventories for clients across the country—including for the cities of Austin, TX, the City and County of Monterey, CA, and a recent effort, in partnership with Cascadia, to create a comprehensive consumption-based inventory for King County, WA and three neighboring counties that together comprise more than half of Washington's population. He also leads development of EcoDataLab's software tools, including the EcoDataLab Dashboard—a visual tool for analyzing, monitoring, and reporting on emissions. Prior to EcoDataLab, Ben worked for San Francisco International Airport, the International Council for Clean Transportation, and Lawrence Berkeley National Laboratory. Ben has served on the City of Berkeley's Environmental Commission since 2014, including three terms as Chair, and was the first to recommend that Berkeley phase out natural gas in new construction, ultimately resulting in a first-in-the-nation law banning new gas hookups in 2019. Ben holds his Master of Public Policy and MS in Environmental Engineering degrees from UC Berkeley.

RECENT RELEVANT EXPERIENCE

We've provided a selection of our recent relevant work below, and are happy to provide additional information on request.

Climate Action & Adaptation Plan | City of Albany, CA | 2018-2019

Cascadia led an update of the City of Albany's Climate Action and Adaptation Plan, which aims to achieve the City's goal of community-wide carbon neutrality by 2050. Our team assessed the current system of mitigation and adaptation actions and needs, set an inclusive and equitable vision for a carbon neutral and resilient Albany through a public engagement process, and drew on a deep carbon reduction planning framework to identify and prioritize near-term and long-term actions. Albany's plan sets the stage for net-zero buildings, zero-carbon transportation, zero waste, and maximized carbon sequestration. It will also be straightforward for both the City and residents to implement, as it contains a checklist of actions and resources that residents can pursue to reduce their personal carbon footprints and



Local Experience

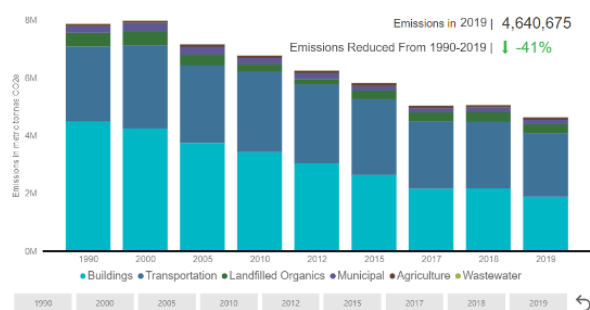
Cascadia has worked in the Bay area for decades on projects that span our entire portfolio. In addition to working on climate and sustainability in San Francisco, Albany, and throughout San Mateo County, we have conducted several outreach and engagement projects in El Cerrito itself.

Our outreach team—which includes proposed Adaptation Lead Kristina Zeynalova—has worked directly with El Cerrito to conduct outreach to local businesses to increase compliance with SB 1383 and AB 1826. We've also worked with StopWaste for years to understand and improve sustainability in waste management throughout the county.

Our local expertise and existing connections will help us hit the ground running in developing a climate action plan that not only puts El Cerrito on a path to reaching its goals but is also grounded in local support.

Climate Action Plan Engagement & GHG Emissions Inventory Support | City and County of San Francisco, CA | 2019; 2020; 2022-Present

San Francisco's Carbon Footprint



Cascadia led an inclusive community engagement process to inform the development of the City and County of San Francisco's Climate Action Plan. We built awareness and understanding of the climate crisis for residents; established feedback loops between the City and its residents; grew trust and support for the City to accelerate action to reduce emissions; and built capacity among residents, City staff, and community groups to foster meaningful, collaborative action on climate policy. Cascadia prioritized communities most vulnerable to environmental impacts and those that have historically been hardest to reach and collaborated with City staff to deliver a comprehensive

engagement strategy via the recruitment of trusted community partners and a public engagement toolkit that reached our target audiences through multiple outreach channels, including online workshops, focus groups, and social media.

Cascadia is now supporting a municipal and communitywide GHG inventory update for the City and County of San Francisco. We are building on previous emissions data collection efforts by compiling and streamlining past GHG data from across disparate platforms and inputting it into a Power BI platform to create a cohesive baseline dataset that additional GHG emissions data can be added to, easing future GHG emissions efforts. Our protocol will be checked for compliance and our data will be packaged for reporting to CDP. **EcoDataLab** prepared the consumption-based emissions

CLIMATE ACTION AND ADAPTATION PLAN

inventory, analysis, and report detailing emissions from goods and services consumed in the region regardless of where the emissions themselves were produced. When completed we will have detailed, updated emissions data for the City and County across sectors that can be easily compared to past data in the same platform and projected into the future and accounting for current and potential future emissions policies, and recommended emissions reduction strategies.

Climate Action Plan | San Mateo County, CA | 2019-2022

Cascadia led the development of San Mateo County's update of its Government Operations Climate Action Plan and Community Climate Action Plan, which sets the County government and the communities in unincorporated San Mateo County on a shared path toward lower emissions and improved climate resiliency. Our team first guided the County through prioritizing its proposed climate mitigation measures for both CAPs by assessing factors such as effectiveness, cost, co-benefits, and feasibility. For the Community CAP, we worked with local partners to analyze cityscapes and open lands in the County for carbon sequestration opportunities. We supported the CAP process with a customized and multi-faceted community engagement strategy that built on existing partnerships throughout the county, enabling us to reach the diverse—and dispersed—communities in unincorporated San Mateo County. By pairing technical analysis with public engagement, we delivered a Community CAP that is ambitious, inclusive, targeted, and implementable.



Climate Action Plan Update | City of Santa Clara, CA | 2019-2022

Cascadia recently completed an update the City of Santa Clara's Climate Action Plan. Working closely with City staff, our team reviewed progress made on Santa Clara's 2013 CAP, updated GHG forecasts and reduction targets in alignment with state regulations, and developed a framework for evaluating, comparing, and prioritizing climate mitigation actions. Once this foundational work was complete, we facilitated the strategy selection process, working with internal City staff, external stakeholders, and community members to identify the climate actions that will have the greatest positive impact—not just in terms of reducing GHGs, but also delivering co-benefits that are important to the community. We maintained an intensive focus on community engagement throughout the project, with a series of public workshops, pop-up open house events, an online survey, and ongoing engagement via a project-specific website and other channels. To complete the project, we drafted an updated CAP, created a detailed Implementation Plan, and prepared supporting CEQA documentation.



includes a short, actionable implementation plan for the City with links to the City's General Plan and important metrics for success.

Climate Action Plan Update | City of Pleasanton, CA | 2019-2022

Cascadia led an update of Pleasanton's Climate Action Plan. The project included an assessment of progress made against the City's previous targets, development of new emissions forecasts, and a collaborative process to identify bold new climate actions. The team began by reviewing City documents and preparing a broad outreach plan to guide community participation throughout the project, while simultaneously managing the technical analysis related to GHG emission tracking, forecasting, and target setting. Through this analysis, we generated forecasts of community-level emissions in Pleasanton in 2025, 2030, 2045, and 2050, consistent with California regulations. Building on this baseline assessment of emissions and climate mitigation progress, we then worked with the City to establish a set of core "guiding principles" and we led an



CLIMATE ACTION AND ADAPTATION PLAN

evaluation and prioritization process that weighed potential climate mitigation strategies against these principles and assessed the co-benefits they provide. In addition, we undertook a complementary climate vulnerability and adaptation assessment and weaving climate resilience considerations into all aspects of the project.

Climate Action Plan | Midpeninsula Regional Open Space District, CA | 2017-2018

Cascadia developed the Midpeninsula Regional Open Space District's first greenhouse gas inventory and Climate Action Plan. In collaboration with the District, we completed the agency's 2016 greenhouse gas inventory and designed a template the District can use to track emissions going forward. Cascadia generated an emission forecast through 2045 based on projections of recent land acquisitions, projected employee growth, and long-term land management strategies—including a study of carbon sequestration on District-managed lands. Based on inventory findings, our team recommended reduction targets and helped facilitate target setting with the District's board. The climate action strategies were developed to meet the emission reduction goals and address the District's unique operational activities, including land management. Cascadia produced a final Climate Action Plan that includes a timeline for implementing climate action strategies and monitoring progress. **The American Planning Association recognized the plan with an award of merit in its Innovation in Green Community Planning category.**

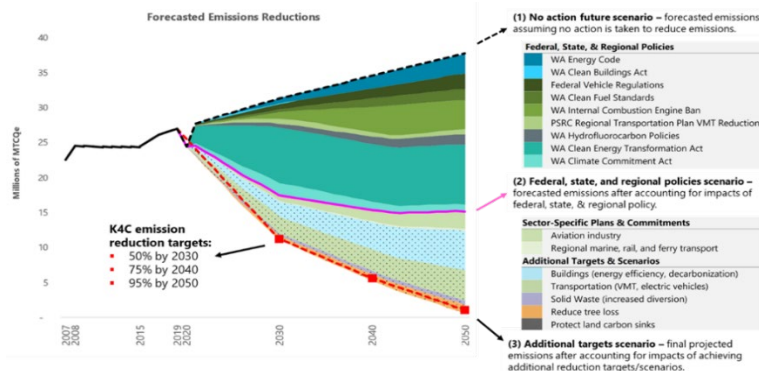
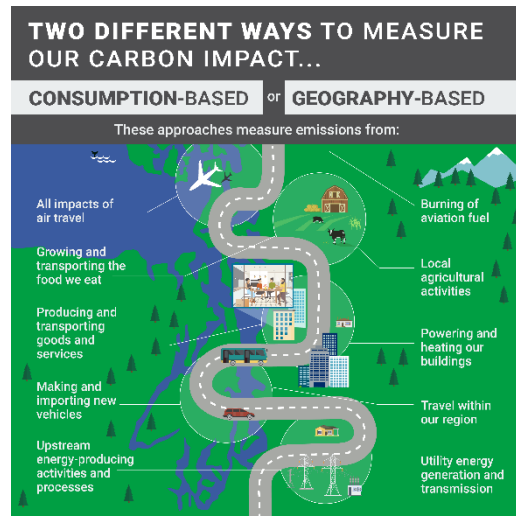


ADDITIONAL RELEVANT EXPERIENCE

Puget Sound Regional Emissions Analysis | King County & Partner Agencies | 2021-2022

Cascadia led team that includes EcoDataLab that worked with King County (WA) and a group of partner agencies at the municipal and regional levels to **update geographic and consumption-based emissions inventories**—both at the countywide scale and for internal County operations. This multifaceted emissions analysis project included updated “geographic-plus” inventories for King, Pierce, Snohomish, and Kitsap counties, **contribution analyses** that attribute proportions of overall emissions to different activity types, **government operations inventories**, and extensive research and tool development to support **GHG analyses for all cities within King County**. We also led the development of brand-new consumption-based inventories, which quantify emissions from goods and services consumed in the region regardless of where the emissions themselves were produced. Building on the suite of baseline emissions, our team created wedge analyses that identified pathways for jurisdictions to meet ambitious GHG-reduction targets. Finally, Cascadia led stakeholder engagement and produced extensive documentation of the project's methodology and results, including **infographics and other graphic design pieces** that highlighted key takeaways for audiences throughout the region.

In 2017, Cascadia laid the foundation for this project, **updating the Puget Sound Clean Air Agency's four-county emissions inventory** to provide 2015 emissions data for King, Snohomish, Kitsap, and Pierce counties. This update required compiling,



22,401,223

Total MT CO₂e

Proportion of 2019 Emissions

Built Environment Insights: King County

Built Environment Trends

Source: Electricity Natural gas Other sources

Electricity Consumption Trends

Sector: Commercial Industrial Residential

Electricity Emissions Trends

Sector: Commercial Industrial Residential

Natural Gas Emissions Trends

Sector: Commercial Industrial Residential

Other Sources Emissions Trends

Sector: Fuel oil Industrial processes Residential prop...

Jurisdiction

- Algonia
- Auburn
- Beaux Arts Village
- Belleve
- Black Diamond
- Bothell
- Carnation
- Coville Hill
- Clyde Hill
- Des Moines
- Duwamish
- Enumclaw
- Federal Way
- Hunts Point
- Isoquah
- Kennelworth
- Kent
- King County
- Kirkland
- Kittitas County
- Lake Forest Park
- Maple Valley
- Medina
- Mercer Island
- Mill Creek
- Newcastle

Comprehensive Plan Climate Integration | Kitsap County, WA | Cascadia | 2019-Present

Equity & Co-benefits Assessment | Department of Environmental Quality, OR | 2021

ABILITY AND APPROACH



CASCADIA
CONSULTING GROUP

developed climate action plans for dozens of local governments and agencies giving us unique insight into the specific priorities, needs, and considerations government clients have when it comes to climate action planning.

Having completed CAPs for jurisdictions across California at the leading edge of sustainability and climate action, we are poised to bring the very latest and most innovative approaches to El Cerrito, while our commitment to tailoring all of our work to each community's context means we will balance ambition against feasibility, community priorities, and cost-effectiveness. Our climate planning work includes ongoing projects to develop CAPs for over a dozen local governments—including San Francisco, Pleasanton, Cupertino, Albany, Dublin, Foster City, Livermore and Sonoma and San Mateo counties—giving our team a clear understanding of what works and what doesn't for parsing climate science and community priorities to create clear, actionable, and cost-effective climate mitigation and adaptation strategies.

We are eager to work with the City of El Cerrito to support the development of a comprehensive and effective climate action and adaptation plan that meets the City's and community's needs. With climate change already having a range of harmful effects on human health, the economy, and the environment from increased wildfires and smoke to flooding and landslides, the need for such a plan is urgent. We will draw on our significant national experience and the steps El Cerrito has already taken towards a more sustainable future to hit the ground running, working with the City to confirm their desired approach and delivering that approach in a way that maximizes value for the available budget.

To successfully develop a thorough and effective CAAP, the City must ask and answer key questions such as:

- **What are reasonable GHG reduction targets**, taking into account El Cerrito's current GHG emissions profile, planning horizons, and political, social, and economic context?
- **What policies, programs, and actions should be taken to achieve GHG reduction and adaptation goals**, considering criteria such as cost-effectiveness, impact, feasibility, equity, inclusion, and co-benefits? What resources will be needed?
- **What synergies and efficiencies are possible** by addressing climate change and other social, civic, economic, and/or public health needs simultaneously?
- **How can the CAAP best be integrated with and leverage existing plans**, sustainability initiatives, economic development strategies, social and environmental programs, and other local goals and actions?
- **How can local residents and businesses best be engaged in this effort**, both in terms of developing the Plan and implementing it in the near and longer terms? What elements will be most successful in sharing best practices and spurring action?
- **What is the most effective way to monitor, measure, and report progress** over time, enabling successes to be celebrated and mid-course corrections to be made as needed?

Additionally, **inclusive and informative community engagement** is a central component of Cascadia's climate action planning process. We have seen that inclusive engagement leads to more community buy-in for planning outcomes and more effective and equitable implementation, and that strategic and robust community engagement ensures the long-term success of a climate action plan—even well after Cascadia's role has ended. To ensure an inclusive community engagement process, Cascadia will work with City staff and key community stakeholders to develop and implement an outreach plan that weaves community input throughout the planning process. Effective community engagement requires meeting communities where they are and working *with*, not *for*, communities to design an engagement process that provides innovative, accessible, authentic, and transparent options to participate in planning processes.

Importantly, while we hope that the entire community will participate energetically in the project, we understand that some people may not be willing or able to participate fully. To that end, we will focus on meeting the community on their terms and offering different levels of involvement in the project: we will encourage and support everything from simply **becoming informed** about the impacts of climate change on El Cerrito and the options for taking action, to **providing input** on evaluation criteria, potential climate actions, and decisions regarding the final CAAP, to **being actively involved in**



implementation—through individual action, support for policies, and engaging friends, family, and peers in achieving success.

The result will be a climate mitigation and adaptation approach that puts El Cerrito on a path towards reaching its aggressive reduction targets and is comprehensive, integrated with other City needs and goals, and broadly supported by the community. A detailed description of our proposed scope of work is outlined in the next section. We are happy to work with the City to amend any part of this scope to fit their needs or as budget dictates.

Cost Proposal

We propose a budget of **\$122,995** for this project, excluding optional tasks but inclusive of all labor and expenses. (We anticipate minimal expenses.) We are open to adjusting our budget in response to the City’s priorities or changes to available resources. As noted in our proposed approach, we have also built in multiple opportunities for customizing the scope and budget within each task (for example, by increasing the level of public engagement), and we look forward to discussing these options with the client team during the scoping process.

Task	Est. Hours	Cost
0. Kickoff and Project Management	61	\$10,050
1. Analyze GHG Emissions	135	\$22,350
2. Set Targets and Recommend GHG Reduction Measures	49	\$7,740
3. Forecast GHG Emission Reductions	106	\$15,320
4. Community Engagement	217	\$32,780
5A. Climate Resiliency & Adaptation	32	\$4,780
5B. (Optional) Vulnerability Assessment and Adaptation Strategies	68	\$9,840
6. Draft Updates to CAAP	138	\$19,980
7. Support CAAP Adoption	40	\$6,080
8. Evaluate “Early Win” Actions	28	\$3,915
Total	806	\$122,995
<i>Total including Optional Task 5B</i>	<i>872</i>	<i>\$132,835</i>

Key Staff	Hourly Rate	Est. Hours	Cost
Andrea Martin	\$260	35	\$9,100
Alicia Fennell	\$150	165	\$24,750
Angela Pietschmann	\$170	66	\$11,220
Kristina Zeynalova	\$160	46	\$7,360
Maddie Seibert	\$160	84	\$13,440
Hailey Weinberg	\$135	430	\$58,050
Ben Gould	\$250	20	\$5,000

Our budget assumes minimal expenses, but this could be adjusted based on need for travel, conducting in person meetings, or developing additional collateral.



Approach, Scope, and Timelines

We've described our approach in detail in the tasks below, followed by a proposed timeline. We are happy to work with the City to adjust this scope as needed.

SCOPE OF WORK

Task 0. Kick-off and Project Management

We will begin by convening an initial **kick-off meeting** with key City representatives to understand the City's operations, familiarize ourselves with the City's climate efforts to date, review relevant documentation, develop the vision for the Climate Action and Adaptation Plan, and begin outlining a detailed project roadmap. During this kick-off meeting, we anticipate discussing:

- Ultimate project goals and outcomes (e.g., "what will success look like?").
- Opportunities to align this project with other City initiatives.
- Key policies (state, federal, local) to address and consider in the planning process.
- Greenhouse gas inventory/analysis methodology, scope, and considerations.
- Community and internal stakeholder engagement goals, activities, and lessons learned.
- Opportunities to incorporate equity into both the development and implementation of the plan.
- Client/consulting team roles, responsibilities, and expectations, including logistics and timeline.

