



AGENDA

SPECIAL CITY COUNCIL MEETING (not televised)
NOVEMBER 19, 2019 – 6:00 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
NOVEMBER 19, 2019 – 7:00 p.m.
City Council Chambers

Meeting Location:
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Members:
Mayor Rochelle Pardue-Okimoto

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

6:00 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

1. ORAL COMMUNICATIONS FROM THE PUBLIC

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

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Discuss and consider for appointment applicants previously interviewed for the Human Relations Commission.

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

3. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4): One Potential Case

4. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Glenn Berkheimer, Labor Negotiator; Sky Woodruff, City Attorney; Alexandra Orologas, Assistant City Manager; and Kristen Cunningham, Human Resources Manager.

Employee Organizations: El Cerrito Police Employees Association and Public Safety Management Association - Battalion Chief Unit

Contact: Sky Woodruff, City Attorney, City Management

5. ADJOURN SPECIAL CITY COUNCIL MEETING

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

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE - COUNCILMEMBER FADELLI

2. 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.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. 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 are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. ADOPTION OF THE CONSENT CALENDAR

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

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes from the meeting of October 1 and October 15, 2019.

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

B. Proclamation in Support of Protections from Deportation

Action Proposed: At the request of Mayor Pardue-Okimoto, pass a motion to approve a proclamation in Support of Protections from Deportation and a Path to Permanent Residency for Beneficiaries of DACA, TPS and DED

Contact: Holly M. Charl  ty, City Clerk, City Management

C. Proclamation upon Retirement of Whitney Dotson

Action Proposed: Pass a motion to approve a proclamation in recognition upon the retirement of Whitney Dotson of the East Bay Regional Park District

Contact: Karen Pinkos, City Manager, City Management

D. Proclamation designating "United Against Hate Week"

Action Proposed: Pass a motion to approve a proclamation designating November 17 - 23, 2019 as "United Against Hate Week".

Contact: Kristen Cunningham, Human Resources Manager, City Management

E. Appointment of Members to the Economic Development Committee

Action Proposed: Approve an Economic Development Committee recommendation to appoint Minh-Hoa Ta and Jonathan Zazove to the Economic Development Committee, effective November 19, 2019.

Contact: Jennifer Peat, Management Assistant/EDC Staff Liaison
Melanie Mintz, Community Development Director, Community Development Department

5. PRESENTATIONS

6. PUBLIC HEARINGS

A. Adoption of Building and Fire Code Updates

Notice Published 11/09/2019

Action Proposed: Conduct a public hearing, and upon conclusion 1) Adopt a Resolution which makes findings justifying changes or modifications due to local climatic, geologic and topographic conditions in the 2019 California Building Standards Code, which includes the California Green Building Standards Code, Building Code, Fire Code, Residential Code, Existing Building Code, and related Construction Codes; and 2) Introduce by title, waive the first reading of an Ordinance and set the second hearing for December 3, 2019 which adopts the 2019 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code, 2018 International Property Maintenance Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the Ordinance.

Contact: Mark Soltes, Community Development
David Gibson, Fire Department

7. POLICY MATTERS

A. El Cerrito Plaza BART Transit Oriented Development (TOD)

Action Proposed: 1) Receive a presentation regarding BART's Transit Oriented Development process for El Cerrito Plaza BART, provide feedback on the draft TOD goals and objectives; and 2) Adopt a resolution authorizing evaluation of a potential library to be included for study in the Request for Qualifications, and support BART's inclusion of Sustainable Access Studies and Strategies in the Request for Qualifications.

Contact: Melanie Mintz, Community Development Director, Community Development Department

B. Proposal for Police Services in the Community of Kensington

Action Proposed: Adopt a resolution authorizing the City Manager or designee to present a proposal in response to a Request for Proposals from the Kensington Police Protection and Community Services District to provide police services in the Community of Kensington.

Contact: Paul Keith, Chief of Police, Police Department

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is December 3, 2019 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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.

- 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 Fax: 510-215-4379, 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 10:30 p.m., unless extended to a specific time determined by a majority of the Council.



AGENDA BILL

Agenda Item No. 2.

Date: November 19, 2019
To: El Cerrito City Council
From: Holly M. Charl  ty, City Clerk, City Management
Subject: Commission Interviews, Status And Appointments

ACTION PROPOSED

Action Proposed: Discuss and consider for appointment applicants previously interviewed for the Human Relations Commission.

BACKGROUND/ANALYSIS

City Council has conducted interviews with applicants for vacancies on the Human Relations Commission and currently has two vacancies. One vacancy to fill a partial term set to expire in 2021, and the second to fill a partial term set to expire in 2022.

Applicants that have been interviewed and are eligible for appointment are listed below. Staff requests that City Council confer and potential make appoint(s) to fill existing vacancies on the Commission.

Walter Williams III (Interviewed 4/2/2019)
Buddy Akacic (Interviewed 10/15/2019)

Staff continues to publicize board, commission and committee vacancies as they occur. Vacancies are published on the City's website and in the West County Times, and posted at City Hall, the Community Center and Library. Staff is also utilizing social media outlets to increase awareness and opportunities for citizens to participate by attending meetings and/or serving on a board, commission or committee.

STRATEGIC PLAN CONSIDERATIONS

This section is not applicable to this agenda item.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "H. Charléty". The signature is fluid and cursive, with a large loop at the end.

Holly Charléty, City Clerk

Attachments:

Application(s) on file with the City Clerk's Office.

1. Commission Vacancies/Application Status

Commission Vacancies/Application Status

*AM =Attending Meetings

Advisory Body (Current Vacancies)	CC Mosquito & Vector Control (1)	Committee on Aging (3)	Crime Prev. Committee (11)	Design Review Board (1)	Economic Dev. Committee (9)	Human Relations Commission (2)	Planning Commission (0)	Urban Forest Committee (8)	Date Application Received	Notes/Status	Council Interview Date
Pending Applicants											
Buddy Akacic						X			9/18/2019	8/20/19 - Appointed to Tenant Protection Taskforce. 10/15/19 - Appointed to Committee on Aging. 11/19/19 - Pending Council discussion for HRC	10/15/2019
Ramsey AlQaisi			AM						10/8/2019		
Richard Aslin					AM		X		5/16/2019		
Allison Cooper				X					11/14/2019	Current ACC Member Interview Scheduled for DRB	12/17/2019
Viviona Dhillon					AM			AM	11/12/2019		
Kirsten Meder					AM			AM	8/13/2019		
Thomas Minter				X	AM				10/21/2019	Interview Scheduled for DRB	12/17/2019
Susan Russell								AM	4/15/2019		
Mark Sifling					AM			AM	10/16/2019		
Minh-Hoa Ta			AM		AM				6/20/2019	11/19/19 - Scheduled for Council Appt. to EDC	
David Van Etten		AM			AM				7/16/2019		
Walter M. Williams III			AM			X			3/25/2019	11/19/19 - Pending Council discussion for HRC	4/2/2019
Jonathan Zazove					AM				12/3/2018	11/19/19 - Scheduled for Council Appt. to EDC	

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, October 1, 2019 – 7:00 p.m.
City Council Chambers

Meeting Location:
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 7:04 p.m.

Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Councilmember Abelson*

2. COUNCIL/STAFF COMMUNICATIONS

Councilmember Quinto reported attendance at Central Valley Leadership representing the League API Caucus.

Councilmember Abelson announced events for Free Folk Festival on October 26, Senior Winter Ball on December 21, and Senior Resource Fair on October 2.

Councilmember Fadelli reported attendance at the East Bay Division meeting for the League of CA Cities, MCE retreat, and provided an update on holiday lights at El Cerrito Plaza.

Councilmember Lyman thanked fire for participation in Tri Safety day, announced ribbon cutting Thursday for Bright Now Dental, BART open house at Hana Gardens on Thursday regarding their anticipated development at Plaza station.

Mayor Pardue-Okimoto reported attendance on climate action forum, suggested a forum with council subcommittee for engaging the community on our climate action plan, asked residents to consider activities to decrease carbon footprint tomorrow in recognition of Clean Air Day.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Johanna Ferman spoke regarding the Kensington Police Services RFP and the ordinance requirements regarding contracting services.

Denise Sangster spoke regarding wildfire issues, referenced McBride Vegetation Management Plan contents, and need to address eucalyptus trees.

Gary Prost spoke on citizens' initiative regarding Buckingham Court to reduce fire hazard vegetation and award of grant.

Robin Mitchell spoke regarding volunteer efforts to clear vegetation of an elderly resident and need to address citizens with limited resources.

Dave Weinstein shared details about Historical Society's Clearwater revival gallery exhibit on the second floor of City Hall.

Heidi Goldstein shared library updates including lunches served, reported number of programs and attendees, increase in use thanks to increase in hours, and upcoming events.

Buddy Akacic commented on attendance at another city's council meeting, inquired if the San Pablo specific plan can include a hospital.

Sue Duncan shared potential solution for property owners who need additional resources for fire hazard abatement, shared information about Fire wise neighborhood application.

4. **ADOPTION OF THE CONSENT CALENDAR**

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve consent items A, B, C, E and H as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meeting of August 20 and September 17, 2019.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved minutes

B. National Arts and Humanities Month Proclamation

Action Proposed: Pass a motion approving a proclamation recognizing and supporting October 2019 as National Arts and Humanities Month in El Cerrito.

Contact: Maya Williams, Assistant to the City Manager, City Management

Action: Approved proclamation

C. Proclamation Honoring Joan Carpenter Upon Retirement

Action Proposed: Pass a motion to approve a proclamation honoring Joan Carpenter in her retirement after 21 years of service to Contra Costa County, District 1.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved proclamation

D. Ordinance to Amend the Development Agreement for 1715 Elm Street Project *Notice published 9/6/2019, 1st Reading 9/17/2019, MND previously adopted, this action does not require further CEQA review.*

Action Proposed: Pass a motion waive the second reading and adopt ordinance 2018-08 approving an amendment to the Development Agreement for the 1715 Elm Street project to extend the term of the Agreement for five years, subject the project to Chapter 19.30: Inclusionary

Zoning of the El Cerrito Municipal Code, and authorize the City Manager to execute the amendment.

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

Moved/Seconded: Councilmembers Abelson/Quinto **Action:** Pulled from consent by Councilmember Lyman. A correction was read into the record for the proposed action to read ordinance 2019-08, rather than 2018-08 as written. Passed a motion to approve Ordinance 2019-08. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Quinto **Noes:** Councilmember Lyman

E. Storm Drain Easement Agreement with 10300 San Pablo Avenue
Exempt from CEQA review

Action Proposed: Adopt a resolution authorizing the City Manager to execute an Easement Agreement with The Little Hill LLC, "Owner", for public storm drain facilities located at 10300 San Pablo Avenue.

Contact: Julian Bobilev, Consulting Planner; Anna Bernardes, Engineering Manager/Senior Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution 2019-60

F. Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed Transportation Expenditure Plan Conditionally Amending the Growth Management Program
Exempt from CEQA review

Action Proposed: Adopt a resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed 2020 Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), including Attachment A: Principles of Agreement for Establishing the Urban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP.

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

Public Comments:

Mark Fuchs, representative of the Carpenters Training Trust Fund of Northern California, spoke in support of adoption with the inclusion of the joint apprentice language as written.

Glenn Loveall, representative of Iron Workers Union Local 378, spoke in favor of adoption.

Ryan Lau, external affairs representative for AC transit, spoke in favor of the plan and on improvements to the community by adoption of the plan.

Moved/Seconded: Councilmembers Abelson/Fadelli **Action:** Pulled from consent by Councilmember Fadelli. Staff responded to comments and questions raised by members of the council including the portion of funds that would come to AC Transit and to West County. Passed a motion to

approve Resolution 2019-61. **Ayes:** Mayor Pardue-Okimoto;
Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

G. Approval of League of California Cities 2019 Annual Conference Resolutions Packet

Action Proposed: Pass a motion to authorize and provide direction to the annual conference voting delegate to vote in favor of the proposed resolutions packet for 2019.

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

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Pulled from consent by Councilmember Lyman. Passed a motion to authorize the voting delegate to vote in favor of the proposed resolutions; authorize delegate to speak in favor of and authorize the Mayor to sign a letter in support of the resolution for amendment to Rule 20A. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

H. Clean Air Day Proclamation

Action Proposed: Pass a motion approving a proclamation declaring October 2, 2019 as Clean Air Day in El Cerrito.

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

Action: Approved proclamation

5. PRESENTATIONS

A. Contra Costa County Library Commission (CCCLC) Update

Action Proposed: Receive and file.

Contact: Michael Fisher, Commissioner, CCCLC

Presentation and Discussion: Michael Fischer, Library Commissioner, provided an update on new and ongoing library activities and pending legislation related to Libraries.

Public Comments

Howdy Goudy commented on library programs and shared information about countywide toolkit for evaluating energy efficiency in homes.

B. Citizens Street Oversight Committee Annual Report

Action Proposed: Receive and file.

Contact: Matthew Kelly, Chair of Citizens Street Oversight Committee

Presentation and Discussion: Matthew Kelly, Committee Chair, provided an update on the Committee's work and delivered annual report.

Moved/Seconded: Councilmembers Abelson/Lyman **Action:** Passed a motion to receive and file. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

C. Arts & Culture Commission Update

Action Proposed: Receive and file.

Contact: Ruth Cazden, Chair of Arts and Culture Commission

Presentation and Discussion: Ruth Cazden, Commission Chair, provided an overview of the commission accomplishments and activities.

6. PUBLIC HEARINGS - None

7. POLICY MATTERS

A. Adopt a Memorandum of Understanding between the City of El Cerrito and the United Professional Firefighters Association, Local 1230

Action Proposed: Adopt a resolution approving an agreement between the City of El Cerrito and the United Professional Firefighters Association, Local 1230 modifying salaries and creating a new Memorandum of Understanding.

Contact: Kristen Cunningham, Human Resources Manager, City Management

Presentation and Discussion: Kristin Cunningham, Human Resources Manager provided an overview of the proposed agreement and Memorandum of Understanding and responded to questions raised by members of the council including salary adjustments, alignment with projected budget, and importance of the positions and being competitive.

Public Comments:

Vincent Wells, President of United Professional Firefighters Association, Local 1230, spoke of the favorable and fair experience in working with the city.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to adopt Resolution 2019-62 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS – None

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 8:38 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meetings of October 1, 2019 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING (not televised)
Tuesday, October 15, 2019 – 6:15 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, October 15, 2019 – 7:00 p.m.
City Council Chambers

Meeting Location:
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

- 6:15 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING**
Mayor Pardue-Okimoto called the meeting to order at 6: 15 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.
- 1. ORAL COMMUNICATIONS FROM THE PUBLIC**
All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.
Cordell Hindler - commented on the number of vacancies for the Crime prevention committee, and desire to see an increase in youth engagement and participation on board and commissions.
- 2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS**
Action Proposed: Staff requests that City Council conduct interviews and, at the conclusion of interviews, confer with staff regarding the ongoing recruitments, any remaining vacancies, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.
Contact: Holly M. Charl  ty, City Clerk, City Management
Moved/Seconded: Councilmember Lyman/Quinto **Action:** Conducted three interviews and passed a motion to appoint Cortney Helion to the Arts and Culture Commission for a term of October 15 through March 1, 2022. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Fadelli, Lyman, and Quinto **Noes:** Councilmember Abelson
- 3. ADJOURN 6:15 SPECIAL CITY COUNCIL MEETING**
The special meeting adjourned at 7:16 p.m.

7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 7:21 p.m.

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF
MOMENT OF SILENCE - *Councilmember Quinto***

2. COUNCIL/STAFF COMMUNICATIONS

Mayor Pardue-Okimoto - announced the appointment of Cortney Helion to the Arts and Culture Commission.

City Manager Pinkos - thanked the community for their patience with the outage last week and reported around 800 residents affected.

Mayor Pardue-Okimoto - announced a community forum for saving Alta Bates on November 16 at the El Cerrito community center.

3. ORAL COMMUNICATION FROM THE PUBLIC

Cordell Hindler - invited council to bright star performance at the Contra Costa Civic Theater and Salegian high school pasta dinner, attending mayors conference next month, commented on cost of property in El Cerrito.

Peter Liddell - spoke regarding Kensington RFP and desire for residents to have the ability to vote on contract services.

Susan Duncan - thanked fire department for vegetation mitigation, spoke on lack of comfort station by PG&E in West County, and recent events should jolt preparedness for emergencies.

David Mandel - spoke regarding standard of care, and traffic calming changes needed at 1400 block of Navalier.

Linda Cain - spoke regarding concerns about potential BART development at the Plaza and parking reductions.

Romy Douglass - spoke regarding concerns about parking reductions and proposed development at BART Plaza station.

Al Miller - shared that Stege Sanitary District received a community outreach award from the California Special Districts Association (CSDA) for their Kids of the Bay program.

Ann Levine - spoke about safety, access and fairness issues with proposed development at Plaza BART.

Don Hubbard - spoke about confusion on letters received regarding fire abatement.

Buddy Akacic - spoke regarding concerns with BART beginning to act as a developer, and unused newspaper racks in the city.

4. ADOPTION OF THE CONSENT CALENDAR

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

Moved/Seconded: Councilmember Lyman/Abelson **Action:** Passed a motion to approve the consent calendar as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. Shelter-in-Place Education Day Proclamation

Action Proposed: Pass a motion to approve a proclamation proclaiming November 6, 2019 as “Shelter-in-Place Education Day”.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved proclamation

B. Quarterly Cash and Investment Report

Action Proposed: Receive and file the City’s Quarterly Investment Report for the Quarter ending September 30, 2019.

Contact: Mark Rasiah, Finance Director/Treasurer, Finance Department

Action: Received and filed.

C. Commission on Aging Appointment

Action Proposed: Approve an Commission on Aging recommendation to appoint Buddy Akacic to the Commission, effective October 15, 2019.

Contact: Bridget Cooney, Recreation Supervisor, Recreation Department

Action: Approved appointment

D. Urban Forest Committee Reappointment

Action Proposed: Pass a motion to approve an Urban Forest Committee recommendation to re-appoint Yan B. Linhart to the Urban Forest Committee for a second term, expiring on March 1, 2023.

Contact: Stephen Pr  e, Program Manager, Operations and Environmental Services

Action: Approved appointment

E. Authorization of S2 Grant Application

Action Proposed: Adopt a resolution authorizing staff to submit an application for SB2 grant funds.

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

Action: Approved Resolution 2019-63

5. PRESENTATIONS

A. Presentation on the 2020 Census - Complete Count

Action Proposed: Receive and file a presentation on the 2020 Census.

Contact: Darlene Drapkin, U.S. Census Bureau Partnership Specialist; Matt Lardner, Contra Costa County Census 2020 Census Outreach Coordinator

Presentation and Discussion: Provided a presentation on the importance of the 2020 census and responded to questions and comments by members of the council regarding inclusion of gender identity questions, presentation to seniors, groups included for Asian population identification, identification of disabilities, city point of content, citizenship question exclusion, and cyber security.

Public Comments:

Cordell Hindler - spoke on desire to have presentation made to neighboring jurisdictions and reaching the homeless population.

Al Miller - spoke on potential use of library and other city facilities to provide access to computers for residents to complete the census.

B. Presentation on the Evacuation Process Using Contra Costa County's Community Warning System

Action Proposed: Receive and file a presentation on the Evacuation Process and Use of Contra Costa's Community Warning System (CWS).

Contact: Joe Grupalo, Battalion Chief, Fire Department

Presentation and Discussion: Joe Grupalo, Battalion Chief, provided an overview of the presentation. Charlie Crocker, CEO and Robert Shear, Founder responded to questions and comments raised by members of the council regarding event response versus prediction, time frame of research period for needed sensors, and established evacuation zones.

Public Comments:

Denise Sangster - spoke regarding the need for this progress, need to provide better communication from the city, undergrounding power lines, and need to address unhealthy trees.

6. PUBLIC HEARINGS

A. Cost Hearing Regarding Fire Hazard Abatement of a Public Nuisance for Properties Identified and pursuant to El Cerrito Municipal Code Chapter 16.26 *Notice published 10/5/2019*

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private properties designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

Contact: David Gibson, Fire Marshal, Fire Department
Michael Pigoni, Fire Chief, Fire Department

Presentation and Discussion: Damien Carrion, Fire Prevention Officer, provided an overview of the item and answered questions raised by members of the council regarding number of properties abated in recent years, process for reimbursing the cost to the general fund, notifications to affected properties.

Mayor Pardue-Okimoto opened public hearing.

Public Comments:

Cordell Hindler - spoke regarding hillside properties and potential fire hazard.

Tom Xu - spoke regarding personal circumstances and conditions of properties owned, and dissatisfaction with abatement bidding process.

Moved/Seconded: Councilmember Lyman/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Council Discussion: Clarified if administration costs would be waived if paying the contractor directly, access to detailed bills, and notifications provided.

Moved/Seconded: Councilmember Lyman/Abelson **Action:** Passed a motion to adopt Resolution 2019-64. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. POLICY MATTERS

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

Councilmember Abelson - reported attendance at chamber luncheon, and recognition event for retirement of Joan Carpenter from County District 1.

Councilmember Quinto - reported attendance at Antioch Mayors Conference, celebration event for signing of AB1842, Hazardous Materials Commission meeting, Kensington Fire open house, Sip and Savor event, and Urban Forest Committee meeting.

Councilmember Lyman - reported potential RecycleMore rate increase coming, and currently interviewing for an executive director.

Councilmember Fadelli - reported attendance at Sip and Savor event, will be attending annual League of CA Cities conference this week, and encouraged visiting the city's website for facts on Measure H.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 9:41 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of October 15, 2019 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL PROCLAMATION
In Support of Protections from Deportation and a Path to Permanent Residency for Beneficiaries of
DACA, TPS and DED

WHEREAS, more than 1.1 million hardworking men and women stand to lose their work authorization and legal status in this country unless Congress takes steps to defend Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and Deferred Enforced Departure (DED), whose protections have been canceled by the Trump Administration, although federal judges have issued temporary injunctions blocking the terminations; and

WHEREAS, our entire workforce benefits from these programs that allow people to live and work without fear in our country, and we will all be harmed if these workers lose their status; and

WHEREAS, there are more than 800,000 DACA recipients in this country who have grown up and gone to school here. There are more than 320,000 TPS holders who have been working, paying taxes, contributing to our economy and belong to our unions. Many have lived here for decades, purchased homes and raised families that include U.S.-born children; and

WHEREAS, without legislative action for permanent solutions, more than 300,000 TPS and DED holders could be uprooted this year, including those from South Sudan in May, Nepal in June, Haiti in July and El Salvador in September; and

WHEREAS, TPS is a successful program that serves important humanitarian purposes while helping to raise wages, support a stable workforce and reduce exploitation. Studies have shown that TPS holders have a workforce participation rate of 88.5 percent, with particular concentrations in construction and service industries; and

WHEREAS, terminating these protections would separate families, force workers into the shadows, and cause far-reaching harm in worksites and industries across the country. Termination of TPS would lead to an estimated \$45 billion reduction in gross domestic product, an immediate \$69 billion reduction in tax contributions and an estimated \$1 billion in employer costs; and

WHEREAS, ending TPS protections will only serve to expand the pool of vulnerable workers in our labor market and force a growing number of immigrants and union members to work under a cloud of fear. Stripping status and work permits from long-term, taxpaying members of our society is not in the interests of working people; and

WHEREAS, on June 4, the House of Representatives passed the Dream and Promise Act of 2019 H.R. 6 which would provide protections from deportation and offer a well-earned path to permanent residency to hardworking people who have played by the rules for decades.

NOW THEREFORE, the City Council of the City of El Cerrito, does hereby proclaim that it stands in solidarity with beneficiaries of DACA, TPS and DED by endorsing House Resolution No. 6 (H.R. 6), the Dream and Promise Act H.R. 6; and

FURTHER the City urges California Senators Dianne Feinstein and Kamala Harris to do all that they can in the U.S. Senate to pass similar protections and a path to permanent residency for DACA, TPS and DED; and

AND FURTHER, the City encourages all residents to contact their senators to urge them to take leadership in fighting for protections from deportation and a path to permanent residency for DACA, TPS and DED.

Dated: November 19, 2019

Rochelle Pardue-Okimoto, Mayor

Hello, my name is Blanca Rodriguez and I am 42 years old. I have lived in the U.S. for twenty one years and am proud to call El Cerrito my home. I have 3 children in their twenties; two of them have received asylum and are on the pathway to U.S. citizenship. They also live in El Cerrito.

I was born in El Salvador and came to the U.S. to seek a better life and to escape from violence and extreme poverty. When I first arrived, I was alone, sad, and scared, but at the same time, I was excited and eager to seek the American dream. In 2001, during the big earthquake of El Salvador, I was granted Temporary Protected Status or TPS. I felt that my entire life would change when I received TPS. I knew it would open many opportunities that I did not have prior to TPS. To this date, I don't take my TPS status for granted, because TPS is a privilege. I am very careful to never violate the privilege of having TPS status here in the United States.

I am extremely grateful to have TPS. TPS has allowed me to gain social security, health benefits, job opportunities, security from being deported, and a better life for my family and me. TPS has also given me independence, a wonderful home, and a community here in El Cerrito.

Like many other TPS holders, I give back by paying my taxes just like any other hard-working American, and more. Overall, TPS holders give back \$3.1 billion in taxes. I was very emotional and stressed when I heard that TPS may not be renewed. I felt that everything that I had worked so hard to gain with my TPS over the past 21 years was all being thrown away like garbage. The fear of being deported to El Salvador after more than two decades of living here in the United States is unimaginable. If forced to return to El Salvador, I would be afraid for my life as well as for the lives of my immediate family members. I would be forced to either leave my children here in the U.S. or expose them to dangerous conditions in El Salvador.

I am not alone - TPS holders are raising more than 275,000 U.S. citizen children and all of us are at risk of family separation if TPS holders are not granted a pathway to permanent residency in the U.S.

While TPS for some countries was just extended through a lawsuit until January 2021, the only way to protect my family is for Congress to pass national legislation to guarantee a pathway to permanent residency for qualified holders of TPS, DACA, and DED. Although The Dream and Promise Act was passed in the House of Representatives, it is essential to pass similar legislation in the U.S. Senate.

I urge the council members of El Cerrito to do whatever you can to advocate with the U.S. Senate to pass federal legislation with a pathway to permanent residency for TPS, DACA and DED holders.

Thank you for your support.

EL CERRITO CITY COUNCIL PROCLAMATION
Honoring East Bay Regional Park District Board Member Whitney Dotson
upon his retirement

WHEREAS, East Bay Regional Park District Board Member Whitney Dotson, Ward 1, has announced that he is retiring from the Park District Board of Directors, effective December 18, 2019. Dotson has served the Board since 2008 and his last board meeting will be Tuesday, December 17, 2019; and

WHEREAS, in the 1970s, Whitney Dotson, his father Richard Daniel Dotson, and members of Parchester Village in Richmond long-resisted proposals to turn the shoreline park into housing, an airport, industrial complex or transit center. This effort ultimately paved the way for the establishment of Point Pinole Park; and

WHEREAS, in 2011, following a three-year eminent domain case, the land was acquired by the Park District and underwent a \$14 million restoration to tidal marsh, and in 2016, Breuner Marsh at Point Pinole Regional Shoreline was renamed Dotson Family Marsh in honor of the Dotson family's advocacy for local environmentalism; and

WHEREAS, a long-term resident of Parchester Village, Director Dotson is a well-known community activist who served as president of the Parchester Village Neighborhood Council and now serves as Vice Chair. He is the president of North Richmond Shoreline Open Space Alliance, a group of community and environmental organizations and individuals working to save access to the open space along the northern shoreline of Richmond. Director Dotson also served as the Associate Director of the Neighborhood House of North Richmond, a non-profit agency that provides services to North Richmond residents, and is Vice Chair of the Community Advisory Group monitoring the cleanup of Campus Bay and UC Berkeley Richmond Field Station; and

WHEREAS, in his time on the board, Director Dotson supported several significant projects in his ward, including the Atlas Road Bridge at Pt. Pinole, completion of the Bay Trail between Pinole Shores and Bayfront Park, restoration of Albany Beach, restoration of the now-named Dotson Family Marsh at Point Pinole, and the soon-to-be-completed Bay Trail segment between Berkeley and Albany; and

WHEREAS, Director Dotson has been an invaluable member of the East Bay Regional Park District Board, because of his passion for parks and health, for social justice, and for the environment that has served his distinguished career of over 60 years.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby recognizes East Bay Regional Park District Board Director Whitney Dotson for his tireless advocacy, his passion for environmental justice, his service to the residents of El Cerrito and Ward 1 of the District, and congratulate him on his retirement.

Dated: November 19, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Designating November 17 - 23, 2019 as “United Against Hate Week”

WHEREAS, the United States is a nation of immigrants, whose strength comes from its diversity; and

WHEREAS, the Constitution enshrines equality on all individuals, regardless of race, gender, orientation, religion, or political views; and

WHEREAS, recent federal policies and rhetoric have generated a toxic environment that encourages the propagation of racist, xenophobic, sexist, homophobic, Islamophobic, and other bigoted views by emboldened hate groups and individuals; and

WHEREAS, deep divisions within our country allow for the festering of extreme ideology, further strengthening a cycle of mistrust and suspicion fueled by fear, anxiety, and insecurity; and

WHEREAS, the number of hate crimes across the United States has increased dramatically over the past couple of years; and

WHEREAS, in 2017, white nationalist groups held violent rallies in cities across the country, instilling fear across many diverse communities; and

WHEREAS, the City of El Cerrito is deeply committed to inclusivity; and

WHEREAS, the City of El Cerrito was declared a Sanctuary City on March 21, 2017 further affirming the City’s commitment to the values of dignity, inclusivity, and respect for all individuals regardless of ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, age, disability, or immigration status; and

WHEREAS, the community launched a Stop Hate Together campaign to further state our shared values and reiterate our commitment to inclusivity; and

WHEREAS, education, compassion, and cooperation are key to understanding and embracing differences between people; and

WHEREAS, sponsoring a United Against Hate Week is an important step in bridging divisions and healing communities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of El Cerrito that it hereby declares the week of November 17, 2019 through November 23, 2019 as United Against Hate Week in the City of El Cerrito.

Dated: November 19, 2019

Rochelle Pardue-Okimoto, Mayor



AGENDA BILL

Agenda Item No. 4.E.

Date: November 19, 2019
To: El Cerrito City Council
From: Jennifer Peat, Management Assistant/EDC Staff Liaison
Melanie Mintz, Community Development Director, Community
Development Department
Subject: Appointment of Members to the Economic Development Committee

ACTION PROPOSED

Approve an Economic Development Committee recommendation to appoint Minh-Hoa Ta and Jonathan Zazove to the Economic Development Committee, effective November 19, 2019.

BACKGROUND

Applications to be appointed to the Economic Development Committee (EDC) were recently received from Minh-Hoa Ta and Jonathan Zazove, who have attended three meetings of the Economic Development Committee. During the regular Committee meeting on October 21, 2019 the Committee voted unanimously to recommend to the City Council that Minh-Hoa Ta and Jonathan Zazove be appointed to the Economic Development Committee.

Minh-Hoa is the Dean of Business and Workforce Development at San Jose City College. Minh-Hoa has lived in El Cerrito for 10 years and is hoping to contribute her knowledge and experience to help the Committee and the community.

Jonathan works as an engineer for Facebook and has lived in El Cerrito for three years. Jonathan is interested in assisting with small business support and development and would like to participate in that economic growth in a way that is beneficial to the community.

ANALYSIS

If the Council approves these recommendations, the number of Committee members will be 9. Resolution 2013-66 establishes the maximum committee size at 15.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal C: Deepen a sense of place and community identity

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

Application(s) on file with the City Clerk.



AGENDA BILL

Agenda Item No. 6.A.

Date: November 19, 2019
To: El Cerrito City Council
From: Mark Soltes, Community Development
David Gibson, Fire Department
Subject: Adoption of Building and Fire Code Updates

ACTION PROPOSED

Conduct a public hearing, and upon conclusion 1) Adopt a Resolution which makes findings justifying changes or modifications due to local climatic, geologic and topographic conditions in the 2019 California Building Standards Code, which includes the California Green Building Standards Code, Building Code, Fire Code, Residential Code, Existing Building Code, and related Construction Codes; and 2) Introduce by title, waive the first reading of an Ordinance and set the second hearing for December 3, 2019 which adopts the 2019 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code, 2018 International Property Maintenance Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the Ordinance.

BACKGROUND

The 2019 California Building Standards Code (CBSC) which includes the Fire Code, becomes effective in California cities on January 1, 2020. Typically, every three years, the California Building Standards Commission reviews and revises the California Building, Existing Building, Fire, Plumbing, Mechanical, Residential and Electrical Codes. The California Health and Safety Code requires local agencies to adopt the building standards contained in these uniform statewide codes but allows cities to modify the codes to reflect local conditions. The City of El Cerrito adopted its current codes, incorporating and modifying the 2016 California Building Standards Code, including the Fire Code, in November 2016.

ANALYSIS

A city may establish more restrictive standards in their Building Codes because of local climatic, geological, or topographical conditions. The local modifications proposed for El Cerrito are outlined in detail within the resolution (Attachment 1) and include the following local environmental conditions:

1. Climatic Conditions
 - a. Precipitation and Relative Humidity
 - b. Temperature
 - c. Winds
2. Geologic Conditions

- a. Seismic
- 3. Topographic
 - a. Soils
 - b. Vegetation
 - c. Surface Features Buildings and Landscaping

The attached draft ordinance adopting the 2019 CBSC generally represents a continuation of existing City practice with regard to local modifications. It revalidates and readopts the City's current local amendments and includes El Cerrito's minor modifications due to local climatic, geologic and topographic conditions. There are no substantial qualitative changes from the Codes previously codified in Title 16 of the El Cerrito Municipal Code in November 2016.

There are minor changes to the reference numbering in the new California Codes, and the proposed ordinance reflects these new reference numbers in order to ensure that the Municipal Code continues to relate accurately to the California Building Standards Code. There are also amendments to several sections of the California Building Code as that relate to materials allowed and assemblies of weather exposed supported structures such as balconies and decks. Other construction-related California Codes are not included in this ordinance as City staff is not recommending that they be amended. Those Codes will be automatically adopted and enforced as published by the State on January 1, 2020.

STRATEGIC PLAN CONSIDERATIONS

The task of updating and adopting the new California codes specifically modified to align with El Cerrito's local climatic, geologic and topographic conditions is in keeping with the Strategic Plan goals of delivering exemplary government services and ensuring the public's health and safety.

ENVIRONMENTAL CONSIDERATIONS

This project is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3), Review for Exemptions – General Rule, in that it can be seen with certainty that there is no possibility for these actions to have a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The cost of implementing this project is partially included in the City of El Cerrito's 2019-2020 Budget for staff training, but incurred additional costs compared to a normal budget year of \$3829 for additional training and new code books.

LEGAL CONSIDERATIONS

State law requires that the local agency adopt findings for any local modifications to the

building standards contained in the CBSC. These findings are included in the attached resolution.

The City of El Cerrito is following the general process for adopting another code by reference, pursuant to Government Code 50022.3. The City Council must determine that the form of this publication is sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof, and the resolution contains a finding to this effect.

In addition, the City Clerk is required to keep on file a copy of the codes to be adopted by reference for at least 15 days before the public hearing as well as after its adoption pursuant to Government Code section 6066.

The City Attorney has reviewed and approved the attached draft resolution, ordinance and hearing notice.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Ordinance

RESOLUTION NO. 2019-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING FINDINGS TO SUPPORT LOCAL MODIFICATIONS TO THE STANDARDS CONTAINED IN THE 2019 CALIFORNIA BUILDING STANDARDS CODE, ENACTED AS PART OF ORDINANCE NO. 2019-09; AND DIRECTING CITY CLERK TO SCHEDULE HEARING AND PUBLISH NOTICE

WHEREAS, Section 17922 of the California Health and Safety Code requires that local agencies adopt Title 24, which is including but not limited to the building standards contained in the California Building Code, the California Fire Code, the California Plumbing Code, the California Mechanical Code, and the California Electrical Code, as such codes are approved by the State Building Standards Commission (collectively, the “California Building Standards Code”); and

WHEREAS, Section 17958.5 of the California Health and Safety Code allows local agencies to enact modifications to those building standards provided that such modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, Section 17958.7 of the California Health and Safety Code further provides that a local agency which enacts modifications to those building standards must adopt findings which tie those modifications to such local climatic, geological or topographical conditions; and

WHEREAS, the El Cerrito City Council has considered whether certain modifications to the building standards contained in the California Building Standards Code are necessary in El Cerrito due to local climatic, geological, or topographical conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does hereby adopt the following findings in conformance with its obligations under Section 17958.7 of the California Health and Safety Code:

I. The City of El Cerrito is subject to the following climatic, geological and topographical conditions:

A. Climatic Conditions

General Conditions

The seasonal climatic conditions during late summer, fall and early winter create serious difficulties regarding the control of and protection against fires in El Cerrito. The hot, dry weather typical of this area in the summer and fall, and the extreme dryness of fuel stands in the early winter, coupled with wind, temperature and precipitation conditions outlined below frequently cause fire events which threaten the City.