At the conclusion of the kick-off meeting, the City and consulting team will have a shared understanding of the project's goals, process, and milestones. We will capture these key elements from the kick-off meeting in a **Project Workplan** and use Smartsheet to build out a **dynamic, detailed timeline** of the entire planning process with tasks assigned by team member. We will provide the Project Workplan and Smartsheet timeline to the City for review and approval.

We will also draw from the kick-off meeting discussion to plan a robust **community engagement strategy** to gather community feedback throughout the project. Cascadia devotes particular attention to creating customized community participation programs that reflect the unique community characteristics and needs of the jurisdiction, drawing from previous City engagement, El Cerrito's demographic data, and Cascadia's rich history engaging communities across the region on sustainability topics to ensure there is a clear and adaptive plan in place to incorporate community input into the planning process. The community engagement strategy will outline touchpoints throughout the planning process to engage the public and gather feedback on key elements of the plan. We will also outline the target audiences we plan to engage and the specific approaches we will take to gather feedback and incorporate findings into the planning process. In addition, we can also develop a **customized engagement tracking tool** that allows for real-time monitoring of engagement outcomes and adaptive management, as needed, to meet engagement and equity goals.

Once the project is underway, Cascadia will continue to coordinate with City staff, including participation in **biweekly check-in calls**. Using [Deltek Vision](#) project management software, we will also provide **monthly invoices and activity reports** that outline progress on key deliverables alongside spend-to-date and budget remaining. Alicia Fennell (proposed Project Manager) will monitor progress using Deltek Vision's real-time budget tracking to identify and proactively elevate potential scope of budget issues to the client team. We believe in addressing potential issues early—before they become problems that could threaten the success of the project.

Deliverables:

- **Project Workplan** outlining key deliverables and **Smartsheet schedule** for tracking progress

- **Community engagement draft plan**
- **Engagement tracking tool** (*Optional*)
- **Biweekly check-in calls** and **monthly invoices** with activity reports

Task 1. Analyze GHG Emissions

Greenhouse gas inventories set the stage for developing high-impact climate strategies and serve as the key indicator for monitoring and assessing progress towards climate action goals and targets over time. This task will involve establishing a baseline GHG emissions inventory for the El Cerrito government organization and community, as well as identifying an overarching emissions-reduction target as part of the Climate Action and Adaptation Plan.

Task 1.1 Conduct Geographic-Based Community and Government Operations GHG Emissions Inventories

We will prepare a **communitywide GHG inventory** for El Cerrito that set the stage for target setting and climate action planning. During the initial project kick-off meeting, we will present options, tradeoffs, and our recommendations for inventory methodology, scope, boundaries, and data management (e.g., software platforms, file storage). Our preliminary proposed approach is outlined below, but we are flexible and can tailor our approach as needed to reflect City priorities or preferences.

Inventory Year

Given that the City last performed an inventory in 2018, we recommend that the City choose 2021 in order to capture the most recent available data and demonstrate trends over time. However, note that 2021 will still exhibit significant distortions due to the COVID-19 pandemic—for example, due to far lower commute rates. Alternatively—or additionally, if funding allows—we could perform the inventory for 2019, capturing pre-pandemic emissions levels. and finalize our selection(s)

Boundaries, Sources, and Sectors

We recommend completing both **communitywide and government operations geographic inventories**. Geographic inventories estimate emissions released within the city’s geographic boundaries due to community and/or government activities (e.g., energy consumption, waste disposal).

To the extent possible (based on data availability and specificity), Cascadia proposes quantifying all communitywide emissions in the “base sources” column in the table below and as many “additional sources” as possible, depending on available data, budget, and the City’s interest. Completing an inventory using just the “base sources” will satisfy protocol requirements and align with other local jurisdictions, while the additional sources will add granularity.

Sector	Base Sources	Additional Sources
Built Environment	• Residential, commercial, and industrial electricity and natural gas consumption • Transportation and distribution losses of electricity and natural gas	• Residential, commercial, and industrial propane and fuel oil consumption • Industrial process emissions • Refrigerants
Transportation	• On-road personal and freight vehicle transportation • Off-road vehicles and equipment	• Public transit • Aviation

Sector	Base Sources	Additional Sources
Water / Wastewater	Energy consumed to convey potable water and treat wastewater¹	Wastewater treatment process emissions
Solid Waste	Landfill waste generation, collection, and disposal	Compost generation, collection, and disposal
Agriculture & Forestry	None	- Urban tree carbon sequestration - Agricultural emissions from livestock and soil management

Inventory Methodology

We propose preparing the communitywide GHG inventory in accordance with the U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions (USCP) and the Global Protocol for Community-Scale Greenhouse Gas Emissions (GPC).² We will prepare the government operations GHG inventory in accordance with the Local Government Operations Protocol for the Quantification and Reporting of Greenhouse Gas Emissions Inventories (LGOP). These protocols, which jurisdictions across the country have also followed, provide standardized calculation methods that support the **complete, transparent, and accurate reporting** of emissions.

Our team will also review the City's previous inventories and ensure that our methodology parallels those inventories and will result in comparable data. If our review flags any methodological issues with El Cerrito's previous inventories—for example, the use of outdated data sources or emissions factors—we will clearly document how and why our methodology differs. We will also discuss the feasibility of updating the previous inventories to match current standards and practices, if necessary.

Data Collection

Building on the data available from the City's previous inventories, Cascadia will develop a comprehensive **data collection checklist** (in Excel) tailored to the requirements and organization of the USCP and LGOP to ensure that (1) the inventories align with these standards, and (2) the City can easily report its emissions in a format that is comparable to other jurisdictions. The checklist will outline specific data needs along with a brief description of the item, source for the information, whether it is Scope 1, 2 or 3, and point of contact for data collection. The checklist will also allow the City to **monitor data collection at any point in the project**, including which sources have been collected or are outstanding and who is responsible for delivering that data.

We anticipate that **Cascadia will lead data collection** and submit clear and timely requests to City staff when their support is needed to gather internal data or submit data requests to outside entities (we have found that some data

City of Kenmore - Communitywide GHG Inventory - Data Collection Checklist

Open	0	0%
In progress	0	0%
Received	18	100%
	18	

Ref.	Tab	Request	Data Source	Data Collection Forms	Status	Notes
K-0-01	Factor Sets	Total residential population	OFM	FactorSets	Received	Using OFM population data.
K-0-02	Factor Sets	Vehicle fuel economies and carbon intensities (e.g., MPG, CH4/mile)	ICLEI	FactorSets	Received	National defaults
K-0-03	Factor Sets	Community waste characterization	King County	FactorSets	Received	
K-1-01	Energy	Amount of electricity (in kWh) and natural gas (in therms or BTU) consumed by residential, commercial, and industrial sectors during inventory years. Include number of customers served in each sector.	Puget Sound Energy	Energy	Received	Adam sent inquiries to PSE.
K-4-01	Transportation & Mobile Sources	Vehicle miles travelled during inventory years.	City (or Puget Sound Regional Council)	Transportation	Received	Cascadia discussing with PSRC.
K-4-02	Transportation & Mobile Sources	On-road vehicle mode share within community	City (or Puget Sound Regional Council)	Transportation	Received	Cascadia discussing with PSRC.

¹ Note this energy consumption is often included in electricity data already collected for the built environment. If these processes are performed outside of the City's boundaries, we would separately calculate, otherwise we would rely on energy consumption data to avoid double counting.

² The USCP is based on U.S. best practices and available data sources that may not be applicable or in use outside the U.S. As such, some of the requirements and optional guidance in the USCP differ from the *Global Protocol for Community-Scale Greenhouse Gas Emissions* (GPC). The USCP provides information on how to perform the calculations, whereas the GPC sets standards for disclosure. The methodologies in these protocols are compatible and the two standards can be used concurrently.



sources, such as private utilities, are more responsive to requests from government staff than from hired consultants). We will facilitate an intuitive and smooth process and provide **data collection templates** to ensure we receive the correct inputs and minimize back-and-forth.

During the project kick-off meeting, we will review our data collection process and available data sources for the inventory, identifying potential gaps and focus areas. In cases where data availability may be limited, we will discuss alternative approaches and corresponding tradeoffs to arrive at the most defensible and informative analysis for the City.

We prioritize a high level of record keeping and organization in data collection so that the inventory will be **easily replicable by City staff in the future**. For example, we typically begin each of our Excel workbooks with a hyperlinked table of contents to facilitate navigation and understanding of individual inventory components and datasets. We also develop a file naming and organization system at the onset of the inventory to ensure calculations and data sources are easy to find and clearly labeled.

Data Analysis

Upon completion of the inventory, we will unpack these findings through various lenses and forms of analysis. When performing analyses, we strive to anticipate questions and needs of decision-makers and the public. We will work closely with City staff to identify these needs and incorporate them into our analyses.

- **Comparative Analysis** – comparison of emissions by sector and scope (additional cross-tabulations or comparisons included as requested). This analysis could be updated into the future by City staff as additional years of inventory data are collected and analyzed.
- **Trending and Contribution Analysis** – Utilizing past inventory data, we can conduct a trending/contribution analysis to compare changes in emissions over time. We would analyze trends in emissions and identify underlying causes for these trends by analyzing activity and emissions factor data.
- **Forecast & Wedge Analysis** – See “Task 3 – Forecast GHG Emissions” section below.

Deliverables:

- Data collection checklist and templates
- Populated data collection templates
- Completed GHG inventory, provided in the City’s chosen data management platform:
 - Completed Excel workbook that includes raw data and final emissions calculations
- **OR**
 - Completed ClearPath data entry (data inputs and outputs can be exported out of the system)
- GHG Inventory Analysis and Trends Memo

Task 1.2 Conduct Consumption-Based GHG Inventory

We propose preparing a standard citywide consumption-based emissions inventory for El Cerrito from 2007 through 2019, using the updated EcoDataLab / CoolClimate consumption-based emissions inventory approach. The CoolClimate CBEI approach is detailed in the *Consumption Based Greenhouse Gas Inventory of San Francisco from 1990 to 2015* (<https://escholarship.org/uc/item/4k19r6z7>). This methodology is an updated and enhanced version of the structure used to conduct a consumption-based inventory for the entire Bay Area in 2015.

EcoDataLab has used this methodology to prepare CBEIs for New York, NY; Austin, TX; Somerville, MA; Seattle, WA; King, Pierce, Kitsap, Snohomish, and Clallam Counties, WA; and Boulder County, CO (reports forthcoming). By using the same



methodology, El Cerrito will be able to make an apples-to-apples comparison of the city's consumption-based emissions with those of other leading climate-friendly communities in the US.

We will use an econometric modeling approach. We base our analysis on custom-built predictive models of consumer behavior, driven by household demographics and local geography, and backed by large nationwide survey datasets (including the Consumer Expenditures Survey, National Household Transportation Survey, and the Residential Energy Consumption Survey). We will then incorporate over 200 points of local demographic data, drawn from the US Census Bureau, to estimate consumption specifically tailored to the unique demographics of El Cerrito. By default, we prepare emissions estimates using the most granular, up-to-date, local data available. We use ZIP-code-level EIA eGrid electricity emission factors, water & wastewater emission factors for the closest wastewater treatment plant for which data is available (from academic research), and the latest US EPA and IPCC estimates of emissions from consumption and fossil fuel combustion.

Our CBEI will look at the following consumption categories:

Transportation	Housing	Food	Goods	Services
Gasoline Air travel Vehicle maintenance Other vehicle expenses	Shelter Natural gas Electricity Other fuels Other lodging Water & wastewater	Eating out Dairy Meat, poultry, fish, eggs Alcoholic beverages Fruits & vegetables Cereals & bakery products Other food	Apparel Furniture Furnishings & equipment Housekeeping supplies Personal care products Entertainment goods Misc. goods	Healthcare Education Entertainment services Insurance & pensions Misc. services

These consumption categories are based upon available data in the Consumer Expenditures Survey (CES), which is used to create the consumption model.

The majority of consumption-based emissions are accurately captured using EcoDataLab's standard methodology. However, to the extent feasible, we will also work with the rest of the consulting team to supplement the standard CBEI with local data collected for the community inventory. Typically, this includes consumption, generation, or emission factors for electricity and water. We will also seek vehicle registration data from CA DMV to estimate the fuel economy of vehicles registered to households within the city.

After completing our analysis, we will prepare a CBEI inventory summary including the following in Word/PDF format:

- An overview of the jurisdiction's consumption-based emissions
- An analysis of which categories of emissions are major contributors
- A review of historical data, going back to 2007, and identifying the key driving factors of major changes in emissions over time
- Breakdown of consumption-based emissions across 5 categories and over 25 sub-categories, in text and charts
- Analysis of major driving factors of consumption-based emissions
- Deep dive into certain categories and sub-categories commonly of interest
- Neighborhood (tract)-level analysis across the jurisdiction, in text, maps, and charts
- A detailed description of the methodology used to develop the inventory

The summary will be structured to serve as a standalone document, but we will also design it to integrate into the final CAP.



Deliverables:

- County- and tract-level CBEI datasets for 2007 through 2020 (or most recent available year), as CSV files.
- Data key, as Excel file
- County- and tract-level CBEI datasets for 2021 through 2050, as CSV files
- County- and tract-level CBEIs with modeled policy effects for 2021 through 2050, as CSV files
- Draft report incorporating review, analysis, and data outlined above
- Final report incorporating County feedback
- Public-facing interactive standalone CBEI Dashboard, with all report content and data visualizations included (Optional)

Task 2. Set Targets and Recommend GHG Emission Reduction Measures

Task 2.1 Target Setting

The GHG inventories (Task 1), wedge analysis (Task 3), and our team’s knowledge from CAPs for peer jurisdictions in the Bay Area will serve as helpful tools for **identifying concrete, sector-specific targets and metrics** for achieving the City’s overarching goal of becoming **carbon neutral by 2045**—in alignment with statewide targets. We design our wedge models to include a table of “**key performance indicators**” (KPIs) that clearly indicates metrics and associated values that will be necessary to meet short- and long-term mitigation and resilience targets (e.g., the % change in residential energy consumption that will be needed to achieve a 50% GHG reduction by 2030). This KPI table immediately grounds the goal setting and climate planning process with a direct, quantitative “reality check” of what’s needed to meet broader CAAP objectives.

Building from the inventory in Task 1, Cascadia will begin this task by reviewing preliminary goals/metrics from: (1) the City’s relevant planning documents, and (2) regional/state-level CAPs and commitments. We understand that the City needs to align its own targets with statewide GHG-reduction mandates, and will work with the client team to set determine reasonable interim targets that get it there. We can also work with the client team to identify qualitative goals or targets, too—for example, a focus on equity and Just Transition principles or co-benefits that it wants to deliver alongside GHG reduction.

Cascadia will summarize the goals and metrics in a **brief memo and summary matrix**, developed for seamless integration into the final CAAP. These targets and metrics will also inform the development of CAAP strategies and actions by providing insight into which focus areas and strategies need to be prioritized to meet the City’s goals.

Deliverables:

- Target Setting Memo and summary matrix

Task 2.2 Strategy and Action Development

Our team can use the GHG analysis, corresponding targets, and understanding of relevant policies—as well as our expertise in climate action planning across the country—to identify a set of policy options, strategies, and climate mitigation and resiliency measures for meeting El Cerrito’s local climate goals.

We will focus on developing a set of policy options, strategies, and measures that:

- Meet or exceed current legislative requirements and compliance targets
- Align with and support the City’s existing policies, programs, and parallel planning efforts

- Prepare community members and infrastructure against unavoidable climate impacts
- Can adapt to future changing conditions and legislation (i.e., are not overly prescriptive and rigid)
- Reflect community priorities
- Are feasible, cost effective, and fit within El Cerrito's existing operations
- Bring additional co-benefits to the community (e.g., advance public health or economic goals)

We propose organizing strategies, policy options, and measures by focus area (e.g., buildings, transportation, waste, natural systems, community resilience). We will also review other relevant El Cerrito plans and policies to ensure the Plan's strategies and measures are cohesive with the City's existing work and advance shared objectives wherever possible.

After identifying potential strategies and measures and gathering feedback from the community and City stakeholders, we will evaluate policies by feasibility, alignment with state and regional policy objectives, social equity, and potential co-benefits to arrive at a prioritized shortlist of near-term and long-term measures to incorporate into the plan. Our team will summarize the prioritized short list in a **Strategies and Measures Memo** that presents results of the multi-criteria analysis, stakeholder feedback, and prioritization. We will also provide a detailed **Strategies and Measures Matrix** as a companion document (MS Excel) that can be sorted and filtered for quick reference and to assist in implementation planning.

Ultimately, we will generate a revised list of high-priority actions for consideration for the CAAP that serves El Cerrito's needs and had broad support from the community.

How We Choose Climate Actions

With experience leading CAPs for dozens of cities, our team has a comprehensive understanding of what works—and what doesn't—for moving decisively toward climate mitigation and adaptation goals. We consider the following criteria when deciding which strategies to elevate for a given jurisdiction:

Impact, including the extent to which an action will move El Cerrito toward its climate and sustainability goals by reducing emissions or improving resilience

Social and racial equity in the distribution of benefits and effects to frontline communities

Cost, including metrics such as affordability, net cost savings, cost of inaction, funding availability, and expenditure timeframe

Co-benefits in addition to advancing climate goals, such as improving public health or supporting local businesses

Feasibility, including existing capacity, degree of City control, regulatory constraints, and technological considerations

Buy-in from the relevant department(s) and degree of support within the community

Speed at which impact can be achieved

Urgency, including consideration of windows of opportunity in planning and policymaking

Deliverables:

- **Strategies and Measures Memo** summarizing list of recommended strategies and actions with supporting rationale.