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of 18 inches per year. Ninety-five percent of all rainfall occurs during the seven months of October through April and only five percent occurs from May through September. The dry season is considered to last at least six months in this area, where typically 0.8 percent of the annual rainfall occurs in any given month during this period. In addition, the Northern California area is subject to recurrent periods of drought lasting for several years. Relative humidity remains in the middle range most of the year with 45 to 65 percent occurring during the spring, summer and fall, and a wider range of 60 to 90 percent in the winter. Occasionally, the relative humidity falls as low as 12 percent during temporary changes in climate and wind direction. Such low humidity periods can occur any time of year. Coastal fog, on the other hand, can raise humidity especially during night hours.

(b) Impact

During the dry season generally and during occasional periods of low humidity, burning conditions are worse than normal. Such weather conditions cause extreme dryness in combustible material including untreated wood shakes and shingles on buildings, wood siding, and combustible building materials. Non-irrigated grass, brush, and weeds, which are often near buildings, are also subject to extreme drying. Extremely dry, combustible materials are vulnerable to rapidly spreading exterior fires which can quickly transfer to other buildings by means of radiation or flying brands, sparks, or embers. Under such conditions, a small fire can rapidly grow in magnitude beyond the capabilities of the fire department to control. Such fires produce excessive fire loss that has a negative impact on the quality of life in the community.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 106° F. Seasonal highs over 90° can be sustained for several days in a row.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, reducing their effectiveness and ability to control large building and wildland fires. High temperatures will preheat combustible building materials and non-irrigated weeds, grass and brush causing their materials to ignite readily and burn more rapidly and intensely. In addition, a series of local ridges and valleys produce differences in solar heating of fuels which increase the probability of erratic fire behavior, including area-wide ignition and "blow-up" conditions. Higher air and fuel temperatures increase the rate of fire spread and reduce the effectiveness of water applied to extinguish fires. Additional fire department resources and water will be required for timely and effective suppression of fires. Temperature has a direct relationship to the intensity and size of fires.

3. Winds

(a) Conditions

Prevailing winds in the area occur from the west or southwest. Off shore winds from the northeast and east, known locally as Diablo winds, frequently occur during the summer and fall and are prevalent during periods of hot, dry weather. Virtually any time during the year a climatic pattern of strong, steady, dry winds can occur for several days in succession, creating extremely dry conditions. Hillside elevation differences are ideal for the creation of localized up slope or down slope winds, which follow ridgelines or canyon valleys. Because of these topographic variables, winds can be experienced from virtually every direction depending on location and surrounding climatic conditions. Wind velocities range generally from 15 to 25 mph, with typical gusting to 35 mph. Severe storm gusts have been recorded as high as 80 mph. Westerly afternoon winds are common. Forty mph winds are experienced occasionally during extreme fire weather conditions. In rare circumstances, both on shore and off shore breezes up to 55 mph have been registered locally during non-storm conditions.

(b) Impact

Local winds can cause water intrusion and structural deterioration to building components, this deterioration may facilitate a premature structural building collapse. These local winds cause interior and exterior fires to burn intensely and spread rapidly. Wind driven fires involving non-irrigated weeds, grass and brush can grow to a magnitude and intensity beyond the capabilities of the fire department to control. Even relatively moderate winds can cause extreme and erratic fire behavior. Prevailing winds generally align with local topographical features creating ideal avenues for uphill fire spread. Wind driven fires can move uphill or downhill with great speed. When wind driven fires are not controlled they can spread from property to property and threaten the entire community.

Summary

The local climatic conditions created by precipitation patterns, temperature and wind conditions combine to affect the rate of acceleration, intensity, and magnitude of fire in the community. Periods with little or no rainfall, low humidity and high temperatures create extreme fire hazard conditions. Temperature extremes can create intense and erratic fire behavior. Local winds can have a tremendous impact on fire intensity, growth, and spread. Winds can carry sparks and burning brands to other areas up to one-mile away thus spreading fire and causing conflagrations. In building fires and fires at the bottom of canyons, winds can literally create a "blow torch" effect, which concentrates heat and resists control efforts.

B. Geologic Conditions

General Conditions

The geologic features of the local area create conditions that leave the area vulnerable to local flooding, earthquakes, land sliding, restricted access and conflagration. These events create serious difficulty regarding the control of and protection against fires in El Cerrito. Local flooding conditions can impede the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency tasks. Among the potential effects of earthquake activity are isolation of neighborhoods or the entire community, loss of water sources and conflagration. Seismic events and landslides may isolate El Cerrito from surrounding communities and restrict or eliminate internal circulation by rendering surface travel difficult or impossible. Topographic features present multiple problems in the delivery of emergency services including fire protection.

1. Seismic

(a) Conditions

El Cerrito is located in a High Risk Seismic Zone, the worst risk rating in the United States. Buildings and other structures in High Risk Zones can experience major damage as the result of a seismic event. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, Rogers and other lesser faults. The Hayward and Calaveras faults have been identified as likely sites for a major seismic event in the 7 + Richter scale range within the next 25 years. Minor seismic events have been localized in the El Cerrito-Berkeley area.

Much of the transportation infrastructure is built upon soils classified as subject to liquefaction or landslide. San Pablo Avenue, a major north-south route through the city, is subject to liquefaction. Arlington Blvd., the other main north-south route, is subject to damage from landslide. Potrero, Moeser and Stockton Avenues, primary east-west routes, are all subject to damage from landslide. Damage to these roadbeds would have a significant, negative impact on response times.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities which in turn, cause power failures while at the same time starting fires throughout the city. The simultaneous occurrence of multiple fires will quickly disperse available fire department resources, thereby reducing and delaying an emergency response to any additional fires. An electrical power outage would incapacitate elevators, building smoke management systems, lighting systems, alarm systems and other electrical equipment. Since these are urgently needed to assist evacuation and fire control in large buildings there is increased expectation of life loss and major fire losses in such larger buildings.

A seismic event powerful enough to damage roadways would also damage other utility systems such as water mains, natural gas pipelines and telephone lines. The East Bay Municipal Utilities District anticipates seismic disruption of water service. Damage to these systems would have a negative impact on the service delivery capabilities of local emergency services.

(b) Impact

The above listed local geologic conditions increase accessibility problems and fire hazards in the City of El Cerrito. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to a larger number of citizens should a leak occur during a significant seismic event. Public safety resources would have to be prioritized to meet the greatest threat and may be unavailable for smaller structure fires in dwellings or other structures. Smaller fires may grow to conflagration proportions. Other factors can intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge or freeway overpass collapse;
- 3) The extent of roadway damage or amount of debris blocking the roadway;
- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) Dwellings with wood shingle roof coverings could burn and result in conflagrations.

Summary

The local geologic conditions leave the city vulnerable to emergency conditions created by local flooding, earthquakes, landslide, and conflagration. Local flooding from the drainages and slopes of the East Bay Hills could result in conditions rendering the roads impassible. Earthquakes can occur at anytime. Earthquakes can isolate the community or significant portions of the community, cause loss of water sources used to provide fire protection and cause injury or rescue situations, which could then overtax the available resources to respond to new fires. Land movement can impair, restrict or deny emergency access to significant portions of the city. Geologic features and conditions can make firefighting strategy and tactics difficult at best. When coupled with prevailing climatic and topographic conditions, the City is at risk to conflagration at any time and is extremely vulnerable during or after a triggering event such as earthquake, floods, landslide or fire.

C. Topographic

General Conditions

The topographic features of the city increase the difficulty of fighting fires. Steep hillsides, ridges and deep, well-defined canyons are subject to fires that, in those areas, are easily influenced by wind and weather. Steep canyons are subject to rapid-fire spread, spot fires and area ignition. Fire growth controlled by topographic features (topography-driven fires) is subject to erratic fire behavior including blowups, fire whirls, and sudden changes in fire front direction. On the other hand, certain topographic features such as moist or sparse vegetation conditions, surface features, and man-made improvements such as roads have a dampening influence on erratic fire behavior.

1. Soils

(a) Conditions

The area is replete with various soils, which are unstable: clay loam, unconsolidated fills, and alluvial fans are predominant. These soil conditions are moderately to severely prone to swelling and shrinking and are plastic and tend to liquefy. Large hillside portions of the city are subject to landslide, slumping and collapse.

(b) Impact

Throughout El Cerrito the topography and the pattern of growth and development have created a network of aging, narrow roads which limit access to some neighborhoods even in the best conditions. These roads are subject to damage and closure from mud and rock-slides caused by earthquakes, storms or erosion. Unstable soils can slip causing trees, power poles and lines, or other obstructions to close roadways. Any significant seismic or weather event can close roadways isolating residential subdivisions.

2. Vegetation

(a) Conditions

Highly combustible dry grass, weeds and brush are common six to eight months of each year in the hilly and open space areas adjacent to built-up locations. Many of these areas have experienced wildland fires, which have threatened nearby buildings; particularly those with wood roofs or siding. The City Council has designated areas of the city as Very High Fire Hazard Severity Zones (VHFHSZ) and has adopted vegetation management standards for these areas. Many residential areas border parklands, which contain vegetation fire hazards.

(b) Impact

Combustible dry grass, weeds and brush contribute to a recognized conflagration hazard. City programs like the vegetation management program, the Hillside Natural Area Fire Hazard Reduction Program and strict fire code enforcement have reduced but not eliminated the threat of conflagration due to rapid fire spread in vegetation stands. Should active fire become established in vegetation stands, this growing fire could rapidly overcome fire department control efforts.

3. Surface Features

(a) Conditions

The arrangement and location of natural and man-made surface features, including hills, valleys, creeks, roadways, housing density, commercial areas, and fire stations combine to limit feasible emergency response routes to certain areas.

(b) Impact

The arrangement and location of natural surface features produce an area very similar to those conditions found in the Oakland-Berkeley hills prior to their conflagration of October 1991. Surface features can easily produce fires of great magnitude or with erratic fire behavior that could threaten the entire community.

4. Buildings and Landscaping

(a) Conditions

Many commercial buildings and apartment complexes have building and landscape features, which preclude or greatly limit the operational access of fire department vehicles. There are many concentrations of houses and other buildings with untreated wood shake or shingle roofs or siding in the City which are within 10 feet of each other. There are many such buildings to which access to all but one side is virtually impossible due to landscaping, fences, electrical transmission lines, slopes or other buildings.

(b) Impact

When Fire Department vehicles cannot gain access to buildings on fire, there is a high potential for complete loss. Difficult access to a fire site often requires that personnel must carry equipment for long distances. Such operations quickly exhaust fire personnel and reduce the effective number of personnel available for suppression. Access problems often result in severe delays, the misdirection of fire and smoke control efforts, or the failure to make a timely fire attack.

Summary

The above listed local topographical conditions increase accessibility problems and fire hazards in the City of El Cerrito. Should a significant emergency occur, such as an area wide conflagration, public safety resources would be prioritized to mitigate the greatest threat and may likely remain unavailable for smaller single dwelling or structure fires. Other variables may intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge and/or freeway overpass collapse;
- 3) The extent of roadway damage and/or amount of debris blocking the roadways;
- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business and commute hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) The large proportion of dwellings with wood single roof coverings could result in conflagrations.

D. Conclusion

Based on the local climatic, geologic, and topographic conditions outlined above, there is a real risk of damage to the community from a disaster. A seismic event can cause structural damage to buildings and utility infrastructure; storm flooding and high winds may increase the damages. Any of these conditions may negatively affect fire prevention efforts by increasing the frequency, spread, acceleration, intensity, and size of fires involving buildings in this community. Further, these conditions will increase the potential damage to all structures occurring from any earthquake and subsequent fire. It is found, therefore, to be reasonably necessary that the California Fire Code and the State Building Standards Code are changed or modified to mitigate the effects of the above conditions.

II. Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the City Council of the City of El Cerrito makes the finding that changes, modifications, and amendments to the 2019 Edition of the California Building Standards Codes are needed and are reasonably necessary because of certain local climatic, geologic and topographic features and conditions as described in Section I above, and that those features and conditions, under certain circumstances, affect delivery of emergency services. The amendments to the California Building Standards Codes are enacted to mitigate the impact of those local features and conditions by (i) preventing the chance of accident or injury by requiring standards more stringent than required by the current codes; and (ii) requiring additional built-in automatic fire protection systems which will provide for early detection and initial fire control.

III. The following changes and/or modifications to the 2019 California Building Standards Code are found to be necessary to mitigate the impacts caused by the local climatic, geologic and topographic conditions and are listed as follows:

<u>Municipal</u>		
<u>Code Section</u>	<u>CBC Section</u>	<u>Findings in Section 1</u>
16.02.020	105.2 (4)	A, B, C, D
16.02.030	107.6	B.1, C.1
16.02.040	107.3	A, B, C, D
16.02.050	114.1.1	A, C.2, C.4
16.02.060	117	A, C.2, C.4
16.02.070	501.2	A, C.2, C.4
16.02.080	903.2	A, C.2, C.4
16.02.090	904.3.5	A, C.2, C.4
16.02.100	905.3	A, C.2, C.4
16.02.110	1705.3	B, C
16.02.120	1905.1.7	B, C
16.02.130	Chapter 23	A, C.2, C.4
16.02.140	2304.12.1.5	A, C.2, C.4
16.02.150	2505	A, C.2, C.4
16.02.160	Chapter 1, Section 110.7	A, C
16.02.170	Appendix G, Section 102.3	A, B, C
16.02.180	1202.7	A.1, A.3
16.02.190	1403.14	A.1, A.3
16.02.200	2303.12.2.3	A.1, A.3
16.02.210	2303.12.2.4	A.1, A.3
16.02.220	2304.12.2.5	A.1, A.3
16.03.020	R105.2	A,B,C,D
16.03.030	R106.2.1	B1, C1
16.03.040	R106.3.1	A,B,C,D
16.03.050	R113.5	A,C2,C4
16.03.060	R115	A,C2,C4
16.03.068	R310.1	A, B, C, D
16.03.070	R319.1	A,C2,C4
16.03.080	R322.1	A,B,C
16.03.090.	R402.1	A,C2,C4
16.03.100	R602.10.4	A,C2,C4
	And/Table R602.10.3(3)	
16.03.110	R703.6	A,C2,C4
16.08.040	Article 230.70(A)(1)	A, C.2, C.4, D
16.09.030	405	B, C
16.26.020	1.1.1.2	A, C.2, C.4, D
16.26.030	1.1.8	A, C.2, C.4, D
16.26.040	1.11.1	A, C.2, C.4, D
16.26.050	102.1	A, C.2, C.4, D
16.26.060	102.9	A, C.2, C.4, D
16.26.070	104.1	A, C.2, C.4, D
16.26.080	104.1.1A and 104.1.1B	A, C.2, C.4, D
16.26.090	104.9	A, C.2, C.4, D
16.26.100	105.1.1	A, C.2, C.4, D

<u>Municipal</u>		
<u>Code Section</u>	<u>CBC Section</u>	<u>Findings in Section 1</u>
16.26.110	105.6	A, C.2, C.4, D
16.26.120	109	A, C.2, C.4, D
16.26.130	202	A, C.2, C.4, D
16.26.140	202	A, C.2, C.4, D
16.26.150	202	A, C.2, C.4, D
16.26.160	321	A, C.2, C.4, D
16.26.170	401.5	A, C.2, C.4, D
16.26.180	503, 504, 505, and 507	A, C.2, C.4, D
16.26.190	603.6	A, C.2, C.4, D
16.26.200	903.2	A, C.2, C.4, D
16.26.210	903.2	A, C.2, C.4, D
16.26.220	905.3.1	A, C.2, C.4, D
16.26.230	907.2	A, C.2, C.4, D
16.26.240	907.8.2	A, C.2, C.4, D
16.26.250	1010.1.10	A, C.2, C.4, D
16.26.260	1028.5	A, C.2, C.4, D
16.26.270	5004	A, C.2, C.4, D
16.26.280	5004.1	A, C.2, C.4, D
16.26.290	5304.2	A, C.2, C.4, D
16.26.300	5601.1.1A	A, C.2, C.4, D
16.26.310	5704.2.11.5	A, C.2, C.4, D
16.26.320	5704	A, C.2, C.4, D
16.26.330	5803A	A, C.2, C.4, D
16.26.340	6103.2.1.7	A, C.2, C.4, D
16.26.350	6104.2A	A, C.2, C.4, D

The aforementioned amendments have been incorporated in detail in Ordinance 2019-09.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito does hereby direct the City Clerk to schedule a public hearing for consideration of Ordinance No. 2019-09, to be held December 3, 2019, at 7:00 p.m. at the City Council Chambers, and to publish a notice of such hearing in accordance with Government Code Section 50022.3; and that such notice state that the purpose of the ordinance is to adopt the 2019 California Building Standards Code (including the Fire Code) and the California Housing Regulations, with modifications to address unique local conditions.

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

I CERTIFY that at a regular meeting on November 19, 2019 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 November XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 16 OF THE EL CERRITO MUNICIPAL CODE TO ADOPT, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE (BASED ON THE 2018 INTERNATIONAL BUILDING CODE), VOLUMES 1 AND 2, INCLUDING SEVERAL APPENDICES THERETO, THE 2019 CALIFORNIA FIRE CODE (BASED ON THE 2018 INTERNATIONAL FIRE CODE), INCLUDING ALL APPENDICES THERETO, THE 2019 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2018 INTERNATIONAL RESIDENTIAL CODE) WITH SOME APPENDICES, THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE (BASED ON THE 2018 INTERNATIONAL EXISTING BUILDING CODE) INCLUDING SOME APPENDICES, THE 2019 CALIFORNIA PLUMBING CODE (BASED ON THE 2018 UNIFORM PLUMBING CODE), THE 2019 CALIFORNIA MECHANICAL CODE (BASED ON THE 2018 UNIFORM MECHANICAL CODE), THE 2019 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2017 NATIONAL ELECTRICAL CODE), AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE .

The City Council of the City of El Cerrito does hereby ordain as follows:

DIVISION I. That certain documents, copies of which are on file and are open for inspection by the public in the office of the Building Official of the City of El Cerrito, being marked and designated as the California Building Standards Code, 2019 Edition, comprising Title 24, Parts 1, 2 (Vol. 1 and 2), 2.5, 3, 4, 5, 6, 9,10, 11, and 12 California Code of Regulations, together with all appendices thereto and the California Housing Law Regulations, are hereby adopted, with certain modifications to reflect unique local conditions, as contained in the Municipal Code of the City of El Cerrito for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of El Cerrito. Each and all of the regulations, provisions, conditions, and terms of such California Building Standards Code, California Housing Law Regulations, all of which are on file in the office of the Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance. The application and use of the Appendices in the California Building Standards Codes and California Fire Code are adopted individually and are subject to approval of the Building Official and Fire Chief respectively.

The City Council of the City of El Cerrito further ordains as follows:

DIVISION II. TITLE 16, CHAPTER 16.02., ORDINANCE NO. 2016-04, (CALIFORNIA BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.02, TITLED "CALIFORNIA BUILDING CODE":

Chapter 16.02

CALIFORNIA BUILDING CODE

Sections:

16.02.010	California Building Code - Adoption
16.02.020	Chapter 1 Subsection 105.2 (4) Amended - Exempted Work
16.02.030	Chapter 1 Section 107.6 Added - Garage, Carport and Driveway Grades
16.02.040	Chapter 1 Subsection 107.3 Amended - Examination of Documents
16.02.050	Chapter 1 Section 114.1.1 Added - Littering of Streets
16.02.060	Chapter 1 Section 117 Added - General Regulation of Construction
16.02.070	Chapter 5 Section 501.2 Amended – Address Identification
16.02.080	Chapter 9 Subsection 903.2 Amended - Automatic Fire-Extinguishing Systems
16.02.090	Chapter 9 Subsection 904.3.5 Amended - Alternative Automatic Fire-Extinguishing Systems
16.02.100	Chapter 9 Subsection 905.3.1 Amended - Standpipe Requirements
16.02.110	Chapter 17 Subsection 1705.3 Amended – Required Special Inspections and Tests
16.02.120	Chapter 19 Subsection 1905.1.8 Amended - Modifications to ACI 318
16.02.130	Chapter 23 Subsections 2308.6.4 and 2308.6.5 and tables 2308.6.1 and 2308.6.3(1) Amended - Wood
16.02.140	Chapter 23 Subsection 2304.11.2.6 Amended – Wood Siding
16.02.150	Chapter 25 Section 2505 Deleted – Shear Wall Construction
16.02.190	Chapter 1, Section 110.7 Added - Storm Water Control
16.02.200	Appendix G Subsection G102.3 Added – Flood Resistant Construction

16.02.010 California Building Code - Adoption.

The Building Code for the City, sometimes referred to as “the CBC,” is the 2019 California Building Code, incorporating Volumes 1 and 2, (based on the International Building Code, 2018 Edition), including Appendix chapters D, F, G, H, and J, as approved by the California Building Standards Commission, and as published in Title 24, Part 2, Volumes 1 and 2 of the California Code of Regulations.

16.02.020 Chapter 1 Subsection 105.2 (4) Amended - Exempted Work

Subsection 105.2(4) of the CBC is amended to read:

4. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.02.030 Chapter 1 Section 107.6 Added -Garage, Carport & Driveway Grades

Section 107.6 is added to the CBC, to read as follows:

Section 107.6 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.02.040 Chapter 1 Subsection 107.3 Amended - Examination of Documents

Subsection 107.3.1.1 is added to the CBC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CBC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.02.050 Chapter 1 Section 114.1.1 Added - Littering of Streets

Section 114.1.1 is added to the CBC, to read as follows:

Section 114.1.1 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.02.060 Chapter 1 Section 117 Added - General Regulation of Construction

Section 117 is added to the CBC, to read as follows:

Section 117 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.

Work hours in the public right-of-way shall be regulated by Public Works Department.

- (c) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.02.070 Chapter 5 Section 501.2 Amended – Address Identification

Section 502.1 of the CBC is amended to read as follows:

Section 502.1 – Address Identification.

- a) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution and shall be available for inspection by any member of the public.
- b) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.
- c) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum $\frac{1}{2}$ " stroke width for residential, and six (6) inches in height with minimum 1" stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- d) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- e) Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
- f) Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.

- g) The owner shall be responsible for the maintenance of identification numbers.
- h) Any change of the assigned street identification number must be approved by the Building Official.
- i) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.02.080 Subsections 903.2 Amended - Automatic Fire-Extinguishing Systems

Subsection 903.2 of the CBC is amended to add:

- a) In every building where the total floor area exceeds 5,000 square feet.
- b) In every building having three (3) or more stories.

16.02.090 Subsection 904.3.5 Amended – Alternative Automatic Fire-Extinguishing Systems

Section 904.3.5 of the CBC is amended by adding the words, “or when required by the Fire Chief.”

16.02.100 Subsection 905.3 Amended - Standpipe Requirements

Subsection 905.3 is amended by adding the following:

Standpipes shall be required in all buildings three (3) stories in height in addition to other requirements in this section, or when required by the Fire Chief.

16.02.110 Subsection 1705.3 Amended – Required Special Inspections and Tests

CBC Subsection 1705.3, Concrete Construction is amended to read as follows:

1705.3 Concrete Construction. Special inspections and tests for concrete construction shall be performed in accordance with this section and TABLE 1705.3.

Exceptions: Special inspections and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above *grade plane* that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

16.02.120 Subsection 1905.1.7 Amended – Modifications to ACI 318

Section 1905.1.7 ACI 318, section 14.1.4 Delete ACI 318, section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to seismic design category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross –sectional area of the footing.

16.02.130 Chapter 23 Amended - Wood

The following tables 2308.6.1 and 2308.6.3(1) and sections 2308.6.4 and 2308.6.5 are amended to read as follows:

Table 2308.6.1 - Wall Bracing Requirements

Remove “PCP” and “GB” from the table column under the heading of “Bracing method” and remove footnotes “c” and “d” and any other references to “Portland Cement Plaster” and/or “Gypsum board”.

Table 2308.6.3(1) - Bracing Methods

Under column “Methods, Material”, remove rows “GB Gypsum board (double sided)” and “PCP Portland cement plaster” from table.

Section 2308.6.4 - Braced wall panel construction

Remove reference to “PCP” from text.

Section 2308.6.5 – Alternative bracing is deleted and replaced with the following:

2308.6.5 Alternate Bracing

An alternate braced wall (ABW) or a portal frame with hold-downs (PFH) described in this section is permitted to substitute for a 48-inch (1219 mm) braced wall panel of Method DWB, WSP, SFB, PBS, or HPS.

16.02.140 Subsection 2304.12.1.5 Amended – Wood Siding

Subsection 2304.12.1.5 of the CBC is amended to add the following sentence at the end thereof:

Siding Materials: Wood shingles or shakes shall be Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

16.02.150 Section 2505 Deleted – Shear Wall Construction

Section 2505 of the CBC on the use of gypsum or lath and plaster for shear wall construction is deleted in its entirety.

16.02.160 Chapter 1, Section 110.7 Added - Storm Water Pollution Control Measures

Chapter 1 Section 110.7 is added to the CBC to read as follows:

Storm water pollution control measures shall be implemented during all construction phases of development to prevent pollution from entering waterways. Specific practices of the California Stormwater Quality Association (CASQA) Construction Best Management Practices Handbook shall be incorporated herein.

16.02.170 Appendix G Subsection G102.3 Added – Flood Resistant Construction

Section G102.3 is added to the CBC, to read as follows:

Section G102.3 - Construction in Special Flood Hazard Area

Construction within special Flood Hazard Areas must comply with chapter 13.40 of the El Cerrito Municipal Code.

16.02.180 Chapter 12, Section 1202.7 Added – Ventilation of weather exposed assemblies

Chapter 12, Section 1202.7 is added to the CBC to read as follows:

Balconies, landings, decks, stairs, and similar exterior projecting elements and appurtenances exposed to the weather and sealed underneath shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain or snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilation area shall not be less than $1/150^{\text{th}}$ of the area of the space ventilated. Ventilation openings shall comply with Section 1203.2.1. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow periodic inspection.

Exceptions:

1. An access panel is not required where the exterior coverings applied to the underside of the joists are easily removable using ordinary tools.
2. Removable soffit vents 4 inches minimum in width may be used to satisfy both ventilation and access panel requirements.

16.02.190 Chapter 14, Section 1403.14 Added – Projections exposed to weather.

Chapter 14, Section 1403.14 is added to the CBC to read as follows:

Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall be constructed of naturally durable wood, preservative-treated wood, corrosion resistant (e.g. galvanized) steel, or similar approved materials.

16.02.200 Chapter 23, Section 2304.12.2.3 Amended – Supporting members for permanent appurtenances.

Chapter 23, Section 2303.12.2.3 of the CBC is amended to read as follows:

Naturally durable or preservative-treated wood shall be utilized for those portions of wood members that form the structural supports of buildings, balconies, porches, or similar appurtenances where such members are exposed to the weather.

16.02.210 Chapter 23, Section 2304.12.2.4 Amended – Laminated timbers

Chapter 23, Section 2304.12.2.4 of the CBC is amended to read as follows:

The portions of glued-laminated timbers that form the structural supports of a building or other structure, projecting element, or appurtenance and are exposed to weather shall be pressure treated with preservative or be manufactured from naturally durable or preservative-treated wood.

16.02.220 Chapter 23, Section 2304.12.2.5 Amended – Supporting members for permeable floors and roofs.

Chapter 23, Section 2304.12.2.5 of the CBC is amended to read as follows:

Wood structural members that support moisture-permeable floors and roofs that are exposed to the weather, such as concrete or masonry slabs, shall be of naturally durable or preservative wood and shall be separated from such floors or roofs by an impervious moisture barrier. The impervious moisture barrier system protecting the structure supporting floors shall provide positive drainage of water that infiltrates the moisture-permeable floor topping.

DIVISION III. TITLE 16, CHAPTER 16.03., ORDINANCE NO. 2016-04, (CALIFORNIA RESIDENTIAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.03, TITLED “CALIFORNIA RESIDENTIAL CODE”:

Chapter 16.03

CALIFORNIA RESIDENTIAL CODE

Sections:

- 16.03.010 California Residential Code - Adoption
- 16.03.020 Chapter 1 Subsection R105.2 (3) Amended - Exempted Work
- 16.03.030 Chapter 1 Section R106.2.1 Added - Garage, Carport and Driveway Grades
- 16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents
- 16.03.050 Chapter 1 Section R103.5 Added - Littering of Streets
- 16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction
- 16.03.065 Chapter 1 Section 116 Added - Small Residential Rooftop Solar Energy System Review Process
- 16.03.068 Chapter 3 Section R310.1 Amended – Emergency escape and rescue opening required
- 16. 03.070 Chapter 3 Section R319.1 Amended - Premises Identification Numbering
- 16.03.080 Chapter 3 Section R322.1 of the CRC Amended-Flood-Resistant Construction
- 16.03.100 Chapter 6 Section R602.10.2 and Table R602.10.3(3) of the CRC Amended – Seismic Reinforcing
- 16.03.110 Chapter 7 Subsection R703.6 Amended – Wood Shakes and Shingles

16.03.010 California Residential Code - Adoption.

The Residential Code for the City, sometimes referred to as “the CRC,” is the 2019 California Residential Code, (based on the International Building Code, 2018 Edition), including Appendix chapters H and Q, as approved by the California Building Standards Commission, and as published in Title 24, Part 2.5 of the California Code of Regulations.

16.03.020 Chapter 1 Subsection 105.2(Building)(3) Amended - Exempted Work

Subsection 105.2(Building)(3) of the CRC is amended to read:

3. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.03.030 Chapter 1 Section 106.2.1 Added -Garage, Carport & Driveway Grades

Section 106.2.1 is added to the CBC, to read as follows:

Section 106.2.1 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents

Subsection R106.3.1 is amended by adding a second paragraph to the CRC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CRC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.03.050 Chapter 1 Section R113.5 Added - Littering of Streets

Section R113.5 is added to the CRC, to read as follows:

Section R113.5 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction

Section R115 is added to the CRC, to read as follows:

Section R115 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.
- (c) Work hours in the public right-of-way shall be regulated by Public Works Department.
- (d) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.03.065 Chapter 1, Section R116 added—Small Residential Rooftop Solar Energy System Review Process.

Section R116 is added to the CRC to read as follows:

Section 116 – Small Residential Rooftop Solar Energy System Review Process

- A. The following words and phrases as used in this section are defined as follows:
 - “Electronic submittal” means the utilization of one or more of the following:
 - 1. e-mail,
 - 2. the internet,
 - 3. facsimile.
 - “Small residential rooftop solar energy system” means all of the following:
 - 1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

- B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop a modified version of the eligibility checklist from the 2014 California Solar Permitting Guidebook to conform to the City of El Cerrito’s unique climactic, geological, seismological, or topographical conditions and adopt such checklist.
- D. The checklist shall be published on the city’s internet website. The applicant may submit the permit application and associated documentation to the City’s building division by personal, mailed, or electronic (when developed and available) submittal together with any required permit processing and inspection fees.
- E. Prior to submitting an application, the applicant shall:
 1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 2. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system, the main panel make and type, including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads and accept new electrical connections.

- F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.
- G. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- H. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

16.03.068 Section R310.1 Amended – Emergency escape and rescue opening required

Section R301.1 of the CRC is amended as follows:

Exception 2 is deleted in its entirety.

16.03.070 Section R319.1 Amended - Premises Identification Numbering

Section R319.1 of the CRC is amended to read as follows:

Section R319.1 - Premises Identification Numbering.

Address Identification.

- a) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution and shall be available for inspection by any member of the public.
- b) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.

- c) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum ½" stroke width for residential, and six (6) inches in height with minimum 1" stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- d) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- e) Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
- f) Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.
- g) The owner shall be responsible for the maintenance of identification numbers.
- h) Any change of the assigned street identification number must be approved by the Building Official.
- i) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.03.080 Section R322.1 of the CRC Amended-Flood-Resistant Construction

Section R322.1 of the CRC is amended by adding the following sentence:

Construction within special Flood Hazard Areas must comply with Chapter 13.40 of the El Cerrito Municipal Code.

16.03.090 Section R402.1 of the CRC Deleted – Wood Foundations

Section R402.1 of the CRC concerning the use of wood foundations is deleted in its entirety.

16.03.100 Section R602.10 and Table R602.10.3(3) of the CRC Amended – Wall Bracing

Section R602.10.4 containing Table R602.10.3(3) of the CRC is amended as follows:
Footnote “e” at the end of CRC Table R602.10.3(3), is amended to read:

e. In Seismic Design Categories D₀, D₁, and D₂, Methods GB, PFG, and CS-SFB are not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

16.03.110 Subsection R703.6 Amended – Wood Shakes and Shingles

Subsection R703.6 of the CRC is amended to add the following sentence:

Wood shingles or shakes shall conform to CSSB and be fire resistance Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

DIVISION IV. TITLE 16, CHAPTER 16.04., ORDINANCE NO. 2016-04, (CALIFORNIA PLUMBING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.04, TITLED “CALIFORNIA PLUMBING CODE”:

Chapter 16.04

CALIFORNIA PLUMBING CODE

Sections:

16.04.010 California Plumbing Code - Adoption

The Plumbing Code for the City, sometimes referred to as “the CPC,” is the California Plumbing Code, 2019 Edition, (based on the Uniform Plumbing Code, 2018 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 5, of the California Code of Regulations.

DIVISION V. TITLE 16, CHAPTER 16.06., ORDINANCE NO. 2016-04, (CALIFORNIA MECHANICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.06 TITLED “CALIFORNIA MECHANICAL CODE”:

Chapter 16.06

CALIFORNIA MECHANICAL CODE

Sections:

16.06.010 California Mechanical Code - Adoption.

The Mechanical Code for the City, sometimes referred to as “the CMC,” is the California Mechanical Code, 2019 Edition, (based on the Uniform Mechanical Code, 2018 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 4, of the California Code of Regulations

DIVISION VI. TITLE 16, CHAPTER 16.08., (CALIFORNIA ELECTRICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.08, TITLED “CALIFORNIA ELECTRICAL CODE”:

Chapter 16.08

CALIFORNIA ELECTRICAL CODE

Sections:

16.08.010 California Electrical Code - Adoption.

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

16.08.010 California Electrical Code - Adoption

The Electrical Code for the City sometimes referred to as “the CEC,” is the California Electrical Code, 2019 Edition, (based on the National Electrical Code, 2017 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 3, of the California Code of Regulations, except as amended and supplemented in the manner set forth in this chapter.

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

Article 230.70 (A) (1) of the National Electric Code is amended to read as follows:

The service disconnecting means shall be installed at a readily accessible location outside of a building or structure near the point of entrance of the service conductors for single family dwellings. For other occupancies where direct access from the exterior does not occur, a remote control (shunt trip) activating the disconnect shall be located on the exterior of the building in a location and manner acceptable to the Fire and Building Officials.

DIVISION VII. TITLE 16, CHAPTER 16.09., ORDINANCE NO. 2016-04, (CALIFORNIA EXISTING BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.09 TITLED “CALIFORNIA EXISTING BUILDING CODE”:

Chapter 16.09

California Existing Building Code

Section:

16.09.010 California Existing Building Code – Adoption

16.02.030 Section 405 Added - Repairs including all subsections associated

16.09.010 California Existing Building Code - Adoption.

The Existing Building Code for the City, sometimes referred to as “the CEBC,” is the 2019 California Existing Building Code, (based on the International Existing Building Code, 2018 Edition), including Appendix chapters A3 and A4, as approved by the California Building Standards Commission, and as published in Title 24, Part 10 of the California Code of Regulations.

16.02.030 Chapter 4, Section 405 Added - Repairs including all subsections associated

The following repair requirements are hereby added as a new Subsection 405.2.3.1.1 to Chapter 4, Section 405 “Repairs” of the CBC to read as follows:

405.2.3.1.1 Seismic evaluation and design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

405.2.3.1.2 Evaluation and design procedures. The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section 405.2.3.1.4.

405.2.3.1.3 CBC level seismic forces. When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100 percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as “Ordinary” unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as “Intermediate” or “Special”.

2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 405.2.3.1.3.

**TABLE 405.2.3.1.3
ASCE 41 and ASCE 31 PERFORMANCE LEVELS**

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note (a)	Note (a)
IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Perfor

a. Performance levels for Occupancy Category III shall be taken as halfway between the performance levels specified for occupancy Category II and Occupancy Category IV.

405.2.3.1.4 Reduced CBC level seismic forces. When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor as specified in Section 405.2.3.1.3.

2. In accordance with the applicable chapters in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 405.2.3.1.3.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 405.2.3.1.3. Where ASCE 41 is used, the design spectral response acceleration parameters S_x and S_{x1} shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{DS} and S_{D1} defined by the *International Building Code* and its reference standards.

405.2.3.1.5 Wind Design. Wind design of existing buildings shall be based on the procedures specified in the building code.

405.2.3.1.6 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

405.2.3.1.7 Unsafe conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

DIVISION VIII. TITLE 16, CHAPTER 16.20., ORDINANCE NO. 2010-09, (HOUSING AND PROPERTY MAINTENANCE CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.20, TITLED “HOUSING AND PROPERTY MAINTENANCE CODE”:

Chapter 16.20

HOUSING AND PROPERTY MAINTENANCE CODE

16.20.010 - Housing and Property Maintenance Code—Adoption

The housing code for the city is the California Housing Law Regulations combined with the 2018 International Property Maintenance Code (IPMC) except as amended and supplemented in the manner set forth in this chapter.

16.20.020 - IPMC 102.3 amended—Application of other codes.

- Section 102.3 of the IPMC is amended as follows:

The International Codes are not adopted by the City, and where referenced in this code shall be replaced with the California Codes.

16.20.030 - IPMC 111 amended—Means of appeal.

- Section 111 of the IPMC is amended as follows:

Section 111 is deleted in its entirety and replaced with ECMC sections [1.14.080](#), [1.14.090](#), [1.14.100](#), and [1.14.110](#)

16.20.040 - IPMC 304.14 amended—Insect screens.

- Section 304.14 of the IPMC is amended as follows:

That portion of the sentence reading "During the period from [date] to [date]," is deleted and replaced with "During the entire year,"

16.20.050 - IPMC 307.3.1 amended—Disposal of garbage.

- Section 308.3.1 of the IPMC is amended as follows:

That portion of the sentence reading "an approved incinerator unit in the structure available to the occupants in each dwelling unit" shall be deleted in its entirety.

16.20.060 - IPMC 602.4 amended—Occupied work spaces.

- Section 602.4 of the IPMC is amended as follows:

That portion of the sentence reading "during the period from [date] to [date]" is deleted and replaced with "during the entire year."

DIVISION IX. TITLE 16, CHAPTER 16.24., ORDINANCE NO. 2016-04, (CALIFORNIA GREEN BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.24, TITLED "CALIFORNIA GREEN BUILDING CODE":

Chapter 16.24

CALIFORNIA GREEN BUILDING CODE

Section:

16.24.010 California Green Building Code - Adoption.

The Green Building Code for the City is the California Green Building Standards Code, 2019 Edition, as approved by the California Building Standards Commission, and as published in Title 24, Part 11, of the California Code of Regulations.

DIVISION X. TITLE 16, CHAPTER 16.26., ORDINANCE NO. 2016-04, (CALIFORNIA FIRE CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.26, TITLED "CALIFORNIA FIRE CODE":

Chapter 16.26

CALIFORNIA FIRE CODE

Section:

16.26.010 California Fire Code - Adoption.

16.26.020 Chapter 1 Section 1.1.1.2 Added - Title

16.26.030 Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code

16.26.040 Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshall

16.26.050 Chapter 1 Section 102.1 Amended - Applicability

16.26.060	Chapter 1 Section 102.9 Amended - Matters Not Provided For
16.26.070	Chapter 1 Section 104.1 Amended - General Authority and Responsibility
16.26.080	Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority Peace Officer Status
16.26.090	Chapter 1 Section 104.9 Amended - Alternative materials and methods
16.26.100	Chapter 1 Section 105.1.1 Amended - Required permits
16.26.110	Chapter 1 Section 105.6 Amended - Required operational permits
16.26.120	Chapter 1 Section 109 Amended - Board of Appeals
16.26.130	Chapter 2 Section 202 Amended – General Definitions
16.26.140	Chapter 2 Section 202 Amended - Definitions - F
16.26.150	Chapter 2 Section 202 Amended - Definitions - R
16.26.160	Chapter 3 Section 321 Added - General precautions against fire
16.26.170	Chapter 4 Section 401.5 Amended - Making false report
16.26.180	Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service Features
16.26.190	Chapter 6 Section 603.6 Amended - Building Services and Systems
16.26.200	Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing Systems
16.26.210	Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems
16.26.220	Chapter 9 Section 905.3.1 Amended - Standpipe Systems
16.26.230	Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems
16.26.240	Chapter 9 Section 907.7.2 Amended - Record of completion
16.26.250	Chapter 10 Section 1010.1.10 Amended - Panic and fire exit hardware
16.26.260	Chapter 10 Section 1028.5 Amended - Exit and pathways
16.26.270	Chapter 50 Section 5004 Added - Hazardous Materials
16.26.280	Chapter 50 Section 5004.1 Amended - General Provisions
16.26.290	Chapter 53 Section 5304,2S Added - Compressed Gasses
16.26.300	Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks
16.26.310	Chapter 57 Section 5704.2.11.5 Added - Flammable and Combustible Liquids – Below Ground Tanks
16.26.320	Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks
16.26.330	Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids
16.26.340	Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases – Inside Buildings
16.26.350	Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases – Outside Buildings

16.26.010 California Fire Code - Adoption.

It is hereby adopted by the city council of the city of El Cerrito for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain codes and standards known as the 2019 California Building Standards Code, Title 24, California Code of Regulations (CCR), Part 9 (California Fire Code), and by reference the 2018 International Fire Code published by the International Code Council, Inc. (ICC), (including Appendix Chapters A, B, C, D, E, F, G, I, and J) save and except such portions as are deleted, modified or amended by this chapter, of which not less than one copy each have been and are now filed in the office of the Fire

Chief and the Building Official of the City of El Cerrito and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of El Cerrito.

16.26.020 Chapter 1 Section 1.1.1.2 Added - Title

Section 1.1.1.2 Title is added as follows:

Section 1.1.1.2 These regulations shall be known as the Fire Code of the City of El Cerrito, hereinafter referred to as "this code." The California Fire Code and the International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions as set forth in this Section shall become effective as set forth in Section 1.1.8 Division and Appendix numbers used are those of the California Fire Code.

16.26.030 Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code

Section 1.1.8 is amended by adding the following:

The limits referred to in Section 1.1.8.1 of the California Fire Code and International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions and appendices as set forth in this section shall become effective as set forth in Section 1.1.9 Article, Section, Division, and Appendix numbers used are those of the California Fire Code.

16.26.040 Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshall

Section 1.11.1 is amended by adding 1.11.1 A, B and C

A. The California Fire Code as adopted and amended herein shall be enforced by the city fire prevention division which is hereby established and which shall be operated under the supervision of the fire marshal.

B. The fire marshal in charge of the fire prevention division shall be appointed by the fire chief of the city of El Cerrito on the basis of examination to determine his or her qualifications for the position.

C. The chief of the fire department shall recommend to the city council the employment of technical staff members, who, when such authorization is made, shall be selected on the basis of examination to determine their qualifications for the position.

16.26.050 Chapter 1 Section 102.1 Amended – Applicability

Section 102.1 is amended by adding Section 102.1.1

Section 102.1.1 Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the

time of the adoption of this code, provided such continued use is not dangerous to life.

Section 102.2 is amended by adding section 102.2.1

Section 102.2.1 Plans for compliance. Upon written notice to the responsible property owner, plans for compliance shall be submitted and approved, and within 18 months or earlier depending on the life-safety significance of the hazard work shall be completed or the building shall be vacated until made to conform.

16.26.060 Chapter 1 Section 102.9 Amended - Matters Not Provided For

Section 102.9 is amended by adding subsection 102.9.1A

102.9.1A Unless otherwise limited by law, the applicable provisions of this code shall apply to vehicles, ships, boats, and mobile vehicles and other facilities when fixed in a specific location within the boundaries of this jurisdiction.

16.26.070 Chapter 1 Section 104.1 Amended - General Authority and Responsibility

Section 104.1 is amended by adding the following:

The Fire Chief or the Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations in order to carry out the application of its provisions. The Chief may be guided by the 2016 Supplement to the Uniform Fire Code. Such interpretations, rules and regulations, and supplements shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours.

16.26.080 Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority Peace Officer Status

Section 104.1.1A and 104.1.1B are added in their entirety to read as follows:

Section 104.1.1A The Fire Chief and his designated representatives shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention, investigation, and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

Section 104.1.1B The Chief, or his duly authorized agents, may issue citations for violations of this ordinance in accordance with Chapter 5C (commencing with Section 853.5), Title 4, Part 2, of the Penal Code.

16.26.090 Chapter 1 Section 104.9 Amended - Alternative materials and methods

Section 104.9 is amended by adding 104.9.3

Section 104.9.3 - The city council, the fire chief and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code. The fire marshal shall post such list in a conspicuous place at the offices of the fire prevention division and distribute copies thereof to interested persons.

16.26.100 Chapter 1 Section 105.1.1 Amended - Required permits

Section 105.1.1 is amended by adding Section 105.1.1A:

Section 105.1.1A Fee for Plan Review, Inspection and Permits. Fees required by the City shall be established in the City's master fee schedule, to defray: the costs for plan review of plans required by this code; requested or required inspection services; administrative costs; issuance of permits and all other direct costs incurred by the city.

Section 105.4.1.1 is amended by adding Section 105.4.1.2 (1 to 6):

Section 105.4.1.2 Review of Plans. Whenever required by this Code, plans shall be submitted to the Fire Chief for review and approval prior to construction. Whenever application is made for a building permit, as required by the Building Code, the Building Official shall withhold issuance of the building permit until notification from the Fire Department that plans required by this code have been reviewed and approved and that the requirements set forth in section 105 have been met. In addition to plan submittals required by other sections of this Code, plans shall be submitted whenever any of the following land developments and/or improvements are proposed:

1. Subdivision of land.
2. Construction, alteration or renovation of a building.
3. Demolition of a building.
4. Provision of a water supply for fire protection.
5. Provision of access for fire apparatus.
6. An occupancy for the storage, use, or handling of any hazardous substance, hazardous material process, or hazardous device.

16.26.110 Chapter 1 Section 105.6 Amended - Required operational permits

Section 105.6 is amended by adding 105.6.52 thru 105.6.55.

52. Christmas tree sales. To use a property for the purpose of selling cut Christmas trees. See applicable provisions of Chapter 3 General Precautions against fire.

53. Pumpkin patches/lots. To use a property for the purpose of selling pumpkins and seasonal items. See applicable provisions of Chapter 3 General Precautions against fire.

54. Liquefied petroleum gases. To store, use, or handle liquefied petroleum gas inside buildings. See Chapter 38.

55. Rockets. To launch model rockets. See California Code of Regulations Title 19, Division 1, Article 17.

16.26.120 Chapter 1 Section 109 Amended - Board of Appeals

Section 109 is amended by adding 109.1.1

Section 109.1.1 Whenever the fire chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal within thirty days the chief's decision to the city council.

16.26.130 Chapter 2 Section 202 Amended – General Definitions

Section 202 - General Definitions is amended as follows: by changing the definition of Jurisdiction and adding the definition for Fire Marshal by adding Sections 202. A and 202. B.

- A. Wherever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of El Cerrito.
- B. Where the party responsible for the enforcement of the California Fire Code is given the title of "Fire Marshal," add the following definition: Fire Marshal is the chief of the bureau of fire prevention.

16.26.140 Chapter 2 Section 202 Amended - Definitions – F

Section 202 -F - is amended by adding:

Facility - any structure or location used for storing, processing or handling material or equipment.

Fair - a temporary enterprise principally devoted to the exhibit or sale of products of commerce, agriculture or industry, or to entertainment and amusement and may include the operation of amusement rides or devices, or concession booths.

Firebreak - a continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn when dry has been abated or otherwise removed in order to prevent the surface extension of fire from one area to another.

Fire trail - a graded firebreak of sufficient width, surface, and design to provide access for fire personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Fuel break - a specified width, strip, or block of land on which the vegetation has been permanently modified to a low volume fuel type so that fires burning on it can be more

readily controlled.

16.26.150 Chapter 2 Section 202 Amended - Definitions – R

Section 202 - R is amended by adding:

Response Time - the calculated time difference between receiving a report of an alarm and the application of extinguishing agent.

Running Time - the calculated time difference between leaving the first due fire station and arriving on the emergency scene.

Rural Area - that area generally designated for agricultural or open space uses with parcels over 10 acres in size.

Rural Residential Area - that area generally designated for single family residential use with parcels between 3 and 10 acres in size.

16.26.160 Chapter 3 Section 321 Added - General precautions against fire

Chapter 3 Section 321 is added in its entirety:

Section 321 Exterior hazard control.

Section 321.1 Weeds and Rubbish to be Destroyed or Removed.

It shall be unlawful for any person owning, occupying, renting, managing or controlling any real property in this jurisdiction to cause, or permit to remain on the property, or on portions of streets adjoining such property, any weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous. It shall be the duty of every such person to remove or destroy such weeds, rubbish, litter or other flammable material. Destruction by burning within the jurisdictions unlawful unless the written permission of the Fire Chief of the City is first obtained and all other applicable permits are obtained from appropriate governing jurisdictions.

Section 321.2 Definitions, as used in this article

1. "Weed," as used in this part, means all weeds growing upon streets or private property in this jurisdiction and includes any of the following:
2. Weeds that bear seeds of a downy nature or are subject to flight.
3. Sagebrush, chaparral and any other brush or weeds which obtain such large growth as to become, when dry, a fire menace to adjacent improved property or to streets.
4. Weeds that are otherwise noxious or dangerous.

5. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
6. Dry grass, stubble, brush, litter or other flammable materials that endanger the public safety by creating a fire hazard.
7. "Rubbish" means waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction that is, or when dry may become a fire hazard.
8. "Streets" include alleys, parkways, driveways, sidewalks and areas between sidewalks and curbs.
9. "Person" includes individuals, firms, partnerships and corporations.
10. "Cost of Abatement" shall include all expenses incurred by jurisdiction, including administrative costs, in its work of abatement undertaken pursuant Section 318 of this ordinance.
11. "Superintendent" shall mean the City Manager or designee.

Section 321.3 Declaration of Policy.

The City Council, as the supervising, legislative and executive authority of this jurisdiction, hereby declares that the removal of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous is a matter of extreme municipal importance. The City Council hereby adopts the following Fire Hazard Abatement Program for the purpose of abating fire hazards caused by the presence of dry grass, stubble, brush, rubbish, litter or other flammable material on private properties within the City. This program shall be conducted in accordance with the provisions of Government Code Sections 39560-39588 as those sections presently exist or as may be amended. The City Manager or designee shall be deemed the street superintendent for the purpose of carrying out the provisions of this policy.

Section 321.4 Abatement Procedures

- a. The City Council of El Cerrito shall declare by resolution annually, or as often as may be necessary, those properties which are deemed public nuisances because of the presence of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous.
- b. The resolution may also declare that certain identified properties are seasonal and recurrent nuisances as defined by Government Code Section 39562.1
- c. The resolution shall designate a date, time and place for a hearing at which the owners of the properties identified in the resolution may object to the designation of their properties as public nuisances, and object to the abatement actions proposed by the City as authorized by Government Code Sections 39560-39588.

d. Written notice shall be provided to the owners of the properties identified in the resolution informing them of the date, time and place of the hearing. This notice shall be in substantially the same form as contained in Government Code Section 39566. Notice to the owners of those properties declared seasonal and recurrent nuisances shall incorporate the provisions contained in Government Code Section 39562.1. The notice shall be served as provided for in Government Code Sections 39564-39567.1.

e. At the hearing, the City Council shall hear and consider all objections. By resolution, the City Council shall allow or overrule these objections. The City Council shall also order the City Manager or designee to abate the public nuisances conditions at the properties designated in the initial resolution by having the dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous removed.

f. The City Manager may abate these public nuisance conditions either through the use of City employees or by private contract. The City Manager is authorized to execute such public contracts as may be necessary to abate these public nuisance conditions.

g. The City Manager shall keep a report of the cost of abatement for each property subject to the City Council resolution. At such time as the City Manager deems appropriate, a hearing shall be scheduled before the City Council for confirming the report. Notice shall be mailed to each property owner at least five days before the date of the hearing. The notice shall inform the property owner of the costs of abatement of the public nuisance conditions on the property; date, time and place of the hearing at which the property owner may object to the report; and a statement that if the report is confirmed by the City Council, that the costs of tax bill levied against the parcel for collection at the time and in the manner of ordinary municipal taxes. The report shall also be posted at least three days prior to the hearing date at or near the hearing place as required by Government Code Section 39575.

h. At the time fixed for the hearing, the City Council shall consider the report and hear any objections from the property owners liable to be assessed the costs of abatement. The City Council may modify the report if it is deemed necessary. The City Council may also establish installment payments for the abatement costs as provided for in Government Code Section 39581. At the conclusion of the hearing, the City Council shall confirm the report by resolution.

i. The cost of abatement upon each property and the costs incurred by the City in enforcing the abatement shall constitute a special assessment against the property as provided for in Government Code Section 39577. A lien shall attach to the property upon recordation of the order confirming the assessment by the County Recorder. On or before August 10th of each year, the City Manager shall file a certified copy of the report with the County Auditor. As authorized by Government Code Section 39581, the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes, subject to the same penalties and procedure of foreclosure and sale

provided for ordinary municipal taxes.

Section 321.5 Alternate Mitigation.

In lieu of ordering abatement of fire hazards as provided in Section 321.4, the Fire Chief may order the preparation of firebreaks/fuel breaks around parcels of property when combustible weeds, crops, or brush is present. In determining the proper width of firebreaks/fuel breaks, the Fire Chief shall consider the height of the growth, weather conditions, topography and accessibility to the property of fire protection equipment. The procedure set forth in Section 321.4 for the abatement of weeds and rubbish shall also apply to the preparation of firebreaks/fuel breaks.