Task 3. Forecast GHG Emission Reductions

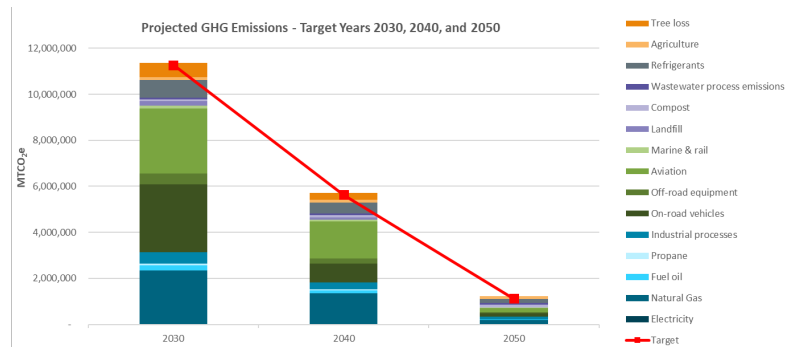
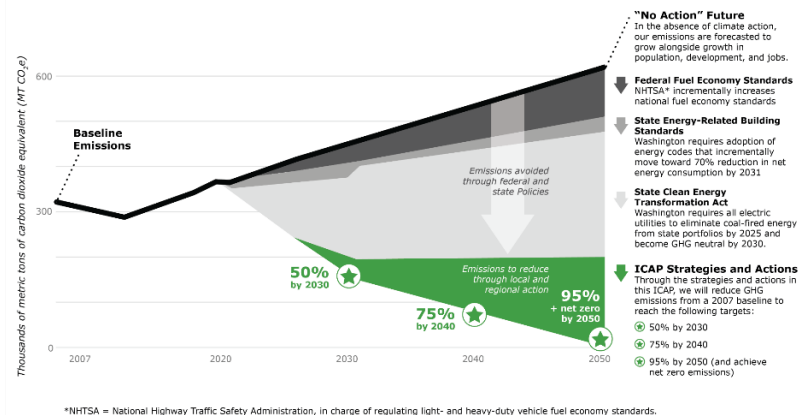
We propose using the communitywide GHG inventory results to develop a "wedge analysis" that forecasts future GHG emissions and reductions against adopted emissions reduction targets. Wedge analyses help illustrate the impacts that various policies and climate actions could have on reducing the City's future emissions. Modeling future emissions through a wedge analysis also sets the stage for identifying policies, strategies, and measures (Task 2) by zeroing in on priority areas of focus and ensuring that identified CAAP actions together set the City on a path to achieve its short- and long-term emissions reduction targets.

CLIMATE ACTION AND ADAPTATION PLAN

The wedge would include a “business-as-usual” (BAU; no action future) scenario and “adjusted business-as-usual” (ABAU; reductions from state and federal policies) scenario alongside proposed emissions reduction targets to show the remaining scale of emissions to be reduced through local action. Examples of relevant state policies include building energy efficiency standards (Title 24), renewable portfolio standard (SB 100), vehicle fuel economy standards, and short-lived pollutant requirements (SB 1383).

The wedge will then model estimated GHG emission reductions associated with all major proposed strategies and actions in the CAAP to provide a clear pathway toward the City meeting its communitywide GHG emission reduction targets. Our wedge models include clearly documented assumptions and calculations to ensure transparency and defensibility—crucial should the CAAP undergo CEQA-related assessment.

Outcomes from the wedge analysis will be summarized in a memorandum that can ultimately be included in the CAAP as an appendix.



Deliverables:

- Excel-based wedge analysis model and findings memorandum (i.e., CAAP technical appendix)

Task 4. Engage City Advisory Bodies/City Council and Community

Throughout the project, we will engage internal and external stakeholders using a broad suite of tools and communications channels, both in-person and digital, to ensure that the information we share is digestible and accessible to all sectors of the El Cerrito community—and that people of all backgrounds feel welcomed into the climate planning process, encouraged to share their values and priorities, and invested in the resulting plan. We will also assist in the development of other key communications materials to be used throughout the planning process, such as a project summary sheet, social media content, email announcements, and invitation letters.

Note that the engagement elements proposed below are based on our understanding of the City’s needs and our previous experience leading climate planning processes for similar jurisdictions; we are happy to adjust our engagement approach and overall level of effort to reflect El Cerrito’s specific goals and budget, the availability of internal resources (e.g., staff time to support engagement), or opportunities to align our efforts with other engagement activities already underway in the city. We anticipate working through our engagement plan and implementation strategies with the City during the contracting and project kick-off process.

Task 4.1 – Internal Engagement with City Stakeholders

Our project team has extensive experience presenting to City Councils and facilitating Commission and Committee meetings as part of climate action planning processes. Working with City staff, we envision **engaging Council**,



Commissions, and working groups through regularly held meetings at strategic points in the planning process. For each engagement, our team will be available to develop and deliver clear, targeted, and visually engaging presentations, discussion guides, and feedback solicitation approaches and tools.

Our approach to engaging different core stakeholder groups—City Council and Commissions, City staff, and local partners—will be finalized in our community engagement strategy. Some proposed approaches for consideration are described in the sections below.

City Council and Commission Meetings

We understand that El Cerrito has established an Environmental Quality Committee that advises the City Council on a variety of climate-related strategies. Our outreach plan will include a detailed plan for engaging these groups at key points in the process (e.g., strategy/action finalization, draft CAAP) to gather feedback on measures relevant to their group and ensure that the CAAP aligns with other City activities, priorities, and initiatives.

Our team can present at these meetings, and also has experience developing meeting agendas, slide decks, and background memos for City staff use. Our proposed budget assumes preparation for and participation at up to four Council, Commission, or Committee meetings. We anticipate adjusting our final scope and budget after working with the client team to identify the appropriate level of effort.

City Staff Engagement

If not already established, we recommend creating an **internal working group** of key City staff to provide feedback on current operational procedures influencing the City’s GHG emissions and climate risks, potential areas for improvement, and new opportunities to shape, support, and implement climate policy with their roles. Information from this group will also help set the stage for outreach with external stakeholders and the community (see Task 4.2 below). The group could include representatives from key City departments, City Council, and others as appropriate.

Our team can support preparation for and attendance of City staff working group meetings, drawing from approaches and materials developed for external stakeholder and community audiences. Our current budget assumes up to 8 hours of staff time supporting such meetings.

Task 4.2 – External Stakeholder and Community Engagement

Our engagement strategy will include detailed methods for engaging important external stakeholders and the public. We anticipate employing a diversity of methods to ensure broad and diverse participation in the process. At a minimum, our proposed budget includes **two public workshops aligned with the first two key phases of the planning process, followed by online feedback** via a platform such as Konveio in Phase 3.

<i>Phase 1 – Goal & Action Development</i>	<i>Phase 2 – Collaborative Planning</i>	<i>Phase 3 – Refinement & Implementation Transition</i>
Objectives: gain important background context (GHG inventory); vet proposed targets/goals; brainstorm actions; identify high-level challenges and opportunities	Objectives: review, vet, and prioritize proposed strategies & actions	Objectives: review draft CAAP; prepare for implementation

Cascadia is open to providing hybrid in-person and virtual options for all workshops. Each workshop will have tech support from Cascadia’s internal IT Manager and can include interactive, dynamic elements such as breakout groups, brainstorming using MURAL or a similar platform, and polling using PollEverywhere.

We will also develop an **engagement toolkit** to facilitate public outreach led by City staff. The toolkit will include tactics, tools, and messages that can be combined and customized to suit different audiences and goals. While the specific messages and formats included in the toolkit will be determined based on audience needs and City goals, we anticipate using a blend of the following materials and strategies, and have the capacity to translate or transcreate them into multiple languages, if desired:³

- CAP branding design guidelines and template
- CAP standard briefing PowerPoint presentation
- Printed CAP postcard and factsheet
- Up to two interactive posters for use at in-person events
- Content for interactive CAP webpage

These materials will allow City staff to conduct consistent and coordinated outreach in support of the workshops—and more broadly, to boost overall community awareness of, and engagement with, the process. We recommend supplementing the workshops with additional activities to broaden overall community engagement in the planning process, and can tailor our toolkit materials to suit the types of outreach that City staff intend to focus on; we’ve highlighted recommended additional outreach channels below. We can work with the City to modify these approaches as needed to meet City outreach objectives and budget constraints (our base budget does not include Cascadia staff time to lead these activities).

- **Communitywide survey.** A survey would allow us to go “broader” and gather input from as many residents as possible; the survey will allow us to gather feedback in a consistent format from people who may be interested in the planning process but cannot attend any in-person events. Based on our extensive experience conducting community surveys, we recommend that the survey be kept as short and focused as possible—for example, by limiting the number of open-ended questions that require participants to write detailed responses. We could work with the City to identify ways to advertise the survey, such as posts on its social media accounts and sharing with local media outlets.
- **Stakeholder focus groups or interviews.** Direct stakeholder engagement through focus groups or one-on-one interviews allows for more in-depth, personal, and focused conversations with key stakeholders—beyond what is possible through large meetings or broad surveys. Potential stakeholders include those representing hard-to-reach communities and key implementation partners.
- **Online sharing platform.** An online sharing platform could be useful for broadening outreach to different stakeholder groups and collecting feedback on different elements of CAAP, including the draft CAAP documents. Cascadia has experience assessing and using a variety of online tools for soliciting public feedback, including Konveio, Consider.it, Social Pinpoint, and Bang the Table. We can work with the City to assess the pros and cons of such tools and support them in selecting and coordinating a platform of their choice.
- **Digital Media.** We can use Facebook, NextDoor, City webpages, regular virtual gatherings or organizations (e.g., Chamber of Commerce), and apps like WeChat to reach a broad and diverse cross-section of the population, including those who may not have the time or interest to attend a workshop.
- **In-person outreach.** Cascadia’s outreach team has expansive experience conducting CAAP outreach at existing community

Equity-Centered Engagement

We take an **equity-centered, community-scale approach**, working closely with our clients—and the people they represent—to tailor what we say and how we say it to their specific context and needs. Our team is fully committed to engaging people of all backgrounds, regardless of institutional barriers, and meeting them on their terms. This means leveraging existing local knowledge and networks in and around El Cerrito, engaging in culturally accessible and appropriate ways, and being respectful of different perspectives. Effective community engagement requires meeting communities where they are and working *with*, not *for*, communities to design an engagement process that provides innovative, accessible, authentic, and transparent options to participate in planning processes.

³ Our proposed budget does not include translation costs. Estimates are available upon request.

events like farmers markets and tabling at popular public places like parks, grocery stores, and houses of worship. In-person activities are useful for meeting people where they already are, and can be especially powerful for engaging with community members most impacted by climate change—for example, by siting our outreach in neighborhoods that are at elevated risk of wildfire or have reduced tree canopy and increased heat island effects.

At the end of the engagement process, Cascadia will develop a **summary of engagement activities, participation metrics, detailed engagement outcomes, and lessons learned**. We will report on metrics across all outreach activities and will synthesize the comments received into clear recommendations for incorporation into the CAAP documentation.

Deliverables:

- Stakeholder and public engagement, including leading development and execution of an engagement plan.
- Customized engagement toolkit
- Final Engagement Memo, to be integrated into CAAP or included as appendix

Task 5.A. Climate Resiliency and Adaptation

The CAAP will incorporate climate resiliency and adaptation in addition to climate mitigation goals. We will begin by working with the client team to gain a deeper understanding of the Safety Element update—including where the City stands in that process, the structure of the current Safety Element, and any desired updates. Through this review, we will identify **climate-specific gaps** and areas where we can use our vulnerability and adaptation expertise—honed through vulnerability assessments for dozens of municipal clients and lead roles developing and updating benchmark resources like the National Climate Assessment—to add climate context to the Safety Element and efficiently incorporate resilience and adaptation into the CAAP and ensure compliance with SB 379.

At minimum, we anticipate performing a high-level vulnerability assessment and identifying city-scale adaptation and resilience strategies—**key requirements of SB 379**. Drawing from available resources such as Cal-Adapt, we will begin by conducting a **comprehensive review of climate-related hazards** that have impacted El Cerrito—and determine which impacts are likely to increase in severity over time. Once complete, we will develop **hazard profiles** for extreme heat, flooding due to precipitation and sea level rise, and wildfire (both direct impacts and related threats such as smoke exposure).

Each hazard profile will introduce the hazard and the specific context of that hazard for El Cerrito, expanding on the **exposure** and **vulnerability** for the City and its residents. We will assess vulnerability by weighing **sensitivity**—that is, how severe a potential impact will be—against **adaptive capacity**, or how feasible it is to lessen the severity of a given impact. Those impacts with high sensitivity and high adaptive capacity will likely present the greatest opportunities for cost-effectively reducing El Cerrito’s vulnerability, as they seriously impact the community but can be addressed in a relatively straightforward manner. We anticipate summarizing the hazard profiles and risk assessment findings in an **easy-to-understand, publicly digestible format** (e.g., factsheets/flyers) that can be used to identify adaptation/resiliency measures in the CAAP as well as post-project, for ongoing public and City staff engagement and education.

Working from the risk assessment, we’ll prepare a menu of adaptation and resilience strategies that are “people centric” and outline ways to adaptively manage each anticipated climate change impact on public health, transportation and critical facilities and infrastructure at the city scale. These strategies will include **structural** (both nature-based and engineered) and **nonstructural** measures to address safety, asset protection, ecosystem, flood risk management, water quality, land-use planning, and social equity goals for the suite of climate impacts assessed. We will also **tailor our menu of adaptation options** based on different thematic groups (e.g., transportation and utilities), audiences (e.g., residents, businesses, organizations, and local government), administrative scales (e.g., city, county, state), hazards, and strategy types (e.g., regulation/incentives).

Deliverables:

- Hazard profiles for relevant vulnerabilities & risk assessment findings summary (e.g., factsheets)
- Menu of adaptation options

Task 5.B. (Optional) Climate Change Vulnerability Assessment and Adaptation Strategies

At the City's request, and if additional funding is available, Cascadia will conduct an additional layer of more granular analysis of climate vulnerabilities and adaptation strategies. (Note: we are happy to adjust our scopes for Tasks 5A and 5B to match El Cerrito's specific goals and needs, as identified during the contracting or project kick-off phases.) We could build on the analysis in Task 5A by moving beyond a city-scale assessment to focus specifically on frontline communities that are most vulnerable to climate impacts. We can extend our analysis of sensitivity and adaptive capacity to encompass both demographic and geographic analysis within El Cerrito—giving us detailed data on which populations are the most at risk now and what additional communities may be at increased risk in the future.

We also envision this task expanding on our initial menu of adaptation and resilience strategies, tailoring them further and prioritizing the most impactful and cost-effective ones for immediate focus. To do so, we will conduct a **multi-criteria assessment**. In collaboration with City staff, we will assess each of the strategies we've identified in Task 5A against pre-determined criteria—including feasibility, impact, cost, equity, and co-benefits like economic resilience and public health—and weight each criterion according to City priorities. (For example, if the City wishes to focus on quick wins, we could weight feasibility and impact more highly to elevate strategies that will deliver big gains quickly.) Given the extremely high cost of some common adaptation strategies—such as moving or replacing critical infrastructure—we think it will be especially important to **highlight implementation concerns** such as financial and technical feasibility when assessing potential adaptation options. We also center equity throughout this process, ensuring that City planners are equipped with a detailed understanding of the equity benefits, challenges, and tradeoffs inherent in adaptation and resilience strategies. As with mitigation strategies, some adaptation-focused actions could have unintended consequences like increasing displacement due to gentrification or further burdening other communities nearby.

Our evaluation process will result in a **prioritized, defensible list of adaptation strategies** that are deemed to be most effective at not only mitigating the climate impacts identified in the vulnerability assessment, but also providing important co-benefits and aligning with City goals, policies, and existing initiatives. Outcomes from this process will be summarized in an Adaptation Strategies memo that is designed to serve both as a standalone and be incorporated into the final CAP. We will also include an implementation section that identifies resources for moving top strategies forward, including City staff action items and needs, resources for funding projects and training practitioners, and tools for building grassroots resilience in the community. (Cascadia can also support these implementation activities on an ongoing basis.)

We recommend, at a minimum, the City consider adding the community-focused vulnerability assessment and implementation planning elements of this optional task to more defensibly meet the requirements of SB 379 (~\$5,000 of additional budget). The multi-criteria assessment, while not an explicit requirement of SB 379, would ensure that the adaptation actions identified reflect the most impactful and cost-effective options for the City.

Deliverables (in addition to deliverables listed in 5A):

- Detailed hazard profiles for frontline communities
- Prioritized list of adaptation strategies

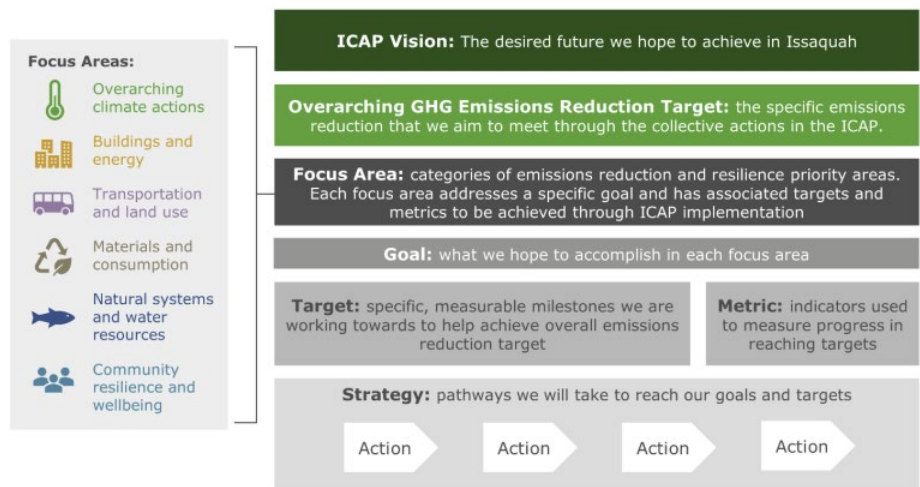
Task 6. Draft Updates Climate Action and Adaptation Plan

Task 6.1 Draft Climate Action & Adaptation Plan

At the kick-off meeting, we will work with the City to envision the format, objectives, and audience for the final deliverables. We will establish expectations at the start of the project and will review and discuss these expectations and adjust as appropriate before preparing the draft and final plan documents. We will conclude the project by creating a **clear, concise, and visually engaging Climate Action and Adaptation Plan**. While the exact layout of the plan will be subject to input from the client team, we anticipate it including the following key elements:

- **Introduction and background:** This will describe the vision of a resilient, low-emissions El Cerrito, explain the importance of the CAAP, and highlight overlaps with other local plans and initiatives.
- **Inventory results and implications,** including a discussion of major emissions sources over which El Cerrito may have influence, inventory trends, climate vulnerabilities and impacts to vulnerable communities, and other key conclusions.
- **Vision, goals, and KPIs:** This component will frame the CAAP by introducing El Cerrito's vision for the future and emissions reduction and climate resiliency goals and key performance metrics over the short and long term.
- **Strategies and actions:** We will describe overarching climate action strategies and their supporting actions, as determined in Task 2.2.

Cascadia will compile and summarize feedback received from City staff and the community on the draft CAAP and work with the City to respond to comments and identify necessary revisions. Once revisions are complete, we will work with the client team to prepare the **final El Cerrito Climate Action and Adaptation Plan** for adoption. Cascadia will submit the final CAAP for internal proofreading and quality review by our Editorial Board prior to delivering it to El Cerrito.