Section 321.6 Alternate Procedures

The procedures provided for by this Article are an alternative to any other procedure adopted by the City Council for the abatement of public nuisances, such as Chapter 8.34 of the El Cerrito Municipal Code, or which may be authorized by the law of the State of California.

Section 320.7 Peat Fire, Penalties Therefore

a. It is the duty of each person, firm, corporation or association not to permit on their property a peat fire in, or a fire involving combustible vegetable materials under the surface of the natural ground. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetative material at his/her own cost and expense.

b. If there exists upon the lands of any person herein defined, subsurface fire involving the burning or combustion of peat or vegetative matter, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, the City of El Cerrito may, in addition to its regular duties to extinguish or minimize such fire or combustion, enter upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire Department in fighting the fire and for the cost of providing rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the fire department incurring those costs in the same manner as in the case of an obligation under contract, express or implied. (Health & Safety Code 13009.)

16.26.170 Chapter 4 Section 401.5 Amended - Making false report

Section 401.5 is amended by adding an additional sentence:

Section 401.5 A charge may be made for excessive false alarms.

16.26.180 Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service Features

Chapter 5 Sections 503, 504, 505 and 507 are amended as follows.

Section 503.4 is amended by adding Section 503.4.2:

Section 503.4.2 When approved, gates and barriers may be installed across or over Fire Department access roads. These installations shall meet the standards approved by the Fire Chief and design shall be approved prior to installation.

Section 504.1 is amended by adding:

504.1.1 Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

Section 505 is amended by adding 505.1.1

505.1.1 Approved address numbers attached to the building or the primary address of the building shall be internally or externally illuminated.

Section 507.1 is amended by adding a preface sentence to read as follows: The type of water supply provided shall meet the standards approved by the Fire Chief.

16.26.190 Chapter 6 Section 603.6 Amended - Building Services and Systems

Section 603.6 is amended by adding subsection 603.6.6:

Section 603.6.6 Spark Arrester. Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the mechanical code.

16.26.200 Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing Systems

Section 903.2 is amended by adding 903.2.20:

903.2.20. An automatic fire extinguishing system shall be required in all occupancies of 5000 square feet or greater. This shall include addition of square footage causing building to be greater than 5,000 square feet.

16.26.210 Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems

Section 903.2 is amended by adding subsections 903.2.21.1 through 903.2.21.10

Section 903.2.21.1 Fire Department Delivery Capability. An automatic fire sprinkler system shall be installed in all new buildings or occupancies or in existing buildings or structures that change occupancy classification or use when the required fire flow exceeds 2,000 GPM, or the total floor area exceeds 5,000 square feet.

For the purpose of this section, buildings separated by area separation walls, as set forth in Section 706 of the California Building Code, shall not be considered to create

separate buildings unless such walls are constructed as specified in the California Fire Code.

Section 903.2.21.2 Undetermined Occupancy. When fire sprinkler systems are required in buildings of undetermined occupancy, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with a minimum design area of 3,000 square feet. Occupancy is considered undetermined if not classified at the time the building permit is issued. Where a subsequent occupancy requires a fire sprinkler system of greater density than Ordinary Hazard Group 2, the system shall be upgraded to such use.

Section 903.2.21.3 Response Times. An automatic fire sprinkler system shall be installed in all new buildings or occupancies when any of the following requirements is exceeded.

Section 903.2.21.4 Run Times. A maximum running time of 3 minutes or a maximum response time of 5 minutes from the first-due station. Times shall be measured by the most direct route on surface streets.

Section 903.2.21.5 Distance from Fire Apparatus Access. The Fire Chief may require installation of automatic fire sprinkler system when the exterior wall of the 1st story is located more than 150 feet from approved fire apparatus access.

Section 903.2.21.6 Other Codes. An automatic sprinkler system shall be installed in all other occupancies as may be required by the Uniform Building Code or the California Building Code.

Section 903.2.21.7 NFPA 13D fire sprinkler systems installed shall be interconnected to the structure's smoke detection or fire alarm system. The smoke of fire alarm systems need not be monitored by a central monitoring station.

Section 903.2.21.8 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs, and the new total fire area of the structure exceeds 3,600 square feet.

Section 903.2.21.9 Number of design sprinklers NFPA Standard 13D/13R. For Group R-3 buildings up to 5000 square feet, the number of design sprinklers shall be in accordance with NFPA 13D and the listing requirements for individual sprinklers. Group R-3 buildings in excess of 5000 square feet or over three stories tall, shall meet the requirements of NFPA 13R. A 10% safety margin, in pressure, shall be provided in the design at the point of connection to the public main.

Section 903.2.21.10 Additional locations of sprinklers of Group R-3. Additional locations of fire sprinklers shall be as follows:

- Attached garages/carports, shall be provided with sprinkler protection.
- All bathrooms regardless of size shall be provided with sprinkler protection.
- Crawl spaces or areas beneath stairs, accessible or if intended to be used for living or storage purposes and break areas below stairs as a separate entry

where over 6 feet in height at any point, shall be provided with sprinkler protection.

- Attics spaces that contain mechanical equipment such as furnaces and water heaters shall be provided with sprinklers limited to the protection of the equipment itself. Sprinkler coverage at a minimum shall protect the access opening.

Section 903.2.21.11 Additional NFPA 13D requirements. Additional NFPA 13D requirements shall be as follows:

- Sprinkler control valves shall be located upstream of the domestic tie in and are **indicating** valves.
- Hydraulic placards at the riser shall be provided.
- Spare sprinkler box with at least one of each type used shall be provided.

16.26.220 Chapter 9 Section 905.3.1 Amended - Standpipe Systems

Section 905.3.1 Subsection (2) is amended by replacing subsection (2) in its entirety:

Section 905.3.1 Subsection (2). "three stories" (3) or more in height replaces four stories (4) or more in height.

Section 905.3.1 is amended by adding subsection (6):

6. When standpipes are required and the building is equipped with automatic fire sprinklers, a class one standpipe(s) is required and the standpipe shall be interconnected with the fire sprinkler system.

16.26.230 Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems

Section 907.2 is amended by adding subsection 907.2 A:

Section 907.2 A. At the discretion of the Fire Chief, single-station smoke alarms or multiple-station smoke alarms may be required to be connected to an approved 24-hour monitored fire alarm system.

16.26.240 Chapter 9 Section 907.7.2 Amended - Record of completion

Section 907.7.2 is amended by adding subsection 907.7.2.1

Section 907.7.2.1 Acceptance, maintenance and testing records. A copy of acceptance, maintenance and testing records shall be maintained on site and shall be available to the city upon request.

16.26.250 Chapter 10 Section 1010.1.10 Amended - Panic and fire exit hardware.

Section 1010.1.10 Exception is amended by adding the following sentence:

The use of this exception may be revoked by the Fire Chief or the Building Official for due cause.

16.26.260 Chapter 10 Section 1028.5 Amended – Access to Public Way

Section 1028.5 is amended by adding Subsection 1028.5.1:

Section 1028.5.1. Exterior Exit Pathways. Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

16.26.270 Chapter 50 Section 5001.2 Added - Hazardous Materials

Section 5001.1 is amended by adding subsection 5001.1.2:

Section 5001.1.2 Coordinated Enforcement. Where the Contra Costa County Health Services Department is enforcing State Health and Safety and/or County health regulations, the Fire Department will coordinate efforts to eliminate duplication of time and resources to comply with hazardous material regulations. When approved by the Fire Chief equivalent documentation and compliance may be accepted in lieu of requirements of Appendix E. Where Contra Costa County Health & Safety regulations and California Fire Code regulations conflict, the more restrictive provisions shall prevail.

Exception: Where state or county regulations specifically limit or pre-empt local regulations to be more restrictive.

16.26.280 Chapter 50 Section 5004.1 Amended - Scope

Section 5004.1 is amended by adding 5004.1. A, and 5004.1. B

A. The limits referred to in Section 5004.1 of the California Fire Code, in to which the storage of hazardous materials is restricted are hereby established as follows: All areas within the jurisdiction shall be for retail in group M occupancies.

B. Exception - A permit shall be obtained from the Fire Marshal approving on site Hazardous Materials for retail sales, storage or commercial/industrial use.

16.26.290 Chapter 53 Section 5304.2A Added - Compressed Gasses

Section 5304.2 is amended by adding 5304.2A

A. The limits referred to in Section 5304.2 (ch 54, 58, 60 through 67) of the California Fire Code, in which the storage of compressed natural gas is restricted, are hereby amended as follows: All areas within the jurisdiction without an approved permit by the Fire Marshall.

16.26.300 Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks

Section 5601.1.1 is amended by adding 5601.1A and Exception:

A. The limits referred to in Section 5601.1 of the California Fire Code and Title 19 Division 1 Chapter 6 and 10 subchapter 3, in which the storage of storage of explosives and blasting agents is restricted, are hereby amended as follows: All areas within the jurisdiction.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.310 Chapter 57 Section 5704.2.11.6 Added - Flammable and Combustible Liquids – Below Ground Tanks

Section 5704.2.11.5 is added in its entirety to read:

Section 5704.2.11.5. Abandonment and status of tanks. Tanks taken out of service as a result of properties being abandoned or its use being changed shall be removed in accordance with Section 5704.2.14.2

Section 5704.2.13.1.3 is amended in its entirety to read:

Section 5704.2.13.1.3 Out of Service for More Than 180 Days. Underground tanks that have been out of service for a period greater than 180 days shall be removed from the ground in accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied concurrently with the permit requirements of the City.

Section 5704.2.13.2.3 is deleted in its entirety.

Section 5704.2.13.2.3 is amended to replace “one year” with “more than 180 days”

Section 5704.2.13.2.3. Out of service for more than 180 days aboveground tanks which have been out of service for a period greater than 180 days shall be removed in accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied with concurrently with the permit requirements of the City.

16.26.320 Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks

Section 5704.2.9.6.1 is amended by adding 5704.2.9.6.1A and 5704.2.9.6.1B establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited or restricted:

A. The limits referred to in Section 5704.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in outside above ground tanks is restricted, are hereby amended as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

B. The limits referred to in Section 5704.2.9.6.1 in which new bulk plants for flammable or combustible liquids are prohibited, are hereby amended as follows: Any area which is zoned other than industrial without an approved permit from the Fire Marshal.

16.26.330 Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids

Section 5803 is amended by adding 5803A and Exception:

A. Stationary containers is restricted, are hereby established as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.340 Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases - Inside Buildings

Section 6103.2.1.7 is amended in its entirety to read:

Section 6103.2.1.7 Individual portable containers used, stored, or handled inside of buildings used for assembly or business for people cooking, display, or similar use shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the Fire Chief or authorized representative.

16.26.350 Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases - Outside Buildings

Section 6104.2 is amended by adding 6104.2 A

A. The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby amended as follows: All areas of the jurisdiction without an approved permit from the Fire Marshal.

DIVISION X. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”) under the general rule that CEQA applies only to projects that have the potential for causing a

significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

DIVISION XI. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

DIVISION XII. 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 regular meeting of the City Council on November 19, 2019 and passed by the following vote:

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

ADOPTED AND ORDERED published at a regular meeting of the City Council held December 3, 2019 and passed by the following vote:

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

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charl  ty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2019–09 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 3rd day of December, 2019; 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 XX day of December, 2019.

Holly M. Charl  ty, City Clerk



AGENDA BILL

Agenda Item No. 7.A.

Date: November 19, 2019
To: El Cerrito City Council
From: Melanie Mintz, Community Development Director, Community Development Department
Subject: El Cerrito Plaza BART Transit Oriented Development (TOD)

ACTION PROPOSED

1) Receive a presentation regarding BART's Transit Oriented Development process for El Cerrito Plaza BART, provide feedback on the draft TOD goals and objectives; and 2) Adopt a resolution authorizing evaluation of a potential library to be included for study in the Request for Qualifications, and support BART's inclusion of Sustainable Access Studies and Strategies in the Request for Qualifications.

BACKGROUND

Numerous City plans and policies over many years have identified revitalization of the El Cerrito Plaza area as a key goal. Currently, due to the alignment of the San Pablo Avenue Specific Plan's transit supportive standards and goals and the San Francisco Bay Area Rapid Transit District's (BART) Transit Oriented Development (TOD) policy, there is an opportunity to partner with BART to seek a development partner and to help shape development at the El Cerrito Plaza station site.

Over the past several years, the City, region, State, and BART have all been working to align transportation and land use planning and to increase the supply of housing near transit to meet many aligned policy goals related to climate change, equitable access, and the region's shortage of housing. The passage of AB 2923 (Bay Area Rapid Transit District : transit-oriented development; Chiu) in September 2018 has provided new mandates regarding development at BART stations. (For a summary of AB2923, please see the 'Analysis' section of this report.)

In 2016, the City (Resolution 2016-68) asked BART to advance TOD at the Plaza station and to consider the inclusion of a library at the BART property as part of BART's development process and the City's ongoing efforts to build a new library. Due to the alignment of the City's standards and goals and BART's TOD policy, coupled with the need to implement AB 2923 mandates, BART is preparing to proceed with issuing a Request for Qualifications (RFQ) to seek a development partner to plan, design, and develop the El Cerrito Plaza BART site. The City Council is being asked to provide feedback on the draft *Goals and Objectives* (Attachment 2) that will be utilized to guide the development of the RFQ by BART staff and to authorize the RFQ to include a scenario with a public library at the El Cerrito Plaza BART TOD site as part of the process.

BART staff plans to update the BART Board of Directors on the RFQ process with a focus on the draft Goals & Objectives in January 2020. Once a development partner is selected, and pursuant to their respective roles, the City and BART would engage in extensive community engagement to develop a project that would be achievable, feasible, and fulfill both BART's and the City's adopted goals and plans, as well as the approved *Goals and Objectives*. BART currently has 24 TOD projects either completed or underway, and El Cerrito Plaza has been prioritized as the next station to enter the TOD process.

ANALYSIS

Below are brief summaries of some of the issues that would frame development at the Plaza BART site, including: the San Pablo Avenue Specific Plan as it applies to the El Cerrito Plaza site; AB 2923; BART patron parking and access; affordable housing; and library feasibility and parking. At this time, the City Council is being asked to provide feedback on the draft *Goals and Objectives* for development of the RFQ, to authorize evaluation of inclusion of a potential library in the TOD process, and to support BART's inclusion of Sustainable Access Studies and Strategies in the RFQ. The City Council and the BART Board will have future opportunities to determine whether to proceed with a library at this site, based on the outcomes of community engagement and early project development which would include high level cost estimates.

San Pablo Avenue Specific Plan

In 2014, the El Cerrito City Council adopted the San Pablo Avenue Specific Plan (SPASP) to further the City's goals to stimulate investment and create vibrancy along the San Pablo Avenue corridor and near the City's two BART stations. Numerous economic development studies and financial feasibility studies over the years identified allowing increased heights and reduced parking requirements as key to stimulating development and economic activity. Attracting new residential development was identified as a key element towards attracting new, high quality businesses as well as supporting existing businesses.

The approximately 6-acre El Cerrito Plaza BART site is largely within the Transit Oriented Higher Intensity Mixed Use (TOHIMU) district of the Plan and borders four SPASP "Street Types" (Major Commercial, Neighborhood, Gateway, Ohlone Greenway) which dictate the development standards for the site. Figure 1 shows the BART El Cerrito Plaza parcels, labeled by letters A-D. One parcel (Parcel A, *Figure 1*) is outside of the Plan area and may need to be rezoned pursuant to AB 2923 (see below.) The Plan provides development standards for the site, which include allowable height, parking requirements, required transparency, common/public open space and numerous other standards. The Plan, generally, allows a project of 65-feet, which is equivalent to six-stories or up to 85-feet, or eight-stories, with affordable housing (pursuant to the State Affordable Housing Density Bonus). This is consistent with BART's mid-rise building goals for the site and AB2923 (see below).

Whereas at some development sites within the Specific Plan area, the public open space and art requirements can be met through in lieu payments, pursuant to the SPASP at El Cerrito Plaza BART both open space and art would be provided on site due to its critical location and size within the lower Fairmount and Downtown commercial area.

Figure 1: BART El Cerrito Plaza Parcels and Existing Conditions (*Graphic by Group 4*)



Note: Parcel Letters for communication purposes only. Parcel A lies outside the San Pablo Avenue Specific Plan Area, as described in the text above.

BART TOD Policy, AB 2923, and BART's TOD Process

BART TOD Policy: BART adopted a new Transit-Oriented Development Policy in 2016. BART's TOD vision is that BART's real estate assets can be used to "catalyze transit-oriented development in furtherance of BART's purpose and goals." BART views local governments as key partners in implementing BART's TOD program. Through their policies and studies BART has stated, at this point in time, that they will only solicit proposals for TODs in localities that have an adopted plan allowing for transit supportive land uses consistent with their TOD guidelines. More information about their TOD program can be viewed at bart.gov/about/business/tod.

AB 2923: In response to the regional housing crisis, the State is increasingly involved in passing legislation to support an increase in the production of housing. AB 2923, signed by Governor Brown on September 30, 2018, directs BART to adopt new transit-oriented zoning standards for each BART station by July 1, 2020. For BART stations in jurisdictions that do not conform zoning to these standards by July 1, 2022, BART's standards would become the operative zoning for all BART-owned land near its stations. Local zoning plans consistent with BART's standards, such as the San Pablo Avenue Specific Plan in El Cerrito, will remain in effect. Per AB 2923, unless BART adopts new standards by July 1, 2020, the El Cerrito Plaza BART station must be zoned

to allow for a height of seven stories and the El Cerrito del Norte BART station must be zoned to allow for a height of 5 stories. In a June 13, 2019 presentation to the BART Board, BART staff indicated there is no current intention to adopt new standards other than what is proposed in AB 2923 by the July 1, 2020 deadline.

A key item of interest to El Cerrito residents, discussed extensively at recent public meetings held by BART and online forums, will continue to be how patron parking and other multimodal access options will be provided. AB 2923 Section 3 identifies that for any station where district commuter parking is reduced as a result of a TOD project on land where TOD standards apply, BART will “develop and fund an Access Plan that maintains station access for at least the number of customers affected by the reduced number of commuter parking spaces, which shall include special consideration for customers that live further than one-half mile from the station.” How the access is provided will be analyzed and evaluated during the TOD process, as described below.

BART TOD Process: BART’s TOD process includes Pre-Solicitation, Developer Solicitation/Selection, Project Refinement/Developer Agreement, and Permitting and Construction phases.

Pre-Solicitation: BART is currently in the pre-solicitation phase at El Cerrito Plaza. Once BART confirms that a City’s land use plans are transit supportive and identifies a station as a priority, as it has with the El Cerrito Plaza station, BART staff begins to do further evaluation of the site, including preliminary access and operational needs, and initiates a community engagement process in partnership with the City. BART staff have attended City SPASP Update meetings, held an Open House about future TOD at the El Cerrito Plaza BART station on August 14, 2019, and held a well-attended workshop at Hana Gardens on October 3, 2019. During this phase, the draft *Goals and Objectives* for the development will be developed, which inform the criteria that will be used to select the developer. The draft *Goals and Objectives*, including further evaluation of the public library in the process, will be presented to the BART Board for approval prior to the final development and issuance of the RFQ.

Developer Solicitation/Selection: During this phase, BART issues a solicitation, selects a developer, and updates the community and the Board of Directors. Notably, in the case of El Cerrito Plaza, BART intends to issue a *Request for Qualifications* (RFQ) rather than a *Request for Proposals* (RFP) because an RFQ gives BART flexibility and the ability to understand from a developer’s perspective what is feasible in a TOD project at the Plaza site. An RFP would not be as advantageous given that certain decisions have not been made at this point. For instance, BART has not decided on which potential levels of replacement parking are expected to be provided in the project. In addition, the City has also requested (and BART will be seeking direction from its Board of Directors) that the developer explore the potential to include a new library with parking. Both of these items have anticipated cost implications. Ultimately, the developer solicitation/selection process allows BART to select a highly qualified developer who is willing to collaborate with the City and BART in making critical decisions that will have a major impact on the financial feasibility and funding strategy of the development.

Project Refinement/Developer Agreement/Ground Lease Negotiations: This phase is when the selected developer works with BART and the community to develop a viable project that best meets all the needs of the various stakeholders. This phase includes the following elements and components:

- BART completes access study
 - Developer funds access study (pursuant to AB 2923) to finalize improvements to ensure station access, including parking replacement levels, locations, and funding strategies
- Developer progresses design
 - TOD architecture and program
 - Housing affordability
 - Circulation, design and public realm
 - Options *with and without* a library
- Community Outreach & Engagement
 - Ongoing
- Internal BART Staff team review
- Project Level CEQA and Entitlement Process (City)
- Negotiation of Financial Terms

Finally, at the culmination of this process, the BART Board would consider/approve a Development Agreement and Ground Lease. During this process, prior to progressing to entitlement and design, the City would need to make a determination about inclusion of the library, based upon the information gathered in the project refinement phase.

Parking

Two distinct parking issues arise as TOD is contemplated for El Cerrito Plaza BART station: 1) parking for the new development; 2) parking for BART patrons who currently drive and park at the station. Addressing both of these issues will be a key component of the development process. Selection of a developer who has worked on projects with similar challenges will be a key selection criterion articulated in the RFQ. As noted above, an Access Study will be funded by the developer to identify feasible options for providing station access. Goal E: Transportation Choice, Objective 2, in the draft *Goals and Objectives* states:

Minimize the need for BART patron parking replacement in an on-site garage by maximizing the use of existing available parking capacity in close proximity to the station and exploring other parking and access options for patrons who do not live near the station.

A third parking issue that will be addressed and studied during the project refinement phase will be evaluating the costs of providing parking for library patrons, as further discussed below in the Library section.

Affordable Housing

Pursuant to BART's Affordable Housing Policy, each developer solicitation issued by BART relating to proposed residential development projects at BART stations shall include a minimum of 20% of the residential units as affordable, with a priority given to residential units made available to very low income (< 50% AMI) and low income (51-80% AMI) households. This policy further requires BART to evaluate proposals on the basis of depth and quantity of affordable housing.

Library

As mentioned in the background section of this report, the City Council adopted a resolution in 2016 requesting the BART Board to advance development at the El Cerrito Plaza BART station and to authorize the City Manager to enter into an Memorandum of Understanding with BART to study the feasibility of transit-oriented development and a potential new library at the El Cerrito Plaza BART station (Resolution 2016-68). The City and BART entered into this MOU in February 2018. The City retained Group 4 to evaluate the site for the library from a high-level site capacity standpoint. Group 4 has identified visibility, functionality, parking, timeline/phasing, and cost/financing as key evaluation criteria that the City would use to determine whether to proceed with the library at this site. From a high-level site planning standpoint, the City's goals for the library and BART's goals for TOD could be accommodated and Group 4 recommended continuing with BART's RFQ process. During the early part of the project refinement phase, the selected developer would consider a scenario with a 21,000 square foot library (as identified in the City's 2015 Library Needs Assessment), including Group 4's recommendation of 63 parking spaces (which is equivalent to one parking space per 3,000 square feet).

Respondents to the RFQ will propose a process that articulates what information will be provided to allow the City and BART to evaluate the trade-offs of scenarios with and without a library and identify high level cost estimates such that the City could evaluate whether to proceed with the library into further phases, and the BART Board could evaluate the trade-offs (both costs and benefits) associated with integration of a public library into the TOD. If the City and BART decide to proceed, further feasibility, to determine actual costs and trade-offs, would be identified during the latter part of the Project Refinement phase and a determination would need to be made prior to BART entering into a Lease Option Agreement. City staff, during this process, would also engage the community as information is developed in evaluating the BART site in relation to other possible library sites. The TOD process through entitlements could take as little as two to three years but will depend on market readiness and availability of affordable housing subsidies.

STRATEGIC PLAN CONSIDERATIONS

Transit-oriented development at El Cerrito Plaza BART fulfills numerous Strategic Plan Goals, including:

Goal B - Achieve long-term financial sustainability: Maximize opportunities for existing and expanding businesses.

Goal C - Deepen a sense of place and community identity: Develop a vision for underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development.

Goal F - Foster environmental sustainability citywide:

- Encourage alternative modes of transportation to the single occupancy vehicle.
- Implement and monitor the City's Climate Action Plan to reduce vehicle miles traveled (by creating a well connected, pedestrian, bicycle and transit-oriented forms that will make it easier for residents and visitors to leave their car behind.)

ENVIRONMENTAL CONSIDERATIONS

None at this time. During the project entitlement phase, the approvals will be processed pursuant to the California Environmental Quality Act.

FINANCIAL CONSIDERATIONS

There are no immediate financial considerations or costs for the City associated with approving BART's draft Goals and Objectives or authorizing inclusion of the library in the El Cerrito Plaza BART TOD process. Costs and revenues associated with the development, access alternatives, and a potential library, will be identified during the Project Refinement phase once a developer is selected, and decision-makers would determine at future phases whether to proceed.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this report and there are no legal considerations at this time.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. BART TOD PRELIMINARY DRAFT Goals and Objectives

RESOLUTION NO. 2019–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING EVALUATION OF A POTENTIAL LIBRARY TO BE INCLUDED IN THE BAY AREA RAPID TRANSIT DISTRICT'S REQUEST FOR QUALIFICATIONS AND SUPPORTING THE DISTRICTS INCLUSION OF SUSTAINABLE ACCESS STUDIES AND STRATEGIES IN THE TRANSIT-ORIENTED DEVELOPMENT PROCESS

WHEREAS, the City of El Cerrito supports transit-oriented development; and

WHEREAS, the El Cerrito Plaza BART Station as identified in the City's San Pablo Avenue Specific Plan is located in Downtown El Cerrito, the City's entertainment/theater and shopping district that serves as the southern gateway to the City; and

WHEREAS, transit-oriented development at the El Cerrito Plaza BART station would help fulfill objectives identified in various City planning documents including the San Pablo Avenue Specific Plan, Climate Action Plan, and Strategic Plan, and responds to the Climate Emergency; and

WHEREAS, development at the El Cerrito Plaza Station would deepen a sense of place and community identity, strengthen the City's partnership with BART, promote the everyday use of transit, and serve as a catalyst to attract private investment to El Cerrito; and

WHEREAS, Resolution 2016-68 authorized the City Manager to execute a Memorandum of Understanding (MOU) with the Bay Area Rapid Transit District (BART) to study and pursue Transit-Oriented Development opportunities and a potential new library at the El Cerrito Plaza station; and

WHEREAS, Resolution 2016-68 also supported transit-oriented development, reduced parking requirements, and affordable housing at the El Cerrito Plaza BART station as soon as possible, and;

WHEREAS, the BART Board's September 1, 2016 Executive Decision Document similarly authorized the General Manager to execute a MOU between BART and the City of El Cerrito to pursue feasibility related to transit-oriented development including a potential new library at the El Cerrito Plaza BART Station; and

WHEREAS, the MOU was executed in 2018 and BART and City staff have met regularly on the topic and recommend that the next step in the feasibility process would be to issue an RFQ to attract a highly qualified development team to develop a transit-oriented development, including scenarios with and without a library; and

WHEREAS, BART has held two public open houses on to present and discuss the many factors driving future TOD at the El Cerrito Plaza BART station on August 14, 2019 and October 3, 2019; and

WHEREAS, AB2923 (Bay Area Rapid Transit District; transit-oriented development) was signed by the Governor on September 30, 2018 directing BART to adopt new transit-oriented zoning standards for each BART station by July 1, 2020; and

WHEREAS, staff from the two agencies have collaborated in drafting Goals and Objectives to meet both agencies' priorities at the station; and

WHEREAS, BART's Request for Qualification (RFQ) will include development of a scenario that includes a potential library as a requirement; and

WHEREAS, the RFQ will require that the developer fund development of Sustainable Access Studies and Strategies to "minimize the need for BART patron parking replacement in an on-site garage by maximizing the use of existing available parking capacity in close proximity to the station and exploring other parking and access options for patrons who do not live near the station" and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes evaluation of a potential library to be included in the Bay Area Rapid Transit District's Request for Qualification and supports the District's inclusion of Sustainable Access Studies and Strategies in the Transit-Oriented Development Process.

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

I CERTIFY that at a regular meeting on November 19, 2019 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 November XX, 2019.

Holly M. Charl  ty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



BART El Cerrito Plaza Transit-Oriented Development
PRELIMINARY DRAFT Goals and Objectives
For El Cerrito City Council Review – November 19, 2019

A. Complete Communities

1. **Regularly engage with the community** in the development of the project and associated access investments, and trade-offs between parking, housing and community amenities.
2. **Enhance the Ohlone Greenway's** role in increasing connectivity, sustainability and placemaking.
3. **Create visual and physical connection** between the BART station, adjacent neighborhoods, and shopping/services in El Cerrito Plaza, and along San Pablo Avenue and Fairmount Avenue.
4. **Create active ground floor** on Fairmount Avenue, with a mix of uses that complements and leverages the surrounding area.
5. **Manage area parking** to ensure neighborhood and business needs can be met.
6. Explore **options for integrating public library** into the TOD in partnership with City.

B. Sustainable Communities Strategy

1. **Deliver community serving facilities and dense residential mid-rise uses at the station** to support envisioned growth in the "San Pablo Avenue Corridor" Priority Development Area and the San Pablo Avenue Specific Plan.
2. **Address the regional housing need** while simultaneously helping the City put in place transportation management tools to avoid potential congestion and traffic impacts of population growth.
3. **Incorporate green and sustainable design** to minimize vehicle- and building-related greenhouse gas emissions.

C. Ridership

1. **Increase BART ridership at times and locations when BART has capacity.**
2. **Attract BART patrons from the larger San Pablo Avenue Specific Plan** area and beyond through sustainable access alternatives.

D. Value Creation & Value Capture

1. **Deliver a feasible development** that generates long term revenue to support BART operations.
2. **Participate in future area-wide financing efforts** (such as a parking benefit district, enhanced infrastructure financing district or business district) to capture value changes resulting from TOD to support community amenities and other investments.
3. **Leverage innovative third-party funding and financing options** that deliver TOD-related BART infrastructure and programming.

E. Transportation Choice

1. Per BART's Access Policy, **increase the share of patrons who walk, bike, or take transit to BART** through access improvements that offer safe, viable non-auto alternatives to BART patrons.
2. **Minimize the need for BART patron parking replacement** in an on-site garage by maximizing the use of existing available parking capacity in close proximity to the station and exploring other parking and access options for patrons who do not live near the station.
3. Per BART's TOD Policy, develop an **Access Plan** to identify future access needs and strategies.
4. **Enable new residents of the development to reduce their reliance on cars** by providing transportation alternatives through GreenTRIP certification or equivalent.
5. **Expand the pedestrian and bicycle network** – particularly connecting to the Ohlone Greenway – to support the City and BART's active transportation goals.
6. **Embrace the rapid evolution of mobility trends and technologies** to adapt to future transportation needs.

F. Affordability

1. **Minimum of 20% of housing units will be affordable** to low and very-low income households or below, and support BART's 35% systemwide affordability goal by aiming for a higher percentage of affordable units.
2. **Support local economy through project labor agreements** for construction of project. Aim for Small Business Enterprise inclusion in design and construction of the TOD.



AGENDA BILL

Agenda Item No. 7.B.

Date: November 19, 2019
To: El Cerrito City Council
From: Paul Keith, Chief of Police, Police Department
Subject: Proposal for Police Services in the Community of Kensington

ACTION PROPOSED

Adopt a resolution authorizing the City Manager or designee to present a proposal in response to a Request for Proposals from the Kensington Police Protection and Community Services District to provide police services in the Community of Kensington.

BACKGROUND

Over the last decade, the Kensington Police Protection and Community Services District (KPPCSD) has engaged in projects to explore the possibility of contracting with another agency for police services. In 2016, an ad hoc committee of the KPPCSD approached the City of El Cerrito to discuss the possibility of entering into a contract for services. At the time, staff developed a conceptual plan for policing services in Kensington. The plan was conceptual only and did not specify any expected costs.

In July 2019, the KPPCSD issued a formal Request for Proposal (RFP) for Police Services (Attachment 1). The RFP asked respondents to consider responding with a proposal for full-service police services and/or a hybrid model. Staff reviewed the RFP and the conceptual plan from 2016, updated the deployment plan, and created a cost structure in order to develop a proposal to respond to the RFP.

City staff held a public meeting to discuss the RFP on November 8, 2019 which was well attended. Staff reviewed the elements of the proposal and responded to questions and feedback from community members. Staff will develop a final proposal based on the public feedback as well as input from the City Council.

ANALYSIS

The response to KPPCSD will outline the general scope of services the City of El Cerrito would provide to the Community of Kensington. Staff plans to respond to the RFP by presenting a plan for Full-Service Police Services only. Staff did not create a plan for a Hybrid Model.

The Full-Service plan would incorporate the Community of Kensington as a patrol beat in the El Cerrito Police Department patrol system. The Community of Kensington would receive services as a fully incorporated beat including patrol coverage 24/7/365, traffic enforcement, investigations support, property and evidence management, records management, and internal affairs, among other services. This would increase staffing to include 4 officers, 1 detective, and 1 lieutenant, as well as an option for a full- or part-

time records specialist. Personnel assigned to Kensington may wear Kensington Police patches and vehicles marked as Kensington Police. ECPD would propose to use the Kensington Public Safety Building for Kensington related business, office hours, and appointments with Kensington community members.

The proposal is the first step toward entering into a contract for service. Many details, including the final cost structure and contract terms, would still need to be agreed upon and negotiated prior to beginning policing activities in Kensington.

The KPPCSD Board of Directors passed an ordinance in October 2009 that requires a community vote before the KPPCSD enters into a contract for police protection and law enforcement responsibilities. The City's understanding is that the Board adopted the ordinance in response to an initiative petition. The City's proposal would be conditioned upon resolution of the issues related to the ordinance, including either abiding by the ordinance or otherwise amending or repealing the ordinance, prior to executing a final contract with the KPPCSD.

STRATEGIC PLAN CONSIDERATIONS

This proposal aligns with three goals from the City of El Cerrito Strategic Plan. If implemented, the plan would deliver exemplary government services to a neighboring governmental entity, would help the city achieve long term financial sustainability through subsidization of administrative functions, and help ensure the public's health and safety.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

If the proposal is accepted by the KPPCSD, the City will enter into negotiations for a contract for service. Negotiations for this contract will require City resources and staff time, and consultation with the City Attorney.

If negotiations result in a proposed agreement, this agreement will be presented to the El Cerrito City Council before service begins. The value of a contract may range between \$2,300,000 to \$2,500,000. This includes personnel costs, equipment, and department overhead.

LEGAL CONSIDERATIONS

The City Attorney will review the final Kensington Police Services Proposal in order to approve the content, and will be consulted regarding any future negotiations with the KPPCSD.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos". The signature is fluid and cursive, with the first name "Karen" and last name "Pinkos" clearly distinguishable.

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Kensington RFP

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER OR DESIGNEE TO PRESENT A PROPOSAL TO THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT TO PROVIDE POLICE SERVICES IN THE COMMUNITY OF KENSINGTON

WHEREAS, the Kensington Police Protection and Community Services District issued a Request for Proposal for Police Services on July 22, 2019; and

WHEREAS, the City of El Cerrito has the capacity and interest in providing police services to the Community of Kensington; and

WHEREAS, a negotiated policing agreement may be beneficial to both the City of El Cerrito and the Community of Kensington.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager or designee to present a proposal to the Kensington Police Protection and Community Services District to provide police services to the Community of Kensington.

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

I CERTIFY that at a regular meeting on November 19, 2019 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 November XX, 2019.

Holly M. Charl  ty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

Request for Proposal for Police Services

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT



TABLE OF CONTENTS

1	INTRODUCTION AND BACKGROUND	1
2	SCHEDULE OF EVENTS	5
3	SCOPE OF SERVICES	6
4	PROPOSAL GUIDELINES	8
5	EVALUATION CRITERIA	11
6	CONTRACT TERMS	12

1. INTRODUCTION AND BACKGROUND

1. Introduction

The Kensington Police Protection and Community Service District (KPPCSD) has developed this Request for Proposal (RFP) for contracts for providing Police Services to the District. The service delivery approaches which the District is interested in pursuing are either a full service one or a 'hybrid,' the latter which reflects functional service delivery for selected law enforcement services as further described in this RFP.

2. Background

Kensington, California is a small unincorporated community of Contra Costa County, just north of Berkeley and east of El Cerrito and Albany. The KPPCSD provides police, parks, and refuse collection services and is governed by an elected five (5) person board.