Deliverables:

- Draft and final CAAP

Task 6.2 Develop Implementation Plan

We envision the Implementation Plan as an integral component of the CAAP, outlining how to put strategies and measures into action. We expect it will contain the following sections, organized by sector:

- Brief **description of the measure**, including the relevant “lever” (e.g., regulation, financial incentive program, partnership, etc.) and expected outcome (e.g., GHG emission reduction).
- A **timeline** for implementation, including **immediate next steps** and/or **key dependencies** within and across sectors, so it is clear not only when measures need to occur in time, but in what order relative to one another.
- Key **measure indicators** to evaluate progress/completion.
- **Lead agency, organization, or department** responsible for implementation.

- Potential **partners** in implementation.
- Estimated **staffing requirements**.
- Potential **funding sources and grant opportunities**.
- Considerations for **equitable measure implementation**.

Additionally, the Implementation Plan will include a long-term action plan for continued engagement with key groups after CAAP adoption. Building relationships—especially with implementation partners and frontline communities—will be critical for long-term CAAP implementation success. This plan will be developed in consultation with City staff and could include a set of **proposed mechanisms for continuing communications and engagement**, such as formal listserv/newsletter, recurring gatherings, periodic reporting through a dashboard or other mechanism, or formation of a formal advisory group. We will also maintain a **database** of organizations and contact information developed through the engagement process to provide a seamless consultant-client handoff after project completion.

It is also important to note that this long-term action planning should come **early in the CAAP process**. Building relationships with clear long-term expectations will give reassurance to stakeholders early in the process that the engagement is genuine, meaningful, and not just “checking a box.”

The Implementation Plan will be clearly laid out within the CAAP to serve as a roadmap for City department heads, practitioners, and external stakeholders to use when building out new policies and programs in response to the Plan’s goals recommendations. As noted at right, we will also focus on highlighting early wins that can help build momentum and energy around climate action—and demonstrate, both to internal stakeholders and the public, that El Cerrito takes its commitments to climate mitigation and adaptation seriously.

Building Momentum With “Early Wins”

To implement an “early-win” GHG emissions reduction project we will start by developing a more complete picture of El Cerrito’s policy context, unique community characteristics and work already underway. We plan to conduct a thorough review of existing City codes, standards, plans, projects, and documents that may inform additional policies and programs that could reduce emissions quickly and efficiently. As sustainability planning is a cross-disciplinary endeavor, this step is crucial for ensuring that the plan builds on and integrates with the City’s existing sustainability and energy initiatives and does not conflict with other City priorities. With this background in hand, we will work closely with the City to identify several key measures which, if selected by the City, will require ordinances or resolutions to take effect. These could include natural gas prohibition, fleet electrification, electric vehicle charging ordinances, bike or other transit infrastructure ordinances, or waste management requirements. Cascadia has worked with jurisdictions and government agencies like Sound Transit, StopWaste, and Port of Seattle for years to develop and comply with electrification, energy transition, materials management, zero waste, and transportation policies and plans — and we will draw on our extensive experience to develop early-win policies that meet El Cerrito’s unique priorities and needs.

Deliverables:

- Implementation Plan

Task 7. Support City Adoption of the CAAP

Cascadia will compile and summarize public comments received on the draft CAAP and work with the City to respond to comments and identify necessary revisions. Once revisions are complete, we will work with the client team to prepare the **final Climate Action and Adaptation Plan** for the Environmental Quality Committee and City Council. We will submit the final CAAP for independent proofreading and quality review by Cascadia’s internal Editorial Board prior to delivering it to the City.



This stage will also include consultant support of final CAAP stakeholder review and vetting. Specifically, Cascadia will develop a final **CAAP PowerPoint slide deck** that summarizes the CAAP and tees near-term actions, which our team will present to Council. We will also support City staff with the preparation of an Agenda Bill to be included for Council adoption.

Deliverables:

- CAAP PowerPoint Presentation
- Presentation to City Council

Task 8. Evaluate and Select “Early Win” Actions

We understand the City is interested in implementing an “early win” action concurrent with the climate action planning process. Cascadia has worked with multiple jurisdictions to implement such “shovel-ready” or “early win” projects, including the development of new ordinances/policies and execution of straightforward small infrastructure or retrofit projects.

Starting at project launch, we will work with the City to identify and select an early-win action that will exemplify City leadership and commitment to action. We will begin by compiling the following information:

- *Information gleaned from the kickoff meeting regarding other City plans, policies, and initiatives; key City goals/priorities; the City’s GHG emissions profile; and community/stakeholder engagement reflections and lessons learned.*
- *Current policy/measure gaps as outlined from Cascadia’s checklist of key City climate actions.*
- *Action ideas from key City staff.*

We will bring this information together to identify a list of 3-7 early win options for the City to consider. We will draw on our team’s recent experience developing dozens of local government CAPs, choosing potential actions that have been popular, effective, and highly visible in other cities and towns. While the specific options will be identified during the project, some considerations include:

- *Policy defaulting all energy customers to MCE’s 100% renewable energy product*
- *Reach code to limit natural gas use in new construction*
- *EV charging ordinance*
- *Gas-powered leaf blower ban*
- *Policy limiting use of single-use disposable food ware*
- *Development of a public-facing dashboard for key climate/sustainability metrics*

With the options identified, we will then conduct a high-level assessment to determine which option to pursue. The assessment will include the following considerations:

- *Cost: How much will the action cost the City and/or community in the near- or long-term? Who would bear the costs?*
- *Impact: Will the action result in considerable GHG emission reductions? Over what timeframe?*
- *Political/community support: Would the action be supported by City leadership and the community?*
- *Visibility/leadership: Would the action provide a visible demonstration of City leadership that would help inspire community action and interest in the climate action planning process?*
- *Equity: Is the action equitable?*

CLIMATE ACTION AND ADAPTATION PLAN

- *Co-benefits: Does the action realize other important co-benefits for the City or community?*

We will summarize the outcomes from the assessment in a brief memorandum that provides our recommended early win action based on the assessment. We will hold one strategy/briefing meeting with City staff to present the outcomes and answer any other questions that could be helpful in arriving at a decision.

Deliverables:

- *Memo summarizing “early win” option evaluation outcomes and recommending top action(s) for implementation*

TIMELINE

Tasks and Deliverables	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
0. Kickoff Meeting and Project Management														
Kickoff meeting, project workplan	◆													
Community engagement strategy	●	◆												
Biweekly check-ins, Invoicing														
1. Analyze GHG Emissions														
Geographic GHG inventory			●	◆										
Consumption-based GHG inventory			●	◆										
Trends analysis					●	◆								
2. Set Targets and Recommend GHG Emissions Reduction Measures														
Target setting & metrics							●		◆					
Mitigation measure development							●		◆					
3. Forecast GHG Emission Reductions														
Wedge analysis model								●	◆					
4. Climate Change Vulnerability Assessment and Adaptation Strategies														
Vulnerability assessment			●	◆										
Adaptation measure development									●					
5. Engage City Advisory Bodies/City Council and Community														
City & community engagement														
6. Draft Updated Climate Action and Adaptation Plan														
Admin draft CAAP										●				
Public draft CAAP											●			
Final CAAP													◆	
Implementation Plan										●			◆	
7. Support City Adoption of the CAAP														
Plan adoption														◆
8. Evaluate and Select Early Win Action(s)														
Evaluation and selection				◆										
Implementation (led by City)														
KEY ● Draft Deliverable ◆ Final Deliverable														

References

Puget Sound Regional Emissions Analysis <i>Cascadia & EcoDataLab Reference</i>	City of Albany Climate Action & Adaptation Plan <i>Cascadia Reference</i>	City of San Francisco CAP Engagement and Inventory Support <i>Cascadia Reference</i>
Matt Kuharic Department of Natural Resources King County, WA 201 S Jackson St # 600 Seattle, WA 98104 matt.kuharic@kingcounty.gov (206) 477-4554	Elizabeth Carrade Sustainability Coordinator City of Albany, CA 1000 San Pablo Ave Albany, CA 94706 ecarrade@albanyca.org (510) 528-5762	Richard Chien Department of the Environment San Francisco, CA 1155 Market Street, 3rd Floor San Francisco CA 94103 Richard.chien@sfgov.org (415) 355-3761

Consulting Services Agreement

We have read and agree to the consulting services agreement.

Cascadia Consulting Group draft proposal, dated November 18, 2022, to develop a policy or ordinance prohibiting natural gas in new construction citywide alongside development of the Climate Action and Adaptation Plan

Item	Hours	Cost
Drafting ordinance	16 hrs	\$3,000
Public outreach (assume 2 additional focus groups + integrated into CAP outreach)	24 hrs	\$4,000
Committee/Council meetings (prep + presentation at 2 Committee meetings + 1 Council meeting)	8 hrs – Committee mtg PPT + prep 24 hrs – Council mtg PPT + prep (incl. staff report) 4 hrs/meeting attendance – assume 1 Cascadia staff person --- Total = 44 hrs	\$7,500
TOTAL	84 hrs	\$14,500

CONSULTING SERVICES AGREEMENT BETWEEN

**THE CITY OF EL CERRITO AND
CASCADIA CONSULTING GROUP**

THIS AGREEMENT for consulting services is made by and between the City Of El Cerrito ("City") and Cascadia Consulting Group ("Consultant") (together sometimes referred to as the "Parties") as of _____, 2022 (the "Effective Date").

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on June 30, 2024, the date of completion specified in Exhibit A, and Consultant shall complete the work described in Exhibit A on or before that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as referenced in Section 8.
- 1.2 Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged.
- 1.3 Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant a sum not to exceed \$147,335, notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City in writing, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:

- Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
- The beginning and ending dates of the billing period;
- A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
- At City's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder;
- The Consultant's signature;
- Consultant shall give separate notice to the City when the total number of hours worked by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds 800 hours within a 12-month period under this Agreement and any other agreement between

Consultant and City. Such notice shall include an estimate of the time necessary to complete work described in Exhibit A and the estimate of time necessary to complete work under any other agreement between Consultant and City, if applicable.

- 2.2 Monthly Payment.** City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay Consultant.
- 2.3 Final Payment.** City shall pay the last 10% of the total sum due pursuant to this Agreement within 60 days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.
- 2.4 Total Payment.** City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement. City shall make no payment for any extra, further, or additional service pursuant to this Agreement.
- In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.
- 2.5 Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the Scope of Services and Cost Proposal attached hereto as Exhibit A.
- 2.6 Reimbursable Expenses.** Reimbursable expenses are specified below, and shall not exceed \$0. Expenses not listed below are not chargeable to City. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.
- 2.7 Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.
- 2.8 Payment upon Termination.** In the event that the City or Consultant terminates this Agreement pursuant to Section 8, the City shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination.

Consultant shall maintain adequate logs and timesheets to verify costs incurred to that date.

- 2.9 Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work to the City. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence that such insurance is in effect to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution. Consultant shall maintain all required insurance listed herein for the duration of this Agreement.

- 4.1 Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than **\$1,000,000** per accident. In the

alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than **\$1,000,000** per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an “occurrence” basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001, Code 1 (any auto). No endorsement shall be attached limiting the coverage.

4.2.3 Additional requirements. Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

- a. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- b. City, its officers, officials, employees, and volunteers are to be covered as additional insureds as respects: liability arising out of work or operations performed by or on behalf of the Consultant;

- or automobiles owned, leased, hired, or borrowed by the Consultant
- c. For any claims related to this Agreement or the work hereunder, the Consultant's insurance covered shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
 - d. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice has been provided to the City.

4.3 Professional Liability Insurance.

4.3.1 General requirements. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than **\$1,000,000** covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed \$150,000 per claim.

4.3.2 Claims-made limitations. The following provisions shall apply if the professional liability coverage is written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant shall purchase an extended period coverage for a minimum of five years after completion of work under this Agreement.
- d. A copy of the claim reporting requirements must be submitted to the City for review prior to the commencement of any work under this Agreement.

4.3.3 Additional Requirements. A certified endorsement to include contractual liability shall be included in the policy

4.4 All Policies Requirements.

4.4.1 Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

4.4.2 Verification of coverage. Prior to beginning any work under this Agreement, Consultant shall furnish City with complete copies of all policies delivered to Consultant by the insurer, including complete copies of all endorsements attached to those policies. All copies of policies and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If the City does not receive the required insurance documents prior to the Consultant beginning work, it shall not waive the Consultant's obligation to provide them. The City reserves the right to require complete copies of all required insurance policies at any time.

4.4.3 Deductibles and Self-Insured Retentions. Consultant shall disclose to and obtain the written approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, employees, and volunteers; or the Consultant shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

4.4.4 Wasting Policies. No policy required by this Section 4 shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).

4.4.5 Waiver of Subrogation. Consultant hereby agrees to waive subrogation which any insurer or contractor may require from vendor by virtue of the payment of any loss. Consultant agrees to obtain any endorsements that may be necessary to affect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the consultant, its employees, agents, and subcontractors.

4.4.6 Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.5 Remedies. In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES. Consultant shall, to the fullest extent allowed by law, with respect to all Services performed in connection with this Agreement, defend with counsel acceptable to City, indemnify, and hold City, its officers, employees, agents, and volunteers, harmless from and against any and all claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, ("Claims"). Consultant will bear all losses, costs, damages, expense and liability of every kind, nature and description that arise out of, pertain to, or relate to such Claims, whether directly or indirectly ("Liability"). Such obligations to defend, hold harmless and indemnify the City shall not apply to the extent that such Liabilities are caused by the sole negligence, active negligence, or willful misconduct of the City.

With respect to third party claims against the Consultant, the Consultant waives any and all rights of any type of express or implied indemnity against the Indemnitees.

Notwithstanding the forgoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code section 2783, as may be amended from time to time, such duties of Consultant to indemnify shall not apply when to do so would be prohibited by California Civil Code Section 2782.

Section 6. STATUS OF CONSULTANT.

6.1 Independent Contractor. At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services

rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

- 6.2 Consultant Not an Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws and regulations applicable to the performance of the work hereunder, including but not limited to, the California Building Code, the Americans with Disabilities Act, and any copyright, patent or trademark law. Consultant's Failure to comply with any law(s) or regulation(s) applicable to the performance of the work hereunder shall constitute a breach of contract.
- 7.3 Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.
- 7.4 Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.

- 7.5 Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 Termination.** City may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement upon 60 days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

- 8.2 Extension.** City may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.
- 8.3 Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.

- 8.4 Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.
- 8.5 Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.
- 8.6 Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, the following:
- 8.6.1** Immediately terminate the Agreement;
 - 8.6.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;
 - 8.6.3** Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
 - 8.6.4** Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the

documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.

9.2 Consultant's Books and Records. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.

9.3 Inspection and Audit of Records. Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds \$10,000.00, the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of 3 years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

10.1 Attorneys' Fees. If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

10.2 Venue. In the event that either Party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.

10.3 Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

- 10.4 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.5 Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.6 Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7 Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a “conflict of interest,” as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous 12 months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of the City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

- 10.8 Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.9 Contract Administration. This Agreement shall be administered by the City Manager ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

10.10 Notices. Any written notice to Consultant shall be sent to:

Any written notice to City shall be sent to:

Christina Leard
City of El Cerrito Public Works
10890 San Pablo Avenue
El Cerrito, CA 94530

10.11 Professional Seal. Where applicable in the determination of the contract administrator, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation. The stamp/seal shall be in a block entitled "Seal and Signature of Registered Professional with report/design responsibility," as in the following example.

Seal and Signature of Registered Professional with
report/design responsibility.

10.12 Integration. This Agreement, including the scope of work attached hereto and incorporated herein as Exhibit A represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

Exhibit A Scope of Services and Cost Proposal

10.13 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

[SIGNATURES ON FOLLOWING PAGE]

The Parties have executed this Agreement as of the Effective Date.

CITY OF EL CERRITO

CONSULTANT

Karen Pinkos, City Manager

Cascadia Consulting Group

Attest:

Holly M. Charl  ty
City Clerk

Approved as to Form:

Sky Woodruff
City Attorney

1011035_1.DOC

EXHIBIT A
SCOPE OF SERVICES AND COST PROPOSAL

DRAFT



SUPPLEMENTAL AGENDA MATERIALS

SPECIAL CITY COUNCIL MEETING

December 6, 2022

(Revised December 7, 2022)

PUBLIC COMMENT INDEX

1. Public Comments received

Agenda Item 3A – San Pablo Avenue Specific Plan Update - Continued Hearing

1. Exhibit A to the Resolution

Agenda Item 8A – Proposed East Bay Sanitary Garbage & Organic Waste Collection and Post-Collection Rates and Integrated Waste Management Fees -- Effective January 1, 2023

1. Presentation

Agenda Item 8B – Temporary Outdoor Dining and Retail Program Urgency Ordinance

1. Presentation

Agenda Item 9B - Consulting Services Agreement with Cascadia Consulting Group to update the City of El Cerrito Climate Action Plan

1. Presentation



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

SPECIAL CITY COUNCIL MEETING

December 6, 2022

(Revised December 7, 2022)

The following Public Comments were **received by 2:00:00 p.m. 12/6/2022**, 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. Cordell Hindler
2. **Greg Lyman**

Agenda Item 3A – San Pablo Avenue Specific Plan Update - Continued Hearing

1. Fred Bialy
2. Howdy Goudey
3. **Robin Mitchell**

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments- Not on Agenda
Date: Thursday, December 1, 2022 3:01:03 PM

Good Evening Honorable Mayor, City Council and Staff,

I have some comments for the Record.

1. for a Future Agenda, the Council should consider inviting Danny Wan to provide a Presentation on How the Port of Oakland is recovering from the Pandemic
2. also to have Sabrina Landreth to provide an Update on how Co-VID 19 has impacted park services

Sincerely
Cordell



PLEASE POST!

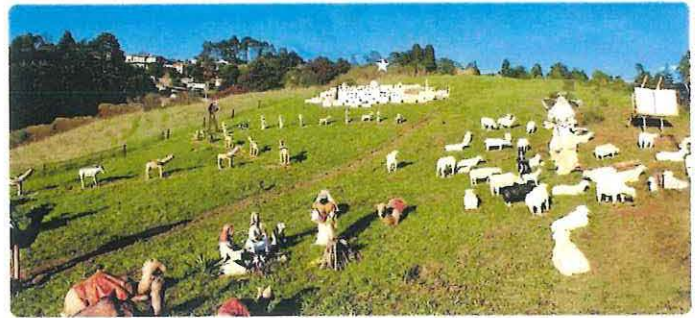
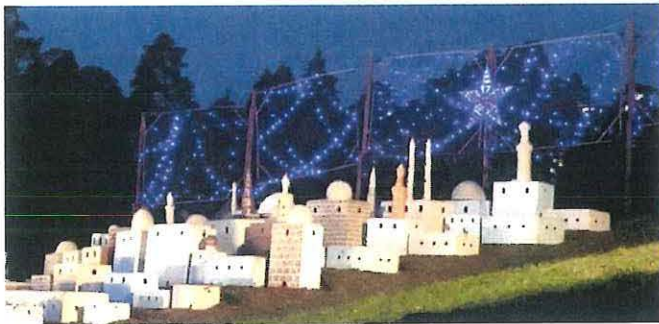
RECEIVED
AT THE MEETING OF

DEC 06 2022

CITY OF EL CERRITO
CITY CLERK

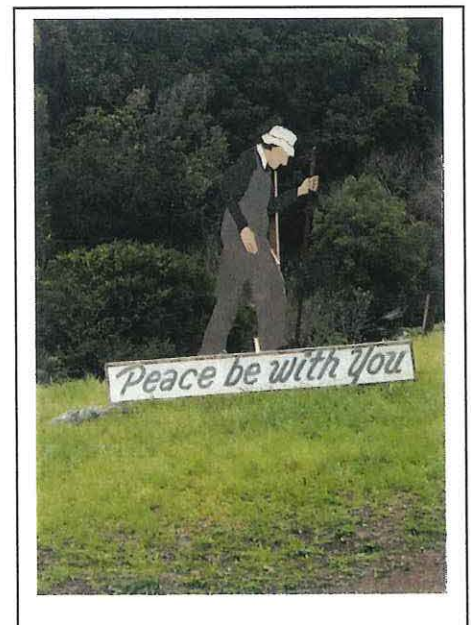
The Shadi Holiday Display is Back!

Opening Night: Saturday, Dec. 17th at 5 pm | Visit daily through Dec. 26th



VOLUNTEER! Ground prep on **Sat., Dec. 10th at 9 am** (bring shovel/rake); or **Sat., Dec. 17th at 9 am** for display set up; or takedown **Dec. 27th at 9.** [Wear sturdy shoes, bring work gloves.] *Volunteer docents needed too!*

DONATE! Scan this code to support restoration costs. Online donations are processed through PayPal but you do not need to have a PayPal account to donate. *Thanks for your support!*



Visit ShadiHolidayDisplay.com & [Facebook.com/Sundar-Shadi-Holiday-Display](https://www.facebook.com/Sundar-Shadi-Holiday-Display); contact us to volunteer as a "shepherd"/docent to greet guests each evening. Thank you!

From: [Fred Bialy](#)
To: [Gabe Quinto](#); [Paul Fadelli](#); [Janet Abelson](#); [Tessa Rudnick](#); [Lisa Motoyama](#)
Cc: [City Clerk](#)
Subject: Public Comments - Agenda Item 3.A. at the December 6th City Council Meeting
Date: Tuesday, December 6, 2022 1:01:13 PM

Dear Mayor Quinto, Mayor Pro Tem Motoyama, and City Council Members Fadelli, Abelson and Rudnick,

I'm writing again to urge you, when you meet this evening, to adopt the Planning Commission's recommended amendments to the San Pablo Avenue Specific Plan (SPASP) Update that incorporates requirements for all-electric new construction and more robust EV charging infrastructure.

The amendments could be stronger as the Climate Emergency needs all-encompassing measures to address it. The all-electric construction requirements should apply to all building types. The proposed waiver system would allow exceptions in cases where the requirements are infeasible or impractical. But even as written, they will have a long-needed beneficial impact in reducing our city's greenhouse gas emissions.

Action at the local level, by city governments, is vital to addressing the Climate Emergency. The California State Building Code is moving in the direction of all-electric building requirements, but those changes are at least three years away, if not longer. Action at the federal level has been mired in politics and corporate influence and the resulting legislation is nowhere near bold enough. Effective policy at the international level has been even more difficult to implement as evidenced by the inability for the annual COP agreements to address core issues.

Take a positive step forward towards fulfilling El Cerrito's commitment to addressing the Climate Emergency by adopting the proposed amendments to the SPASP!

Sincerely,

Fred Bialy

From: [Howdy Goudey](#)
To: [City Clerk](#)
Subject: Public Comment for 12/6, agenda item 3A, Specific Plan Update
Date: Tuesday, December 6, 2022 1:57:35 PM

Caution! This message was sent from outside your organization.

Dear Mayor Quinto and Councilmembers,

Thank you for taking more time to deliberate on the Specific Plan update. Please adopt the San Pablo Specific Plan Update **with recommended amendments by the EQC and the Planning Commission**, and further improve the amendment language, as noted below. This is necessary to be consistent with your commitment to the Climate Emergency Declaration.

1. Change 2.05.05.01.04 to read "All-Electric Buildings" and section C to read "Prohibited Fuel Gas Infrastructure in New Construction and Major Retrofit." Include all residential and non-residential buildings in the prohibition on fuel gas infrastructure/use. Given that there is still a waiver process for demonstrated "technical infeasibility and financial infeasibility," it is not necessary, and it has not been substantiated, for commercial space and water heating, and residential buildings with less than five units, to be excluded from the electrification requirement. The CEC studies have found these applications to be cost effective.
2. In addition to the new construction categories (Tier II and Tier IV projects under the plan), the electrification requirement should also include the major retrofit category (Tier III). These are major retrofits, where it is entirely appropriate, and most often not a burden, to bring the infrastructure into line with our climate targets and to avoid more costly future retrofits.
3. The proposed EV charging requirements are a good start, with 20% EVSE requirement and a 100% conduit/raceway requirement, but there needs to be further clarity on the charging capacity of the conduit to each space, as well as the fundamental capacity requirements for the building transformer and service panels. For instance, each space should be required to be served by a minimum of 3/4" conduit (to have the potential to provide full level II service, even if all spaces are not populated to this level). The service panels should have breaker space for a Level II circuit to each space and transformer and busbar capacity to cover 1kW of load to each space at all times (which is an average that accounts for a diversity of charge levels/times, as well as automatic load management that distributes higher peak charge rates).
4. It is explicitly called out that portable propane use for outdoor heating is not prohibited. This is a wasteful, inefficient and unnecessary use of fossil fuels that is inconsistent with the SEIR energy topic on Energy which specifically states that energy use can not be wasteful, inefficient or unnecessary. While I recognize that outdoor seating saved restaurants during the pandemic and we don't have a great climate for outdoor dining at night, we can easily do a lot better than burning fossil fuels in a wasteful fashion to make outdoor dining possible. It is entirely feasible to heat people more directly and efficiently through electrically heated outdoor seating (like heated car seats). This electric spot heating for dining comfort should be identified as preferred, and any outdoor use of propane heating should be discouraged, if not included in the ban.
5. Embodied GHG emissions in construction materials are declared out of the scope in the SEIR. While it may be true that these have been neglected from inclusion in EIRs so far, does it make the impacts any less valid? The argument seems to be we acknowledge

these are impacts, but others don't count them, so we aren't going to count them either. In other words, we will do what we can get away with, and not what we know to be right. It is your responsibility to own up to the embodied GHG emissions of construction so we can start to act to reduce them. Otherwise, there is no incentive to control this critical source of emissions.

It is imperative to act on the commitments made in the Council's 2019 Climate Emergency Declaration rather than continue delays and excuses for not taking the meaningful climate actions that at least 64 other CA jurisdictions have already taken (namely decarbonizing buildings with electrification). The draft Specific Plan Update without the electrification amendments is essentially the same as the plan was 8 years ago from a climate perspective, neglecting the Council's self-stated responsibility to take timely climate action and instead waiting for the state to take actions for us that we could take today.

Consider this analogy for global climate action. Each community is a boat, but all the community boats in the world are lashed together in a great raft on the sea. Each community has holes of various sizes in their boats. They are all taking on water and slowly sinking. These holes represent GHG emissions from burning fossil fuels and other sources that are wrecking the climate, and causing us to "sink" our future. Many communities have stopped making new holes (no new fossil fuel use in buildings) and are actively patching up old holes (retrofitting to serve loads with green electricity instead of fossil fuels). Their boats are more buoyant and help support those taking on more water, but they will still be dragged down by those who aren't addressing their holes. To be true environmental leaders, we need to take responsibility and stop making new holes in our boat so we aren't continuing to drag down all the boats around us. Without the electrification amendments, this Specific Plan and this SEIR does not represent the environmental leadership we must deliver.

The general sense from the responses provided to the public comments, is that the SEIR represents the status quo and that is good enough. The code allows gas, so we will allow gas. Net zero doesn't mean excluding options but giving choices to others to do what they want. This is a highly flawed shirking of responsibility. Such an argument essentially comes down to the SPASP and SEIR proclaiming that GHG emissions are "somebody else's problem." Do you want to put your name on a declaration that acting on the climate emergency is somebody else's problem? If everyone thinks this way, how will we get anything done to protect our future?

This Specific Plan can not primarily rely on transit oriented infill development as the contribution to climate action. There needs to be a comprehensive climate-friendly approach to developing our future buildings and infrastructure with thoughtful attention to the impacts these buildings will have for decades to come. Transit oriented infill development is a good thing and we desperately need it, but it is not sufficiently good for the climate, in and of itself. It needs to be delivered with a comprehensive view of the required performance to meet environmental needs over the next 50-100 years, if we are going to have any hope of having both a built environment and a natural environment that continues to support human needs in the future.

There have been attempts to justify no further action by saying that the technology or the industry isn't ready to ramp up with full electrification, or that the compromise measures in the 2022 building code updates will adequately address climate concerns (even though the multifamily changes relevant to the SPASP are less stringent than the single family change in

the 2022 code). These are lazy excuses and just plain wrong. A large portion of the country has used all-electric buildings for decades, because there is not extensive gas infrastructure in all areas. CA is an outlier in the heavy reliance on fossil gas infrastructure. The equipment, technology and know-how to build all-electric buildings is all readily available, and it costs less to do so. The small fraction of demand in new construction, and the even smaller fraction of new construction in El Cerrito, is a negligible stress on the grid and the market for electric appliances, but still represents an important market signal of changing trajectories and it is a meaningful contribution to climate action that will avoid decades of emissions and avoid future retrofits cost burdens.

When it comes to change, there are always leaders and foot draggers. The state legislation has been providing strong leadership, but this progress continues to be slowed down by legacy vested interests dragging their feet. Merely relying on CA state leadership alone is succumbing to the foot-draggers pace and not being true to the commitment and responsibility to act on the Climate Emergency independently in El Cerrito, as adopted by Council in 2019. We need to demonstrate the environmental leadership that we claim to have, rather than just taking the compromises that come from others' work without any effort to take local action.

Below are not my words but those of the CA governor Gavin Newsom at the signing of 2022 Climate legislation.

“We’re not interested in doubling down on stupid,”

“We’re not interested in investing in the industries that have created the problems that we’re trying to mitigate. That’s just profoundly ridiculous.”

“We’re moving in a completely new direction and I couldn’t be more proud and excited.”

- Governor Gavin Newsom, Sept. 16th, 2022, at signing of 2022 climate bills

A vote to recommend the Specific Plan and Final SEIR without climate action amendments, is a vote to keep putting holes in our sinking boat and being a burden to our global community. Instead, we need to stop making new holes so we can start actively patching up old ones and make some headway on keeping ourselves afloat, as well as the global community with which we are inextricably intertwined.

Thanks for your time and consideration,
Howdy Goudey
El Cerrito

From: Robin Mitchell

Public Comment for items not on the agenda

City Council meeting 12/06/2022

Mayor Quinto and Council Members

I am happy to see that building electrification was added to the San Pablo Ave Specific Plan based on input from the Planning Commission. It is definitely a move in the right direction.

However, I am disappointed that buildings with less than 5 units and all commercial buildings are exempted from the requirement.

I think an exemption for commercial kitchens could potentially be appropriate, but that exemption shouldn't apply to all commercial buildings, many of which would NOT have a commercial kitchen. And there are professional chefs all over the world who have moved to the latest electric induction stoves and would never go back, as they are so easy to use, as well as being much safer and emitting no pollution into the kitchen. So even commercial kitchens should be encouraged to go all electric.

In my work at Lawrence Berkeley National Laboratory in the Building Technology and Urban Systems Division I work with cities all over the country who are pledging to incorporate building performance standards into their buildings in order for their building stock to be carbon neutral by 2040 or 2050. One of the primary changes to standard construction practice to achieve that goal is to electrify buildings, both for new construction and existing building retrofits. This allows the greenhouse gas emissions from those buildings to be reduced as the electric grid moves to renewable energy sources.

Here is the statement from the National Building Performance Coalition

“As mayors, governors, and county executives, we are joining in coalition, with a heightened ambition to unlock the full human and climate potential of our built environment. Aligning our emissions reduction and equity goals with building upgrade and retrofit programs, we commit to lead the effort to decarbonize America’s building sector. The time for action is here, and we invite our peers nationwide to partner with us.”

The clock is ticking in terms of our species being able to curb climate change. Getting buildings to net zero emissions is something we can actually do to help mitigate climate change, but we have to act right away. We don't have time to wait for someone to tell us to do it – we need to act now.

I have heard council members say that El Cerrito is an environmentally conscious city, but without adding electrification as a requirement for all new buildings, we cannot give ourselves that accolade.

I urge you to reconsider and reduce the exemptions to building electrification that are currently being proposed.

FINDINGS REQUIRED UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
FOR THE SAN PABLO AVENUE SPECIFIC PLAN UPDATE
(Public Resources Code, section 21000 et. seq.)

I. INTRODUCTION

The San Pablo Avenue Specific Plan update ("project") represents an update to the San Pablo Avenue Specific Plan which was adopted in 2014. The Specific Plan contains the following elements: (1) a Form-Based Code (FBC); (2) multi-modal transportation goals and policies, recommended streetscape design improvements, and design standards as part of the Complete Streets Plan; and (3) infrastructure improvements.

The Specific Plan Update:

1. Form-Based Code

The Specific Plan Form-Based Code (FBC) supports the community vision of a vibrant, walkable, sustainable, and transit-oriented corridor that respects surrounding neighborhoods, by establishing development standards that further these goals.

2. Complete Streets Plan

The Complete Streets Plan provides direction for the redesign and development of the street right-of-way (ROW) in the Plan area, such as travel lanes, intersections, bike lanes, cycletracks, crosswalks, and medians. The Plan also provides guidance for the pedestrian realm of the ROW. The Complete Streets Plan aims to create a streetscape environment that balances the needs of all users and encourages "mode shift" to increase the percentage of pedestrians, cyclists, and transit users.

3. Infrastructure Systems

The Specific Plan update (especially the Infrastructure Systems chapter) includes infrastructure goals and policies, and recommends feasible improvements to infrastructure systems to support the Plan objectives. The systems evaluated in the plan include water, wastewater, storm drainage, and dry utilities (e.g., gas, electric, cable).

Development Capacity Assumptions

The certified EIR notes, "When and if [the development capacity] numbers are reached, regardless of the year they are reached, new environmental analysis, documentation, and determination pursuant to CEQA would need to be conducted." This SEIR is that new environmental analysis, documentation, and determination for the Specific Plan Update. No site-specific, individual development proposals will be approved as part of the Specific Plan Update SEIR certification

process. Any such individual project would be subject to its own CEQA review, including evaluation against the Specific Plan SEIR.

The Plan area development capacity assumptions used for the impact analyses in the 2014 EIR were first based on projections provided by the Association of Bay Area Governments (ABAG) for the Plan area, then on entitled and planned projects in the Plan area, and projections for the construction of projects consistent with the Form-Based Code development standards. For this SEIR, ABAG Plan Bay Area growth projections were applied to the development standards, including on-site parking, site layout, and height parameters, to forecast a realistic growth projection for the Specific Plan area. The development capacity assumptions also incorporate locally refined data of development feasibility that is more precise than regional projections.

The Specific Plan update requires the following approvals:

Implementation of the San Pablo Avenue Specific Plan update would require, but not be limited to, the following discretionary approvals:

- Certification of the Final Supplemental Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of amendments to the San Pablo Avenue Specific Plan (the Specific Plan update)
- Adoption of General Plan amendments and zoning changes as necessary to ensure consistency between the Specific Plan and the General Plan and Zoning Ordinance
- Discretionary review as necessary, including CEQA review, for future individual public and private development proposals in the Plan area

II. PROJECT OBJECTIVES

The City Council has determined that the Project has been designed to meet the following objectives:

Goal A: Enliven San Pablo Avenue

Strategy 1: Attract pedestrian activity, and increase residential population to foster community, support businesses and create places of interest.

Strategy 2: Attract new businesses and support existing businesses.

Strategy 3: Improve walkability through more intensive and varied development that provides additional services and locates more future residents in service-rich nodes.

Strategy 4: Plan for all modes of travel.

Strategy 5: Require active ground-floor commercial uses at key nodes.

Strategy 6: Provide publicly-accessible open spaces in appropriate locations.

Strategy 7: Encourage dynamic public art.

Goal B: Encourage Practical and Market Friendly Development

Strategy 1: Provide development clarity and objective design standards to encourage investment.

Strategy 2: Incorporate flexible development codes processes and standards that respond to constrained parcels, surrounding context and the market.

Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan Area's residential base.

Goal C: Support Climate Action Goals

Strategy 1: Encourage modern higher-density development in the Specific Plan area in order to increase resource efficiency of housing units.

Strategy 2: Reduce vehicle miles traveled by locating higher-density development in close proximity to transit and bicycle infrastructure and commercial and public-serving uses.

Strategy 3: Invest in public right-of-way improvements that enhance travel for transit users, pedestrians and bicyclists through public funding and private contributions.

Strategy 4: Reduce parking requirements to encourage transit use and reduce reliance on the private automobile and to make development near transit more feasible.

Strategy 5: Incorporate Complete Streets that enhance the experience, safety, and efficiency of pedestrians, bicyclists, and transit users.

Goal D: Create Housing That Supports a Diverse Population

Strategy 1: Encourage a range of units types across the Specific Plan area.

Strategy 2: Promote the creation of affordable housing units through implementation of the City's Inclusionary Zoning requirements and through partnering with affordable housing providers.

Strategy 3: Allow new development to provide housing that responds to market demands.

Strategy 4: Support diversified transportation options for residents by promoting housing development in proximity to existing or planned transportation investments.

Strategy 5: Continue to support a wide variety of community amenities to attract and maintain a diverse population.

Strategy 6: Allow sufficient housing in the Specific Plan area to accommodate the City's required Regional Housing Needs Allocation at all income levels.

III. GENERAL FINDINGS AND OVERVIEW

A. Procedural Background

On September 22, 2014, the El Cerrito City Council adopted the San Pablo Avenue Specific Plan and certified the San Pablo Avenue Specific Plan Final Environmental Impact Report (State Clearinghouse Number 2014042025) (Specific Plan EIR), which assessed the potential environmental impacts of implementing the San Pablo Avenue Specific Plan. The San Pablo Avenue Specific Plan Update Supplemental Environmental Impact Report supplements the previously certified Specific Plan EIR per CEQA Guidelines Sections 15162 and 15163. This includes changes in the environmental and regulatory setting, potential environmental effects associated with the San Pablo Avenue Specific Plan update.

On November 20, 2020 the City circulated a Notice of Preparation ("NOP") for 30 calendar days to help identify the type of impacts that could result from the Specific Plan update, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices on the Plan. In addition, the NOP was posted on the City's website. A public scoping meeting was held on December 3, 2020. Comments received by the City on the NOP and at the public scoping meeting were considered during preparation of the Draft SEIR.

The Draft SEIR was made available for public and agency review on July 19, 2022. Copies of the Notice of Availability (“NOA”) of the Draft SEIR were mailed to public agencies (including the State Clearinghouse (SCH #2014042025)), organizations, and individuals likely to be interested in the Specific Plan update and its potential impacts, including those who requested to receive notices about the Plan. In addition, copies of the Draft SEIR were distributed to public agencies (including the State Clearinghouse). Copies of the Draft SEIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A public comment session on the Draft SEIR was held before the Planning Commission on August 17, 2022. The CEQA-mandated 45-day public comment period for the Draft EIR ended on September 2, 2022. All comments on the Draft SEIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the CEQA Guidelines.

The comments on the Draft SEIR, changes to the Draft SEIR, and the written responses were incorporated into a Final SEIR that was published on October 15, 2022. Copies of the Final EIR were made available at City Hall, at the El Cerrito Library, and on the City’s website.

A duly and properly noticed public hearing was scheduled before the Planning Commission of the City of El Cerrito on October 19, 2022, and all persons interested and expressing a desire to comment were heard. The Planning Commission, having fully reviewed, considered and evaluated all the testimony and evidence submitted, voted affirmatively to recommend to the City Council to certify the Final SEIR.

A duly and properly noticed public hearing was scheduled before the City Council of the City of El Cerrito on November 15, 2022, and all persons interested and expressing a desire to comment were heard.

B. Record of Proceedings and Custodian of Record

For purposes of CEQA and these Findings, the record of proceedings consists of the following documents and testimony:

- (a) The NOP, comments received on the NOP or at the scoping meeting, and all other public notices issued by the City in conjunction with the Plan;
- (b) The Draft San Pablo Specific Plan update released for public review on July 19, 2022 and the revised Draft San Pablo Specific Plan released on October 15, 2022;
- (c) The Draft SEIR for the Project (July, 19, 2022), appendices to the SEIR, and technical materials cited in the document;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft SEIR;
- (e) The Final SEIR for the Specific Plan update, including comments received on the Draft SEIR, responses to those comments, text revisions to the Draft SEIR, the technical appendices, and technical materials cited in the document, as well as all comments and staff responses entered into the record orally or in writing between July 19, 2022 and September 2, 2022;

- (f) The Mitigation Monitoring and Reporting Program for the Plan;
- (g) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Specific Plan update prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Plan;
- (h) All documents submitted to the City (including the Design Review Board, the Planning Commission and the City Council) by other public agencies or members of the public in connection with the SEIR, up through the close of the public hearing on November 15, 2022;
- (i) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the SEIR;
- (j) All matters of common knowledge to the Commission and Council, including, but not limited to:
 - (i) The El Cerrito General Plan and other applicable policies;
 - (ii) The El Cerrito Zoning Ordinance and other applicable ordinances;
 - (iii) The 2014 San Pablo Avenue Specific Plan
 - (iv) The 2014 EIR for the San Pablo Avenue Specific Plan
 - (v) Information regarding the City's fiscal status; and
 - (vi) Applicable City policies and regulations; and
- (k) Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The documents described above comprising the record of proceedings are located in the Community Development Department, City of El Cerrito, 10890 San Pablo Avenue, El Cerrito, CA 9453. The custodian of these documents is the Community Development Director or his/her designee.

C. Findings Are Determinative

These City of El Cerrito findings required under CEQA for the Specific Plan update ("Findings") are the City's findings under CEQA (Pub. Resources Code, §21000 et seq.) and *CEQA Guidelines* (Cal. Code of Regulations, Title 14, §15000 et seq.) relating to the Specific Plan update. The Findings provide the written analysis and conclusions of the Council regarding the update's environmental impacts, mitigation measures and project alternatives that, in the Council's view, justify approval of the Plan update. All mitigation measures listed below in this Findings document are included in a Mitigation Monitoring and Reporting Program ("MMRP").

In certifying the Final SEIR, the City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the document and testimony that make up the SEIR and the administrative record; that experts disagree; and that the City

Council must base its decision and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the SEIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

The mitigation measures proposed in the SEIR have been adopted and included in the MMRP, substantially in the form proposed in the SEIR, with such clarifications and non- substantive modifications as the City Council has deemed appropriate to implement the mitigation measures. The MMRP is expressly incorporated into the Project.

The findings and determinations in this Exhibit A are to be considered as an integrated whole and, whether or not any subdivision of this Exhibit A fails to cross-reference or incorporate by reference any other subdivision of this Exhibit A, any finding or determination required or permitted to be made shall be deemed made if it appears in any portion of this document. All of the text included in this document constitutes findings and determinations, whether or not any particular caption sentence or clause includes a statement to that effect.

Each finding in this Exhibit A is based on the entire record. The omission of any relevant fact from the summary discussions below is not an indication that a particular finding is not based in part on the omitted fact.

Many of the mitigation measures identified in this Exhibit A may have the effect of mitigating multiple impacts (e.g., conditions imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts, etc.). The City Council has not attempted to exhaustively cross-reference all potential impacts mitigated by a particular mitigation measure; however, any failure to cross-reference shall not be construed as a limitation on the potential scope or effect of any such mitigation measure.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. SCENIC VISTAS

Aesthetics Impact 4-1: Project Impacts on Scenic Vistas.

Specific Plan implementation could interfere with scenic views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill from public rights-of-way (roadways and sidewalks), the two BART station platforms (El Cerrito Plaza and El Cerrito Del Norte), and areas of lower elevation hillside homes located in El Cerrito and Richmond.

Aesthetics Mitigation 4-1. For future City decision-making actions for individual project proposals under the Specific Plan, Specific Plan Section 2.02 (Administration of Regulating Code) shall be implemented as it applies to the proposal's potential effect on scenic vistas. The City shall require evaluation (including visual simulations, if deemed necessary) of the proposal's visual effect as viewed from important on-site and off-site viewpoints, including public rights-of-way of east-west streets (roadways and sidewalks) and the two BART station platforms in the Specific Plan area (El Cerrito Plaza and El Cerrito Del Norte). The evaluation shall address the proposal's effect on views of Mt. Tamalpais, the Golden Gate Bridge, the San Francisco skyline, the East Bay Hills, and Albany Hill. This mitigation shall be enforceable by its incorporation into the Specific

Plan as a City-adopted policy and shall be implemented through subsequent permits, conditions, agreements, or other measures consistent with Specific Plan Section 2.02.

Mitigation Measure Aesthetics 4-1 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. Incorporation of this measure would reduce the impact on scenic vistas.
2. Remaining Impacts: Because the outcome of this decision-making process for any individual, future proposals cannot be guaranteed within the framework of this program SEIR, the impact is considered significant and unavoidable.
3. Finding. Because the outcome of future decision making process is cannot be guaranteed to work within the framework of the SEIR, No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3))

CULTURAL AND HISTORIC RESOURCES.

Impact 7-1: Destruction/Degradation of Historic Resources.

There may be one or more properties or features within the plan area that meet the CEQA definition of a historic resource, including properties or features already listed, or properties or features eligible for listing, in a local, State, or Federal register of historic resources. Future development projects that are otherwise consistent with the proposed Specific Plan may cause substantial adverse changes in the significance of one or more such historic resources. Substantial adverse changes that may occur include physical demolition, destruction, relocation, or alteration of one or more historic resources or its immediate surroundings such that the resource is "materially impaired." The significance of a historic resource would be considered potentially "materially impaired" when and if an individual future development project proposes to demolish or materially alter the physical characteristics that justify the determination of its significance (CEQA Guidelines section 15064.5[b]).

Mitigation 7-1. For any individual discretionary project within the Specific Plan area that the City determines may involve a property that contains a potentially significant historic resource (e.g., a recorded historic resource or an unrecorded building or structure 50 years or older), the resource shall be evaluated by City staff, and if warranted, shall be assessed by a qualified professional on the California Historical Resources Information System (CHRIS) list of consultants who meet the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historical resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the City determines that the project may have a potentially significant effect, the City

shall require the applicant to implement the following mitigation measures: (a) Adhere to one or both of the following Secretary of the Interior's Standards:

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The qualified professional shall make a recommendation to the City as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the City body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a ***less than- significant level*** (CEQA Guidelines section 15064.5).

(b) If measure (a) is not feasible, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register.

If neither measure (a) nor measure (b) is feasible, a project-specific EIR shall be required pursuant to CEQA Guidelines Section 15064.5, particularly in order for specific project alternatives to be designed and evaluated. If after that CEQA process, neither measure (a) nor (b) is found to be feasible, then the City shall, as applicable and to the extent feasible, implement the following measures in the following order:

(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's *Standards for Architectural and Engineering Documentation*. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies, such as the El Cerrito Historical Society.

(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction.

(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character defining features and materials for educational and interpretive use onsite, or for reuse in new construction on the site in a way that commemorates their original use and significance.

(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Specific Plan area.

Implementation of measures (b), (c), (d), (e), and/or (f) would reduce a significant impact on historic resources.

Mitigation Measure HR 7-1 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessen the significant environmental effects identified in the SEIR, although not to a level of insignificance. This SEIR is prohibited from speculating on the details of any future individual development proposal and its potential impact on a historic resource, and the City cannot determine with certainty that this mitigation measure would reduce the potential impact of any individual project on a historic resource to a less-than-significant level.
2. Remaining Impacts: The impacts to cultural and historic resources would remain significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

NOISE

Impact 13-3: Construction Noise.

Businesses and residences would be intermittently exposed to high levels of noise throughout the 2040 plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more.

Mitigation 13-3.

Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended to reduce noise from construction activities:

- Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Prohibit unnecessary idling of internal combustion engines.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences, or noise sensitive land uses.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors
- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Ensure that excavating, grading, and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 a.m. to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction work is allowed on Sundays and holidays.
- Businesses, residences, or noise sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. Designate a “construction liaison” who would be responsible for responding to any local complaints about construction noise. The liaison would address complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.
- Conspicuously post a telephone number for the liaison at the construction site.

Mitigation Measure NOISE 13-3 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Constraints to daily construction times have been noted and a list of ways to lessen noise impacts have been included. Changes or modifications have been incorporated into the project that lessen the significant environmental effects identified in the EIR, although not to a level of insignificance.
2. Remaining Impacts: The impact of increased noise on businesses and residences during construction is significant and unavoidable.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measure has been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations §15091(a)(3)).

Impact 13-4: Construction-Related Vibration.

Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work of buildings.

Mitigation 13-4. The following measures are recommended to reduce vibration from construction activities:

- Avoid impact pile driving where possible. Drilled piles cause lower vibration levels where geological conditions permit their use.
- Avoid using vibratory rollers and tampers near sensitive areas.

- In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies shall be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
 - Identify sites that would include vibration compaction activities (such as pile driving) and have the potential to generate ground-borne vibration, and the sensitivity of nearby structures to ground-borne vibration. Vibration limits shall be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
 - Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
 - Design construction contingencies that would be implemented when vibration levels approached the limits.
 - At a minimum, conduct vibration monitoring during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
 - When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Conduct post-construction survey on structures under either of these circumstances: (a) when construction monitoring has indicated high vibration levels or (b) when complaints of damage have been made due to construction activities. Make appropriate repairs or compensation when damage has resulted from construction activities.

Mitigation Measure Noise 13-4 has been incorporated into the MMRP.

Findings. These impacts and findings have not changed from the 2014 EIR but are hereby restated. Based upon the Final SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: Changes or alterations have been incorporated into the project that lessens the significant environmental effects identified in the SEIR, although not to a level of insignificance. Even with the above mitigation measures it may not be possible to avoid using pile drivers, vibratory rollers, and tampers entirely during construction facilitated by the San Pablo Avenue Specific Plan update. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce groundborne vibrations below a level of significance.
2. Remaining Impacts: The Specific Plan update would have a significant and unavoidable impact resulting from construction related vibration.
3. Finding: No alternative (including the No Project alternative) or additional mitigation measures have been identified that would reduce this impact to a level of insignificance, and as a consequence mitigation to a level of insignificance is infeasible. (14 California Code of Regulations § 15091(a) (3))

V. FINDINGS FOR SIGNIFICANT IMPACTS AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Potentially significant impacts of the Specific Plan are listed below with applicable mitigation measures, all of which are included in the Mitigation Monitoring and Reporting Plan. For each of the impacts listed, the City Council finds that changes or alterations have been required in the Specific Plan, through the adoption of the MMRP, to mitigate or avoid the significant impacts on the environment (14 California Code of Regulations §15091(a)(1)), as described in this Section V.

A. AESTHETICS AND VISUAL RESOURCES

Impact 4-2: Project Light and Glare Impacts.

The San Pablo Avenue Specific Plan anticipates development on the surface parking lots around the El Cerrito Plaza and El Cerrito Del Norte BART stations. As part of this development, new parking structures for the BART stations and for other new development are anticipated. These parking structures may result in light and glare from vehicles using the parking structure at night. In addition, future multi-story buildings (or renovations) in the Specific Plan area, if faced in reflective materials (e.g., reflective glass), could result in glare impacts on adjacent and nearby properties.

Mitigation 4-2. Project developers (including but not limited to BART) shall install landscaping and incorporate other measures into and around any Specific Plan area future parking structure(s) (light source shielding, etc.) as necessary to ensure that potential light and glare from vehicles would be avoided toward the Ohlone Greenway, residential uses, and other sensitive uses, consistent with El Cerrito City Resolution 82-9 and the El Cerrito design review process.

Regarding reflective building materials, for all future development in the Specific Plan area, facades shall be of non-reflective materials, and windows shall incorporate non-reflective coating.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the Mitigation Monitoring and Reporting Program (“MMRP”) and it will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the utilizing the design review process and requiring facades to be constructed from non-reflective materials will cause the impact to be less than significant with implementation of the mitigation measure.
2. Remaining Impacts: Any remaining impacts related to impacts of light and glare would not be significant.

Impact 5-1: Construction Period Emissions. Implementation of the Specific Plan would result in short-term emissions from construction activities associated with subsequent development, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel

combustion from mobile heavy-duty diesel- and gasoline- powered equipment, portable auxiliary equipment, and worker commute trips. During construction, fugitive dust, the dominant source of PM₁₀ and PM_{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Demolition and renovation of buildings can also generate PM₁₀ and PM_{2.5} emissions. Off-road construction equipment is often diesel-powered and can be a substantial source of NO_x emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions. The BAAQMD CEQA Air Quality Guidelines do not identify plan-level thresholds that apply to construction. Although construction activities at individual project sites are expected to occur during a relatively short time period, the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. In addition, NO_x emissions during grading and soil import/export for large projects may exceed the BAAQMD NO_x emission thresholds.

Mitigation 5-1. Implement the following BAAQMD-recommended measures to control particulate matter emissions during construction. These measures would reduce diesel particulate matter and PM₁₀ from construction to ensure that short-term health impacts to nearby sensitive receptors are avoided or reduced:

Dust (PM₁₀) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 5 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure

compliance with applicable regulations.

- Additional Measures to Reduce Diesel Particulate Matter and PM_{2.5} and other construction emissions:
 - The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet- average 20 percent NO_X reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011.
 - Clear signage at all construction sites shall be posted indicating that diesel and gasoline equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
 - The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
 - Maintain written logs on site and available for review showing the maintenance of all gasoline and diesel engines on site to ensure low emissions.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP. The City finds that implementing the following BAAQMD-recommended measures to control particulate matter emissions during construction will reduce the impacts caused by diesel particulate matter and PM₁₀ to ensure that short-term health impacts to nearby sensitive receptors are to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of diesel particulate matter and PM₁₀ would not be significant.

Impact 5-2: Impacts of Toxic Air Contaminants (TACs) on Sensitive Receptors.

Implementation of the Specific Plan would result in the potential construction of a variety of projects. This construction would result in short-term emissions of diesel particulate matter (DPM), a TAC. Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long- term exposure and the associated risk of contracting cancer. The calculation of cancer risk associated with exposure to TACs is typically based on a 70-year period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Cancer risk and PM_{2.5} exposure would have to be analyzed through project-level analysis to identify the potential for significant impacts and measures to reduce those impacts to less-than-significant.

Mitigation 5-2. Require project-level construction health risk assessment. Construction health risk assessment shall be required on a project-by- project basis, either through screening or refined modeling, to identify impacts and, if necessary, include performance standards and industry-recognized measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection;
- Use of alternative fuels and engine retrofits, temporary line power or electric equipment;
- Modified construction schedule; and
- Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for a project-level construction health risk assessment is feasible and will reduce the impacts of TACs of sensitive receptors during construction to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to impacts of TACs of sensitive receptors during construction would not be significant.

~~Impact 5-3: Toxic Air Contaminant Exposure – Long-Term Operations.~~

~~The Specific Plan would allow growth of new residential land uses that could include sensitive receptors, as well as new non-residential land uses that would be potential new emissions sources. Typically, these sources would be evaluated through the project-specific BAAQMD permit process or the CEQA process to identify and mitigate any significant exposures. However, some sources that would not be required to undergo such a review, such as truck loading docks or truck parking areas, may have the potential to cause significant increases in TAC exposure. While average daily traffic along Specific Plan area surface streets is not readily available, the roadway screening analysis tables indicate that health risk from high volume surface streets such as Central Avenue, Carlson Boulevard, and Potrero Avenue would be less than significant at average daily traffic volumes (ADT) of 40,000 vehicles or less at a distance of 10 feet. If projects under the Specific Plan are located within close proximity to surface streets with daily traffic volumes higher than 40,000 ADT this would represent a potentially significant impact.~~

Mitigation 5-3. ~~Implement the following measures in site planning and building designs to reduce TAC and PM_{2.5} exposure where new receptors are located within the overlay distances identified above:~~

- ~~Future development under the Specific Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the overlay distances from highways and stationary sources shall require site-specific analysis to determine the level of TAC and PM_{2.5} exposure, or for projects located near surface streets~~

with daily traffic volumes exceeding 40,000 ADT. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures, such as cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated.

- Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard greater than 1.0, or annual PM_{2.5} exposures greater than 0.3 µg/m³, or a significant cumulative health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a Hazard Index greater than 10.0 or annual PM_{2.5} exposures greater than 0.8 µg/m³.
- For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less than significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less than significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).
- Air filtration systems installed shall be rated MERV 13 or higher, and a maintenance plan for the air filtration system shall be implemented.
- Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. Trees that are best suited to trapping particulate matter shall be planted, including the following: Pine (*Pinus nigra* var. *maritime*), Cypress (*X Cupressocypariss leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and rail lines.
- Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated in the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for the following measures in site planning and building designs will reduce the impacts of TACs to a less than significant level.
2. Remaining Impacts: Any remaining long term impacts related to TACs would not be significant.

B. BIOLOGICAL RESOURCES

Impact 6-1: Potential Impacts on Nesting Birds and Roosting Bats.

The Specific Plan is intended to improve and expand the natural environment in the Specific Plan area, including the use of native and drought-tolerant plants (a beneficial environmental measure). Without a proactive mitigation procedure in place, Specific Plan implementation could inadvertently result in the removal of existing trees containing nests or eggs of migratory birds, raptors, or bird species during the nesting season, which would be considered an "unlawful take" under the Federal Migratory Bird Treaty Act and USFW provisions protecting migratory and nesting birds. In addition, roosting bats, several species of which are protected under the federal and State Endangered Species Acts, might be disturbed.

Mitigation 6-1. (1) The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include all construction sites, access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.

In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

2) A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

Actions (1) and (2) can be implemented simultaneously.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the pre-construction surveys and measures for the avoidance of active nests and bats are feasible and will reduce potential impacts to nesting birds and bats to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to nesting birds and bats would not be significant.

C. CULTURAL AND HISTORIC RESOURCES

Impact 7-2: Potential for Disturbance of Buried Archaeological Resources, Including Human Remains.

Development facilitated by the Specific Plan could disturb unrecorded sensitive archaeological resources in the plan area.

Mitigation 7-2. During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, archaeological resources. For discretionary projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants or environmental consultants to contact the California Historical Resources Information System (CHRIS) to determine whether the particular project is located in a sensitive area. Future discretionary development projects that CHRIS determines may be located in a sensitive area--i.e., on or adjoining an identified archaeological site--shall proceed only after the project applicant contracts with a qualified archaeologist to conduct a determination in regard to cultural values remaining on the site and warranted mitigation measures.

In general, to make an adequate determination in these instances, the archaeologist shall conduct a preliminary field inspection to (1) assess the amount and location of visible ground surface, (2) determine the nature and extent of previous impacts, and (3) assess the nature and extent of potential impacts. Such field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit) or, alternatively, the need for on-site monitoring of subsurface activities (i.e., during grading or trenching).

If a significant archaeological resource is identified through this field inspection process, the City and project applicant shall seek to avoid damaging effects on the resource. Preservation in place to maintain the relationship between the artifact(s) and the archaeological context is the preferred manner of mitigating impacts on an archaeological site.

Preservation may be accomplished by:

- Planning construction to avoid the archaeological site;
- Incorporating the site within a park, green space, or other open space element;
- Covering the site with a layer of chemically stable soil; or
- Deeding the site into a permanent conservation easement.

When in-place mitigation is determined by the City to be infeasible, a *data recovery plan*, which makes provisions for adequate recovery of culturally or historically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be submitted to the CHRIS Northwest Information Center. If Native American artifacts are indicated, the studies shall also be submitted to the Native American Heritage Commission.

Identified cultural resources shall be recorded on form DPR 422(archaeological sites). Mitigation measures recommended by these two groups and required by the City shall be undertaken, if necessary, prior to and during construction activities.

A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the

data have already been documented in an EIR or are available for review at the CHRIS Northwest Information Center (CEQA Guidelines section 15126.4[b]).

In the event that subsurface cultural resources are otherwise encountered during approved ground-disturbing activities for a plan area construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds following the procedures described above. Project personnel shall not collect cultural resources.

If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for a site-specific cultural resources study and technical report meeting state and federal requirements performed by a qualified archaeologist or equivalent cultural resources professional and treatment plans for identified resources as well as resources discovered during construction are feasible and will reduce potential impacts to archaeological resources to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to archaeological resources would not be significant.

~~Impact 7-3: Potential for Disturbance of Paleontological Resources.~~

~~Development facilitated by the Specific Plan could disturb unrecorded paleontological resources in the plan area.~~

~~Mitigation 7-3.~~ ~~During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures:~~

~~(1) Education Program.~~ ~~Project applicants shall implement a program that includes the following elements:~~

- ~~• Resource identification training procedures for construction personnel;~~
- ~~• Spot checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and~~
- ~~• Procedures for reporting discoveries and their geologic context.~~

~~(2) Procedures for Resources Encountered.~~ ~~If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist~~

~~shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, “standard” samples shall be collected and processed by a qualified paleontologist to recover micro-vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources.~~

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: ~~The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement to educate earth-moving crews on the appearance of fossils, procedures to follow if any are discovered, and ensuring that a paleontologist assess the significance of any fossil find, and recovers it, if appropriate are feasible and would reduce potential impacts to paleontological resources to a less than significant level.~~
2. Remaining Impacts: ~~Any remaining impacts to paleontological resources would not be significant.~~

Supplemental Impact 7-1: Impacts on Tribal Cultural Resources.

Development facilitated by the Specific Plan Update could disturb unrecorded sensitive archaeological resources which qualify as Tribal Cultural Resources in the Plan Update Area. Additionally, resources could be disturbed that are associated with Native American activity which would not normally be considered significant resources under CEQA, such as non-unique archaeological resources. These resources have the potential to be significant to a Native American Tribe and, therefore, could be considered Tribal Cultural Resources. Such resources are considered significant under CEQA.

Supplemental Mitigation 7-1.

During ground-disturbing construction activities, if archaeological resources are encountered which are, or appear to be, Native American in origin, these artifacts (“tribal finds”) shall be presumed to be significant Tribal Cultural Resources pursuant to PRC 21074. Certified 2014 EIR Mitigation 7-2 (see above) shall apply. In addition to implementation of Certified EIR Mitigation 7-2, the Native American Heritage Commission shall be contacted to identify the appropriate tribal contact(s). The identified contact(s) shall be informed of the find, and the City will invite the representative(s) for consultation while seeking to avoid damaging effects on the resource, and to define a data recovery plan (if required). The City shall also retain a qualified archaeologist for joint consultation with the tribal representative(s). The City, pursuant to PRC 21074, in consultation with the appropriate

tribe(s) and a qualified archaeologist, shall consider the significance under CEQA of the tribal find, and determine the next appropriate actions based on the consultation.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigations have been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement to notify appropriate tribal contacts and engage in consultation if tribal finds are encountered will reduce potential impacts to tribal resources to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts to tribal resources would not be significant.

D. GEOLOGY AND SOILS

Impact 8-1: Potential Ground Instability Impacts. The potential for ground instability can depend on specific, highly localized underlying soil conditions. Determination of liquefaction, differential settlement, lateral spreading, and subsidence potential in the Specific Plan area would require site-specific geotechnical studies for future individual development proposals. Possible ground instability conditions, if not properly engineered for, could result in associated significant damage to project buildings and other improvements.

Mitigation 8-1. Subject to City review and approval, complete and implement the geotechnical mitigation recommendations identified in the required site-specific geotechnical investigations and engineering studies, in coordination with City grading permit and building permit performance standards.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for site-specific geotechnical investigations and engineering studies would reduce potential impacts related to geologic stability to a less-than- significant level.
2. Remaining Impacts: Any remaining impacts related to geologic stability resources would not be significant.

Impact 8-2: Paleontological Resources Impacts (formerly Impact 7-3: Potential for Disturbance of Paleontological Resources)

Development facilitated by the Specific Plan could disturb unrecorded paleontological resources in the plan area.

Mitigation 8-2 (formerly Mitigation 7-3).

During the City's standard project-specific environmental checklist review process for all future, discretionary, public improvement and private development projects in the Specific Plan area, the City shall determine the possible presence of, and the potential impacts of the action on, paleontological resources. For projects involving substantial ground disturbance (more than 10,000 square feet), the City shall require individual project applicants to carry out the following measures:

(1) *Education Program.* Project applicants shall implement a program that includes the following elements:

- Resource identification training procedures for construction personnel;
- Spot-checks by a qualified paleontological monitor of all excavations deeper than seven feet below ground surface; and
- Procedures for reporting discoveries and their geologic context.

(2) *Procedures for Resources Encountered.* If subsurface paleontological resources are encountered, excavation shall halt in the vicinity of the resources, and the project paleontologist shall evaluate the resource and its stratigraphic context. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, if potentially significant paleontological resources are found, "standard" samples shall be collected and processed by a qualified paleontologist to recover micro vertebrate fossils. If significant fossils are found and collected, they shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of material collected and identified shall be provided to a local museum repository with the specimens. Significant fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a local museum repository for permanent curatorship and storage. A report documenting the results of the monitoring and salvage activities, and the significance of the fossils, if any, shall be prepared. The report and inventory, when submitted to the City, shall signify the completion of the program to mitigate impacts on paleontological resources.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

3. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement to educate earth moving crews on the appearance of fossils, procedures to follow if any are discovered, and ensuring that a paleontologist assess the significance of any fossil find, and recovers it, if appropriate are feasible and would reduce potential impacts to paleontological resources to a less-than- significant level.
4. Remaining Impacts: Any remaining impacts to paleontological resources would not be significant.

E. NOISE

Impact 13-1: Noise and Land Use Compatibility. Residential land uses facilitated by the Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from BART noise. Future noise levels would exceed El Cerrito's noise and land use compatibility standards.

Mitigation 13-1. Future development would be exposed to outdoor noise levels exceeding acceptable levels as defined in the El Cerrito General Plan. Noise levels inside residential structures proposed in such noise environments would exceed 45 dBA L_{dn}, the local established land use compatibility threshold. In areas where residential developments would be exposed to an L_{dn} of greater than 60 dBA, El Cerrito General Plan Policy H3.9 requires the evaluation of mitigation measures for specific projects.

- Utilize site planning to minimize noise in residential outdoor activity areas (shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L_{dn} from roadway traffic and 70 dBA L_{dn} from BART noise.

The City of El Cerrito requires project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower, and the adopted instantaneous noise levels in residential units exposed to exterior noise levels greater than 60 dBA L_{dn} should not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City, along with the building plans, which shall be revised as necessary or approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower and meet instantaneous noise limits.

- Similar to above, noise insulation features shall be considered on a case-by-case basis for noise-sensitive offices and commercial uses proposed where noise levels exceed 65 dBA L_{dn}, in order to meet adopted noise standards.

Findings. Based upon the EIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. **Effects of Mitigation:** The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the EIR. The City finds that the requirement for site-specific consideration outside noise levels and appropriate requirement of project-

specific acoustical analyses would reduce potential impacts to noise and land use compatibility to a less-than- significant level.

2. Remaining Impacts: Any remaining impacts to noise and land use compatibility resources would not be significant.

Impact 13-2: Commercial Development Noise. The San Pablo Avenue Specific Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery stores, restaurants, or cafes. New commercial development proposed along with or next to residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise and would be a potential noise impact.

Mitigation 13-2. New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards.

- Noise levels at residential property lines from commercial development shall be maintained not in excess of the general plan and municipal code limit for the City of El Cerrito. The approval of the commercial development shall require a noise study demonstrating how the business--including loading docks, refuse areas, and ventilation systems--would meet these requirements and would be consistent with the City's noise standards.
- Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

Findings. Based upon the SEIR and the entire record before the Planning Commission and City Council, the City Council finds that:

1. Effects of Mitigation: The mitigation has been incorporated into the MMRP and will avoid or substantially lessen the significant environmental effect as identified in the SEIR. The City finds that the requirement for approval of commercial development near residences to complete a noise study ensuring that the business would be consistent with the City's noise standards and reduce potential impacts to commercial development noise to a less-than-significant level.
2. Remaining Impacts: Any remaining impacts related to commercial development noise would not be significant.

VI. GROWTH INDUCING EFFECTS

The City Council finds that implementation of the Specific Plan update could result in a net increase in housing and population in the Specific Plan area over existing conditions, as explained in Section 3.6 (Development Capacity Assumptions) and Chapter 14 (Population and Housing) of this SEIR. The net increases through the horizon year of 2040 would be approximately 2,500

residential units. The direct increase in residential units and population could have an indirect economic “multiplier” effect, generating additional employment in the broader region.

No substantial, detrimental, growth-inducing effect is expected. Specific Plan update implementation would not extend roads or infrastructure through undeveloped or low-density areas; one of the main objectives of the Specific Plan update is to facilitate new development efficiently and effectively in an area where roads and infrastructure already exist (see Chapter 3, Project Description). Any future individual development proposals outside the Plan area would require standard local review of associated development applications, including CEQA-mandated development specific environmental review, to ensure that any adverse environmental impacts are adequately addressed. These existing requirements and procedures would be expected to avoid or reduce the potential environmental impacts of such secondary growth inducement associated with the Specific Plan to less-than-significant levels, except where specific CEQA statements of overriding consideration are adopted.

VII. PROJECT ALTERNATIVES

The potential environmental consequences of the San Pablo Avenue Specific Plan were analyzed in detail in the 2014 San Pablo Avenue Specific Plan EIR (2014 EIR). After considering a reasonable range of potentially feasible alternatives, including a No Project alternative, the City chose to adopt the Specific Plan project as proposed. This SEIR is intended to supplement the City-certified 2014 EIR; it is not intended to be a completely new EIR. As required under CEQA Guidelines Section 15163, the scope and content of this supplement to the 2014 EIR is limited to additions and changes necessary to make the previous EIR adequate for the project as revised.

Consequently, this SEIR addresses only the environmental issues that are raised by the differences between the approved 2014 Specific Plan and the proposed Specific Plan Update project (which includes a Specific Plan Amendment to increase the development cap allowance, expand the 2014 Plan Area, and revise and refine various Plan components to clarify and improve implementation of the Specific Plan). The scope of any further alternatives analysis would therefore be limited to a discussion of alternatives to the proposed Specific Plan Update project that would avoid or substantially lessen the significant effects resulting from the project above and beyond the 2014 EIR alternatives analysis. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources, Geology and Soils), the Specific Plan Update project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). Therefore, no further discussion of alternatives to the proposed Specific Plan Update project is required.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE PROJECT FINDINGS

The City Council adopts and makes the following Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project. As discussed in the various SEIR chapters analyzing environmental topics (e.g., Cultural and Historic Resources, Public Services, Transportation and Circulation, Noise, Air Quality, Biological Resources,

Geology and Soils), the Project would not result in (1) a new significant unavoidable impact or (2) a new or substantially more severe significant project impact that could not be mitigated to a less than-significant level, nor would the SEIR mitigation measures create any new secondary environmental impacts (CEQA Guidelines Section 15162). The significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, with the following exception: Impact 16-1: Cumulative Traffic Impacts (Chapter 16) is no longer a significant unavoidable impact or a cumulative impact for this Project due to the change in metric from Level of Service (LOS)/Multi-Modal Level of Service (MMLOS) in the 2014 EIR to Vehicle Miles Traveled (VMT) in the SEIR. After review of the entire administrative record, the City Council finds that, pursuant to CEQA section 21081(b) and CEQA Guidelines section 15093, specific economic, legal, social, technological and other benefits of the Project outweigh the Project's unavoidable adverse impacts and the City Council finds that the significant and unavoidable adverse impacts are acceptable in light of the Project's benefits.

A. Significant Unavoidable Impacts

With respect to the foregoing findings and in recognition of those facts that are included in the entire administrative record, the City has determined that the Project would result in significant unavoidable transportation impacts, as described in Section IV of these Findings.

The City hereby finds that, where possible, changes or alterations have been required in or incorporated into the Project that substantially lessens the significant environmental effects identified in the EIR. The project and the MMRP incorporate all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. The City further finds that there are no additional feasible mitigation measures or alternatives that could be imposed or adopted to eliminate the significant and unavoidable impacts listed above. These impacts could not be reduced to a less- than-significant level by feasible changes, mitigation measures or alternatives to the Project.

B. Overriding Considerations

The City Council has carefully balanced the benefits of the Project against any adverse impacts identified in the SEIR that could not be feasibly mitigated to a level of insignificance. The City Council finds that each of the specific environmental, economic, fiscal, social, housing and other overriding considerations set forth below constitutes a separate and independent ground for a finding that the benefits of the Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. With the exception of Impact 16-1 (no longer an impact), the significant unavoidable impacts of the Project remain unchanged from those in the 2014 EIR, and therefore the overriding considerations remain unchanged. The City Council specifically adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the Project.

Substantial evidence in the record demonstrates the City would derive the following substantial public benefits from adoption and implementation of the Project:

1. The Project is the product of a transparent, multi-year process designed to develop community consensus. The Project has benefitted from unprecedented levels of public

outreach and participation, and has been informed by appropriate analyses. In addition to large attendance at the community workshops, the Planning Commission and City Council both conducted a detailed and public review of the Draft Specific Plan update and provided clear direction that has been comprehensively addressed. As a result, the Project is reflective of the community's diverse preferences and goals.

2. The Project will enhance the public realm, through an integrated network of public spaces, including widened sidewalks, plazas and parks, that invites strolling and public gathering and allows for community life, identity and sense of place. The Project's comprehensive public space network supports a more active, vibrant downtown and healthier living by encouraging walking, biking and social gathering.
3. The Project will create a more active, vibrant urban area, with a mix of commercial and residential uses that complement and support one another and bring vitality, including increased retail sales, to the area. In addition, the Project will establish standards and guidelines that encourage development of underutilized and vacant land on San Pablo Avenue while ensuring a building character that is modulated visually interesting.
4. The Project recognizes and promotes healthy living and activity by encouraging walking, biking and access to transit as alternatives to vehicular use, supported by widened sidewalks and new bicycle facilities; enhanced public spaces; development intensity focusing on the two BART stations; and a greater mix and diversity of uses. The Project takes a comprehensive approach to sustainability and carbon emissions reduction, utilizing standards integrated with best practices and guidelines for both public and private improvements. The Project also encourages context sensitive design.

X. SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Plan, shall continue in full force and effect unless amended or modified by the City.

Public Hearing: Proposed East Bay Sanitary Rates Effective January 1, 2023



Presentation to City Council
December 6, 2022

R3
CONSULTING
GROUP, INC.



Agenda

- El Cerrito's Solid Waste Services
- Recent Accomplishments
- Overall 2023 Rate Changes
- Garbage and Organics Waste Collection Adjustments
- Post Collection Adjustments
- Integrated Waste Management Fee
- Preview of Upcoming Actions in 2023
- Requested Council Actions

El Cerrito's Solid Waste Services

Integrated Waste Management (IWM): Curbside Recycling, Recycling Center & Related Services



East Bay Sanitary (EBS): Garbage and Organic Waste Collection

RecycleMore and Republic: Post-Collection Services



Recent Accomplishments

- New Franchise Agreement with East Bay Sanitary
- Expanded Foodware Ordinance, Requiring Compostable Foodware
- Ordinance Implementing SB 1383
- Mailed Solid Waste Brochure to all Households
- Purchased 2 Recycling Trucks (delivery expected this month)
- Purchased New Baler for Recycling Center
- Added Driver to Serve New Developments, Ensure Continuous Operations
- New Recycling Post-Collection Agreement with Napa Recycling & Waste Services
- Completed Universal Rollout of Green Waste Service with EBS
- Meeting other SB 1383 Milestones and Implementing New Franchise

2023 Solid Waste Rate Revenues

- Overall Solid Waste Rate Revenues are proposed to increase by 1.95% in 2023
- Residential rates in 2023 are proposed to increase by 2.87% to 3.38%
- Commercial rates in 2023 are proposed to increase by 2.89% to 3.90%
 - *As of 2022 these now include minimum levels of required organics collection service for SB 1383*
- Adjustments are for EBS Collection Services and Republic Post-Collection Services
 - This adjustment is less than it would otherwise be due to a surplus in the EBS Balancing Account
 - Adjustment includes additional funding that will ultimately smooth rate increases over time
- No Change to City IWM Fees for Recycling proposed
 - IWM Fund Balance is very healthy after growing in recent years

EBS Collection Rate Adjustment

- EBS receives compensation for Garbage and Organic Waste Collection Services exclusively from rates charged to residents and businesses
- Compensation is set at an annual rate revenue amount
- EBS annual rate revenue is adjusted via Refuse Rate Index (RRI) per the Franchise Agreement (Executed in 2022)
- For 2023, the RRI calculates a 5.41% increase to EBS's compensation, which is offset by surplus revenues from 2021
- Proposed 2023 customer rates set to cover EBS's 2023 compensation while also providing for future rate smoothing
- As of 2022 commercial/multi-family rates also now include minimum level of organics collection service to comply with SB 1383
- Overall, rates are increasing less than inflation

New EBS Franchise Agreement

- Council Approved a New Franchise Agreement in 2022
- The new Agreement provides many new programs and services at no additional cost to ratepayers
 - SB 1383 compliant programs and services
 - New collection programs for bulky waste, illegal dumping, and more
 - Enhanced customer service and outreach/education programs
 - A transition to renewable diesel fuel as soon as practicable
 - Future electric / zero emission vehicles
 - New color-coded garbage and recycling carts (coming in 2023)

EBS Post-Collection Rate Adjustment

- EBS pays for “post-collection” pass-through costs to Republic Services per Post-Collection Agreement (PCA) set at \$124.47/ton for 2023
- Post-collection costs are adjusted annually per PCA and include the City’s costs for Household Hazardous Waste (HWW) services, and the City’s costs for membership in the RecycleMore Joint Powers Authority (JPA)
- Post-collection costs also include City’s costs for RecycleMore JPA compliance with State Laws (AB 1826 and SB 1383)
- Post-collection costs also include coverage of new organics processing costs, requested by Republic as a “Change in Law” request and conditionally approved for the purposes of setting 2023 rates
- Proposed 2023 customer rates set to compensate EBS for these post-collection pass-through costs

Table 1: Proposed EBS Collection and Post Collection Rates for Residential Garbage (including 64-gallon Organics)

Garbage Container Size	EBS Collection (2023)	Post-Collection (2023)	EBS Total (2023)	EBS Total (2022)	Monthly Change
20 Gallon Cart	21.97	5.46	27.43	26.11	1.32
35 Gallon Cart	30.86	9.57	40.43	38.41	2.02
64 Gallon Cart	61.72	19.13	80.85	76.83	4.02

Table 2: Proposed EBS Collection and Post Collection Rates for Commercial/Multi-family Garbage (Including 64-gallon Organics)

Garbage Container Size	EBS Collection (2023)	Post-Collection (2023)	EBS Total (2023)	EBS Total (2022)	Monthly Change
20 Gallon Cart	23.94	5.46	29.40	28.00	1.40
35 Gallon Cart	33.59	9.57	43.16	41.03	2.13
64 Gallon Cart	67.18	19.13	86.31	82.08	4.23
1 Cubic Yard (Loose)	223.34	55.34	278.68	266.55	12.13
2 Cubic Yards (Loose)	430.37	110.67	541.04	516.82	24.22

Table 3: Proposed EBS Collection and Post Collection Rates for Additional Organics

Organics Container Size	EBS Collection (2022)	Post- Collection (2022)	EBS Total (2022)	EBS Total (2021)	Monthly Change
35 Gallon Cart (each Addtl.)	15.44	4.78	20.22	19.21	1.01
64 Gallon Cart (each Addtl.)	30.87	9.57	40.44	38.42	2.02
One Cubic Yard	215.19	55.34	270.53	258.70	11.83

Integrated Waste Management Fee Adjustment

- City's Integrated Waste Management (IWM) Fees fund City costs for recycling collection (including processing and marketing), the operations of the Recycling + Environmental Resource Center, and related programs
- City also responsible for current and future compliance with unfunded mandates via State Law (AB 341, AB 1826 and SB 1383)
- Existing IWM Fees will maintain the IWM Fund's overall financial position without the need for adjustment in 2023
- No changes to IWM Fees are proposed for 2023; 2022 Fees will remain in effect

Table 4: IWM Fees for Garbage & Organics

Garbage Container Size	IWM (2023)	IWM (2022)	Monthly Change
20 Gallon Cart	19.86	19.86	0.00
35 Gallon Cart	21.72	21.72	0.00
64 Gallon Cart	42.57	42.57	0.00
1 Cubic Yard (Loose)	153.44	153.44	0.00
2 Cubic Yards (Loose)	306.89	306.89	0.00

Table 5: IWM Fees for Additional Organics

Organics Container Size	IWM (2023)	IWM (2022)	Monthly Change
35 Gallon Cart (each Addtl.)	10.86	10.86	0.00
64 Gallon Cart (each Addtl.)	21.29	21.29	0.00
One Cubic Yard	35.40	35.40	0.00

Preview of Upcoming Actions in 2023

- City Council consideration of Memorandum of Understanding to formally delegate certain SB 1383 responsibilities to RecycleMore
- New Black Garbage Carts and Blue Recycling Carts forthcoming in 2023
- Completion of Curbside Privatization Study with R3
- Renewable Diesel for City Fleet
- New Curbside Routing Software
- Continue Implementing SB 1383 and all Provisions of the New Franchise Agreement
- Begin Planning for New PCA to begin in Jan. 2026

Requested Council Actions

- Conduct a public hearing and upon conclusion adopt a resolution establishing maximum allowable East Bay Sanitary (EBS) garbage and organic waste collection, processing and disposal rates, effective January 1, 2023.



Questions and Comments



TEMPORARY OUTDOOR DINING & RETAIL PROGRAM

CITY COUNCIL MEETING

DECEMBER 6, 2022

Background/Timeline



March 2020:
Local Emergency Enacted

March 2020:
County & State
Shelter in Place Orders

March 2020:
CA Department of Alcohol
Beverage Control Regulatory
Relief

July 31, 2020:
City Council Established
Temporary Outdoor
Dining & Retail Program

December 31, 2022:
Local Emergency Expires



Los Moles



El Cerrito Natural Grocery



Fat Apple's



Overview/Process



- The Program will continue to support businesses by allowing the following uses:
 1. Use of Outdoor Private Property: Sidewalks, plazas or parking lots located on private property
 2. Use of Public Sidewalks: Public sidewalks adjacent to public streets and building frontages
 3. Use of Public Parking Spaces: Public parking spaces are all parking on public streets that are not on Caltrans state right-of-way
- The Program aims to streamline temporary use permits at no cost to the business
- Digital Permit Application Form at www.el-cerrito.org/outdoorseating
- Framework is guided by the *Outdoor Dining & Retail Program Guidelines*
- Total of 9 applications received/approved

Program Guidelines & Application



Program Guidelines/Standards:

- ✓ Adequate Clearance
- ✓ ADA Compliance
- ✓ Temporary Furnishings
- ✓ No Outdoor Food Preparation
- ✓ Site Maintenance
- ✓ Solid Waste
- ✓ Hours of Operation
- ✓ Driveways
- ✓ Fire Safety and Emergency Access
- ✓ Electrical Extension Cords
- ✓ Space Heater
- ✓ Fire and Building Codes
- ✓ Temporary Use
- ✓ County and State Requirements
- ✓ Private Property Owner



Program Application Requirements:



1. Site Plan



2. Pedestrian Control Plan (if utilizing public right-of-way)



3. ABC Approval (if applicable)



4. Certificate of Insurance



5. Acknowledgement of Terms/Conditions

Examples



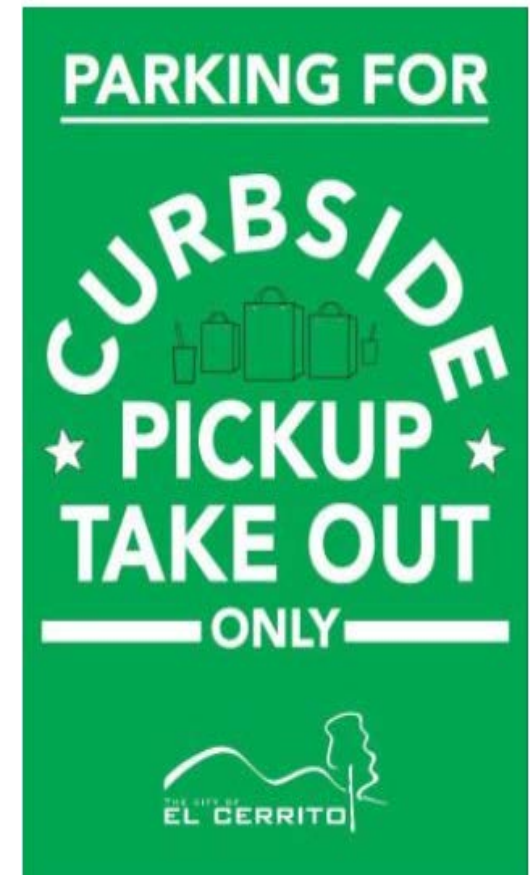
Los Moles



El Cerrito Natural Grocery



Fat Apple's



Proposed Action



Staff Recommendation:

- ✓ Adopt an interim urgency ordinance extending the Program for 45-days through January 20, 2023
- ✓ Staff will return on January 17, 2023, to request extension for 22 months + 15 days through December 5, 2024
- ✓ Staff will initiate the public outreach process between 2023-24 to design a permanent program for City Council consideration



QUESTIONS & ANSWERS

THANK YOU!



Climate Action Plan Update Consultant Agreement

Presented by Will Provost
Operations & Environmental
Services Division Manager
Public Works Department

City Council Meeting
December 6, 2022

Agenda

- ▶ Background: Climate Action Progress
- ▶ RFP Process & Summary of Proposals
- ▶ Firm Evaluation Rank and Staff Recommendations
- ▶ About Cascadia and What the City will Receive From the update to the Climate Action Plan
- ▶ Additional Task: Develop Policy or Ordinance Prohibiting Natural Gas in New Construction
- ▶ Financial Considerations

Background: Climate Action Progress

2006 - Endorsed the U.S. Mayors Climate Protection Agreement and the reduction targets of the California Global Warming Solutions Act (AB 32)

2008 - Accepted the City's 2005 baseline Greenhouse Gas (GHG) emissions inventory and authorized development of a Climate Action Plan

2011 - Adopted GHG emissions reduction targets of 15% below 2005 levels by 2020 and 30% below 2005 levels by 2035 and approved the City's participation in the Institute for Local Government's Beacon Award Program for "Local Leadership toward Solving Climate Change"

2013 - Adopted the El Cerrito Climate Action Plan

2017 - Adopted Resolution 2017-50 in support of the Paris Climate Agreement

2019 - Passed a climate emergency resolution and resolved for the City to strive for [net] zero GHG emissions as quickly as possible within the forthcoming Climate Action Plan update

Background: Climate Action Progress

Following adoption of the City of El Cerrito’s initial Climate Action Plan (CAP) in 2013, the City has made meaningful progress to address climate change.
Some activities include:

Installing solar panels on City facilities	Joining MCE Clean Energy and opting up to “Deep Green” 100% renewable energy for all municipal accounts	Reducing vehicle miles traveled by focusing on “transit-oriented development” and “complete streets” in the San Pablo Avenue Specific Plan
--	---	--



Due to these efforts and more, the City of El Cerrito has been reducing emissions by more than 1% per year and exceeding the CAP’s targets.

Request for Proposals(RFP) Release

- ▶ August 2022, the City issued an RFP for development of a Climate Action and Adaptation Plan (CAAP) that builds on the City's existing Climate Action Plan
- ▶ The RFP requested proposals to develop a new CAAP that will serve as a standalone document and would provide a roadmap for meeting more ambitious GHG emissions reduction targets

Request for Proposals

The RFP suggested a Scope of Work as follows:

- ▶ 1) Analyze GHG Emissions
- ▶ 2) Set Targets and Recommend GHG Emission Reduction Measures
- ▶ 3) Forecast GHG Emission Reductions
- ▶ 4) Engage City Advisory Bodies, City Council and Community
- ▶ 5.A) Identify Climate Resiliency and Adaptation Strategies
- ▶ 5.B) (Optional) Conduct a Climate Change Vulnerability Assessment and More Robust Adaptation Strategies, ensuring compliance with SB 379
- ▶ 6) Draft Updated Climate Action and Adaptation Plan
- ▶ 7) Support City in Adoption of the CAAP

RFP Process & Summary of Proposals

By the due date on September 28, 2022, the City received six proposals.
Note, tasks varied by proposal; total prices are not directly comparable.

Summary of Proposals

	AARC	Cascadia Consulting Group	Map Collective	Raimi + Associates	Bluepoint Planning / Rincon Consultants	Blue Strike / Fehr & Peers
Cost Proposed	\$99,820	\$119,800	\$94,950	\$99,548	\$99,860	\$104,380
Cost Proposed including Optional Task	NA	\$128,920	NA	NA	NA	\$123,620
Total Labor Hours Proposed	442	846	562	586	660	673
Imputed Cost Per Hour	\$225.84	\$152.39	\$168.95	\$169.88	\$151.30	\$183.68

RFP Evaluation Process

- ▶ Following receipt of proposals, a selection committee comprised of City staff evaluated the proposals. Proposals were evaluated based on:
 - ▶ Qualifications and experience of the firm and the experts assigned
 - ▶ Demonstrated experience on comparable projects
 - ▶ Presentation, completeness, clarity, organization, and conformance to the RFP content and format requirements
 - ▶ Client references, and
 - ▶ Cost competitiveness
- ▶ Public Works and Community Development staff then conducted interviews with the top three (3) identified firms in order to better understand each proposal, the firms' approach to the project, and the pricing model.

Firm Evaluation Rank and Staff Recommendations

Top 3 Proposers Interviewed
1. Cascadia Consulting Group
2. Bluepoint Planning / Rincon Consultants
3. Blue Strike / Fehr & Peers

- ▶ Based on the results, City staff recommends that City Council authorize the City Manager to enter into an agreement with Cascadia Consulting Group (Cascadia)
- ▶ Although Cascadia's proposal came in at the highest price, City staff determined that it offers the best value for the City, includes all of the tasks the City sought to include in the CAAP, and the imputed cost per hour is one of the two lowest

About Cascadia Consulting Group

- ▶ Formed in 1993 with offices in Oakland
- ▶ Experience supporting numerous Bay Area cities with Climate Action Planning and Community Engagement, including Pleasanton, Santa Clara, Dublin, San Francisco, and Livermore
- ▶ Cascadia led the City of Albany's "CAP 2.0" effort
- ▶ Deep expertise and experience on Climate Action Planning
- ▶ Cascadia offers a major focus on equity-centered community engagement



What Cascadia will provide in development of the City CAAP

- ▶ Robust engagement process, activating the community around climate action
- ▶ Updated GHG inventory and projections, including consumption-based inventory
- ▶ Strategies to meet more ambitious emission reduction targets
- ▶ A new focus on strategies for climate resiliency and adaptation, ensuring compliance with SB 379 that can be incorporated into a new Safety Element for the General Plan when it is developed
- ▶ A focus on equity throughout the development of the plan and in strategy identification and prioritization
- ▶ A highly accessible climate action and adaptation plan for residents, businesses, and City staff
- ▶ And an actionable “early win” that the City can complete concurrently with the Plan

Additional “Early Win” Tasks

- ▶ Added task to evaluate best practices for GHG emissions reductions and recommend “early win” options **(+\$3,915)**
- ▶ And, responsive to community input, adding task to develop an ordinance or policy to prohibit natural gas in new construction citywide, concurrent with, and prior to adoption of, the CAAP **(+\$14,500)**

Financial Considerations



City staff is requesting \$147,335 from the General Fund Unreserved Fund Balance to develop the Climate Action and Adaptation Plan and the “early win” ordinance



This includes all the tasks the City sought to include in the CAAP, the optional task related to climate adaptation, the early win analysis, and funding to develop a comprehensive policy or ordinance to prohibit natural gas in new construction



At the end of FY 2021-22, the General Fund Reserve was \$7.2 million, the unaudited projected FY 2021-22 General Fund balance is \$8 million, for an estimated total of \$15.2 million General Fund Unreserved Fund Balance (38% ratio to GF expenditures)



For FY 2022-23 to date, \$318,571 of the General Fund Reserve has been appropriated for one-time projects (\$59,850 Swim Center Repairs, \$58,721 City Hall EV Charging Stations, \$200,000 Class/Comp Study); this contract would create a total of \$465,906 YTD (37% ratio to GF expenditures)

Questions, Comments & Discussion