The District has a total area of approximately one square mile and an estimated population of 5,000. It is largely residential, with two small shopping districts. The District enjoys a low crime rate, an involved and highly-educated citizenry, and a per-household income that is roughly twice the statewide average.

When fully staffed, the police department has a total staff of ten (10) sworn individuals, though currently only seven (7) positions are filled. The Albany Police Department provides dispatch services to Kensington. Community engagement, police visibility, and traffic enforcement are very important issues for the residents of Kensington.

The District has just completed a two-phase study to evaluate the law enforcement needs of the community and various alternatives to achieve improvements in service and cost effectiveness. This study, conducted by the consulting firm, Matrix Consulting Group, can be summarized as follows:

- Kensington suffers from significant challenges related to maintaining sworn staffing levels, with continual declines in staffing over the past three years. Recruitment and retention will remain a challenge in Kensington due to several factors that include compensation and an operational environment that is not considered "challenging" to many potential recruits and laterals.
- Response times are reasonable considering the composition of most of the service requests.
- The ability of staff to be proactive is exceptional – 81% of total field time in 2017 was available for proactive problem solving and/or working with the community. However, despite high proactive levels, recorded self-initiated activity by officers during this time was modest though it appears to be increasing.

- There is a significant opportunity to develop a more strategic approach to law enforcement service delivery in Kensington consistent with problem-oriented and community-oriented policing philosophies.
- If Kensington were to retain a full-service in-house law enforcement agency the recommended organizational structure consists of one (1) Chief, two (2) sergeants, one (1) corporal / detective (5), five officers and one (1) Police Services Specialist for a total of 10 staff positions. This would provide for a presence in Kensington of two personnel on duty each shift, one of whom should be a supervisor.
- The Matrix Consulting Group’s study of possible contract services, with input from the KPPCSD Board and residents, devised guiding principles under which possible police contractors would be selected for possible solicitation of service. Key principles included:
 - Adjacency to Kensington borders.
 - Dedicated Kensington “beat” with the community not just a part of a broader geographic service delivery area.
 - Dedicated full-time (i.e., 24x7) patrol resources in the beat with appropriate rapid back-up. As practical, officers dedicated to Kensington for long-term assignment.
 - A specific policing plan dedicated to Kensington’s unique needs.
 - Maintaining a presence in Kensington’s Public Safety Facility for citizens to meet officers when needed.

While these were initial principles of importance, they do not preclude other potential proposers; rather, these serve to inform the “climate” of the Kensington community at the time of the study.

As a result of this study, the District has taken the step to issue this RFP either for all law enforcement services or a ‘hybrid’ of individual services.

Kensington has a very low rate of ‘major crimes’ (as defined by the FBI in its Uniform Crime Reports). Violent crimes, in fact, are rare in the community. Overall, Kensington is a very safe community with both violent and property crime rates trending downward. Indeed, “Part I Crimes Per 1,000 Residents” shows Kensington ranking 31st of 461 California communities reporting (top 7% of safest communities in the State).

Kensington Part I Crimes

2012	2013	2014	2015	2016	2017
------	------	------	------	------	------

Violent Crime	4	5	2	1	3	3
Criminal Homicide	1	0	0	0	0	0
Rape	0	0	1	0	0	1
Robbery	3	0	0	0	0	1
Aggravated Assault	0	5	1	1	3	1
Property Crime	85	85	46	86	56	49
Burglary	30	36	16	21	20	13
Larceny-Theft	45	35	25	52	36	29
Motor Vehicle Theft	10	14	5	13	0	7
Arson	2	2	0	0	0	0
Part I Crimes Per 1,000	9.7					

The following table displays the total number of community generated calls for service (CFS) handled by patrol units annually, by hour of day and day of week.

Calls for Service by Hour and Weekday

Hour	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
12am	14	10	5	5	0	3	2	39
1am	0	3	7	3	3	2	10	29
2am	7	2	0	3	2	3	5	22
3am	3	0	2	0	0	2	0	7
4am	0	3	2	2	0	0	0	7
5am	2	2	3	2	2	2	0	12
6am	3	5	3	0	0	7	5	24
7am	7	9	3	3	3	10	2	38
8am	2	14	17	17	7	15	9	81
9am	14	27	21	26	21	22	3	134
10am	10	27	24	17	27	9	19	134
11am	14	29	19	19	26	17	9	132
12pm	10	10	15	12	12	15	9	84
1pm	21	12	12	19	9	10	15	98
2pm	7	15	27	21	7	14	7	98
3pm	10	14	17	19	17	21	5	103
4pm	19	19	17	24	12	21	5	117
5pm	9	7	24	10	15	12	5	82
6pm	7	15	12	10	7	10	5	67
7pm	15	14	12	12	5	10	5	74
8pm	7	12	10	7	3	12	7	58
9pm	7	7	9	9	2	3	17	53
10pm	9	2	5	5	0	10	7	38
11pm	0	2	0	7	5	12	10	36
Total	195	261	267	252	185	243	161	1,565

It should be noted that the shaded hours in the table above (9pm – 8am) highlight the time frame discussed later in the hybrid models.

2. SCHEDULE OF EVENTS

This RFP will be governed by the following schedule:

Release of RFP	July 22, 2019
Deadline for Questions	August 19, 2019
Proposals Due	October 15, 2019
Presentation to District Board	TBD
Proposal Evaluation Completed	TBD
District Review of Contract	TBD

This schedule is subject to change, at the discretion of the District.

3. SCOPE OF SERVICES

As a result of the aforementioned analysis, this RFP seeks proposals on a variety of service delivery options. Proposers are encouraged to provide additional or alternative innovative and/or creative approaches for providing services that will maximize efficient, cost-effective operations, and will meet or exceed current performance standards and/or capabilities. The District will also consider proposals that offer alternative service delivery means/methods for the services desired.

1. Full-Service Police Services

The following are desired components of this model:

- Executive Management oversight, acting in the role of Chief
- Patrol coverage 24/7/365, including supervision
- Traffic Enforcement services
- Investigations
- Property and Evidence services
- Records Management services
- Internal Affairs
- Dispatch services

In addition to the above listed components, Proposers are requested to identify any use, lease, or rent from the District of the current Kensington Police Station. The District expects a service provider to use the facility as a “sub-station” for daytime walk-in traffic, report writing, etc. Proposers are also asked to address the use and disposition of the District’s fleet of vehicles as well as equipment. Finally, proposers should also address the issue of the use of Kensington Police patches on uniforms and insignias on patrol cars.

Proposers to this model would be expected to, in concert with the District, develop a Policing Strategic Plan (including a Community Action Plan). As part of the strategic planning effort, partners would devise a specific Community Action Plan developed to identify services, programs and related community-focused efforts to conduct during proactive policing activities.

2. Hybrid Model

The following are potential components of this model:

- Patrol coverage 7/365 for the hours of 9pm – 9am (2100 – 0900), including supervision
- Covering Kensington as a dedicated beat
- Provide investigations for Part 1 crimes
- Internal Affairs

- Property and Evidence services
- Records Management services
- Human Resources and/or Payroll
- Information Technology

In appropriate alternatives within this model of service delivery, the Kensington Police Station would continue to be utilized.

4. PROPOSAL GUIDELINES

Proposals shall be received by the District no later than **5:00 PM on Tuesday, October 15, 2019**. The Proposer shall submit 10 paper copies and a digital copy of the proposal in sufficient detail to allow for thorough evaluation and comparative analysis. Proposals may be submitted in person, mailed, or e-mailed to:

Anthony Constantouros, General Manager
Kensington Police Protections and Community Service District
217 Arlington Avenue
Kensington, CA 94707-4141
TConstantouros@kppcsd.org
Contact phone number is 510-526-1178

For additional background information from the consultants regarding the work performed for the District, please contact:

Richard Brady, President
Matrix Consulting Group
201 San Antonio Circle, Suite 148
Mountain View, CA 94040
rbrady@matrixcg.net
Contact phone number is 650-858-0507

Each proposal should provide all of the following information and should be structured according to the following outline:

1. Executive Summary

Include an Executive Summary, not to exceed one page. The Executive Summary shall identify your proposed cost of service and demonstrate your basic service model, your understanding of the District's objectives, and your commitment to the Kensington community.

2. Management Personnel

If submitting a proposal for the full-service model, identify the management-level personnel who will serve as the Police Chief to Kensington and be responsible for implementing and managing services. If any management-level personnel will be shared with other agencies, identify the percentage of their time that will be dedicated to Kensington and how such time will be allocated and tracked. If submitting a proposal for something other than the full-service model, identify the management-level personnel that will serve as the point-of-contact for the District.

3. Method Of Providing Services

Provide a detailed description of the approach and methodology to be used to accomplish each item within the Scope of Services. Proposers should describe their management and administrative plan, how they will work with and be responsive to the District, their staffing plan, and any other information relevant to their proposed services.

Particular consideration will be given to proposals that demonstrate innovative and/or creative approaches for providing services, show an ability to increase efficiency in providing services, and to establish an effective partnership between the Proposer's agency and Kensington.

Proposers should provide a contract management approach with the District that includes:

- Performance metrics that meet the District's service objectives. Suggested performance measures could include:
 - Average response times high and low priority calls for service
 - Responsiveness to requests for other community support (e.g., meetings)
 - Utilization levels for proactive time
 - Clearance rates on major crimes
 - Attendance at Board meetings
 - Supervisory time in the District
 - Front counter hours, if any
- Proposed approaches to managing the contract in concert with the District Board and General Manager.

Responses to how services should be provided should be concise yet detailed enough to support the District in making the best decision.

4. Supplemental Services

Identify any services that you can offer the District that are additional or supplemental to the basic Scope of Services.

5. Fee Proposal

The Proposer will provide an annual not-to-exceed fee for any/all services (or any alternative service delivery method proposed) identified in Section 3, Scope of Services. The initial contract will be for a term of five (5) years, and the proposal should identify any potential cost increases over the five-year term.

If there are proposed annual or one-time cost increases over the contract term, the increases should be in fixed amounts, identified pursuant to a schedule of increases.

Proposed contract cost increase drivers need to be specifically identified to facilitate effective contract management on the part of Kensington.

Any costs not included in the annual not-to-exceed fee must be identified, including costs related to depreciation, equipment replacement costs, and other costs borne by the District need to be identified separately, as well as indirect cost overhead rates.

Proposers need to identify all cost escalators and caps.

Finally, a proposed method of reporting costs and key performance indicators need to be identified.

5. EVALUATION CRITERIA

The District will determine, in the District's sole discretion, the Proposer who will serve the best interest of the Kensington community. The successful Proposer will be required to show that it will maintain or improve the District's current level of service, while instituting measures to control costs. In making its determination, the District's evaluation will include, but not be limited to, the following factors:

- Ability to provide the identified scope of service(s)
- * Cost of providing services
- Method of providing services, including efficiency measures
- Innovative/creative means to provide services or reduce costs
- Contract service philosophy
- Consultation/involvement of the District in key/significant management, personnel and labor proposals/decisions that impact the contract for police services and/or costs
- Community participation and outreach
- Efficient transition of services (if appropriate)
- Additional and/or supplemental services

6. CONTRACT TERMS

The term of this agreement shall be for five (5) years with an option to extend the agreement an additional five (5) years based on the mutual consent of both parties provided the service provider has met the requirements of the District and earned the right to negotiate for a renewal based on performance and at the discretion of the District. The District shall make the offer of extension to the service provider at least 12 months prior to the scheduled end of the term of the agreement or any previously granted extension.

All other terms and provisions of a contract will be negotiated between the District and the service provider.



SUPPLEMENTAL AGENDA MATERIALS

CITY COUNCIL MEETING November 19, 2019

AGENDA ITEM 3 – ORAL COMMUNICATIONS FROM THE PUBLIC

1. Public Comments

AGENDA ITEM 7(A) – El Cerrito Plaza BART Transit Oriented Development (TOD)

1. Presentations
2. Received at Meeting

AGENDA ITEM 7(B) – Proposal for Police Services in the Community of Kensington

1. Presentation

Holly Charléty

Subject: FW: Public Comment - Nov 19 Council Meeting - Agenda Item 7A, BART TOD

From: Mike Cunningham <[REDACTED]>

Date: November 15, 2019 at 9:29:43 AM PST

To: Rochelle Pardue-Okimoto <RPardueOkimoto@ci.el-cerrito.ca.us>, Greg Lyman <GLyman@ci.el-cerrito.ca.us>, Paul Fadelli <PFadelli@ci.el-cerrito.ca.us>, Gabe Quinto <GQuinto@ci.el-cerrito.ca.us>, Janet Abelson <jabelson@ci.el-cerrito.ca.us>, Karen Pinkos <KPinkos@ci.el-cerrito.ca.us>

Cc: "swoodruff@meyersnave.com" <swoodruff@meyersnave.com>

Subject: Public Comment - Nov 19 Council Meeting - Agenda Item 7A, BART TOD

This email is public comment on Agenda item 7A of the November 19 City Council meeting:

REFLECTED NOISE. The BART station generates significant and loud noise, primarily from trains but also from station public address announcements, beginning very early in the morning and continuing until very late at night. Construction of tall buildings adjacent to the station and tracks has the potential to reflect (even greater amounts of) this noise into the surrounding residential neighborhood. Development at Plaza Station must include a commitment to not increase, via reflection, BART noise projected beyond the station, and a goal to reduce projected noise.

PARKING. Being planned as a transit-oriented development with very limited parking for residents, the project must be designed to genuinely work for residents who do not own automobiles. In order to stay true to this concept, the Council must commit to not allow residents of the BART development to obtain or hold residential parking permits for neighborhood streets.

VESTED RIGHTS. Assembly Bill 2923 provides that "When the district enters into an exclusive negotiating agreement with a developer for the development of an eligible TOD project, that agreement shall confer a vested right to proceed with development..." (Public Utilities Code 29010.10. (a)). The practical meaning of this provision is unclear and untested, but on its face it means that once BART selects a developer, the City loses its right to reject the project or possibly to even control its design. Before indicating its support for BART to proceed with its planned RFQ and developer selection, the Council must ensure that it receives a clear explanation of when in the process BART will trigger this provision, how this provision impacts the City's rights over the project, and that it is understood by, and acceptable to, Council members and the public.



This beloved American holiday classic comes to captivating life as a live radio broadcast. With the help of an ensemble that brings a few dozen characters to the stage, the story of idealistic George Bailey unfolds as he considers ending his life one fateful Christmas Eve.

Featuring: Kim Donovan, Merrill Grant, Keith Jefferds, Peter Marietta, and Kendall Tieck

OPENS	November 29, 2019
PERFORMANCES	November 29–December 15 9 Performances Only Fridays and Saturdays at 8pm, Sundays at 2pm
PRICES	\$11/youth (18 and under); \$28/adults in advance \$15/youth (18 and under); \$32/adults at the door
PURCHASE	www.ccct.org
INFO	boxoffice@ccct.org or 510-524-9012

It's a Wonderful Life: A Live Radio Play is produced by special arrangement with Playscripts, Inc. (www.playscript.com)

UP NEXT
OUR 60TH BIRTHDAY PARTY!
Stay tuned for details.

CONTRA COSTA CIVIC THEATRE 60th
951 Pomona Ave. El Cerrito, CA 94530

Nonprofit Org.
U.S. Postage
PAID
OAKLAND CA
Permit No. 591

RECEIVED
AT THE MEETING OF
NOV 19 2019
CITY OF EL CERRITO
CITY CLERK

Pomona Avenue

CCCT

**951 Pomona Avenue
El Cerrito**

CCCT is 5 mins from Albany & Kensington
and 10 mins from Berkeley.

Street and free lot parking is available.

Mooser Lane

San Pablo Avenue

NOV 29-DEC 15 9 PERFORMANCES ONLY



It's a
WONDERFUL
Life

A LIVE RADIO PLAY

BY **JOE LANDRY**

DIRECTED BY **DAVID BOGDONOFF**

FOLEY AND MUSIC BY **DON TIECK**

CONTRA COSTA
CIVIC THEATRE

60[@]

MARILYN LANGBEHN EXECUTIVE ARTISTIC DIRECTOR

www.ccct.org

**RECEIVED
AT THE MEETING OF**

NOV 19 2019

**CITY OF EL CERRITO
CITY CLERK**

El Cerrito City Council Meeting 19 Nov 2019

Make El Cerrito Fire Safe: Save Lives by Enabling Cell Phone Communications During Blackouts

The last two PG&E-initiated power outages had several learnings for disaster management. Among them is the observation that some cell phone providers lost power to cell towers, causing the remaining towers to handle more traffic than they could bear, slowing or denying service to affected areas.

Loss of cell communication during blackouts effectively makes half the population unable to receive emergency warnings to evacuate. This can cost lives. It also leaves us unable to communicate vital information to police and fire departments.

El Cerrito City Council is urged to contact the local providers (ATT, Verizon, others) and insist that

- 1) more towers are provided to get full coverage in case of emergencies
- 2) have backup batteries that can handle a minimum 1 week (or more) power outage

These should be a condition of doing business in El Cerrito and surrounding communities.

Thank you,

Gary Prost, Make El Cerrito Fire Safe

1265 Contra Costa Dr., El Cerrito
510-974-5044
garyprost01@gmail.com

Jon Bashor

Seaview Dr.

510-501-2234

RECEIVED
AT THE MEETING OF

NOV 19 2019

Good evening,

CITY OF EL CERRITO
CITY CLERK

I attended last month's open house about development at the Plaza BART station and like many others, I'm concerned about the possibility of getting rid of parking for local commuters and the effects on our neighborhoods.

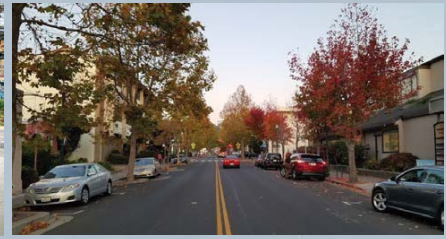
The more I thought about it, the more it reminded me of a policy Berkeley adopted in the early 1980s. The thinking was that if new developments didn't provide parking, then no one would drive there -- they would walk, ride their bikes or take the bus.

I learned of this when I was a reporter for the Berkeley Gazette and the old mortuary at the southwest corner of Shattuck and Cedar was remodeled into a two-story center housing a number of small shops, restaurants and the like. I was surprised when the project developer was only required to provide 9 parking spaces (or maybe 11).

Anyway, if you drive around that area today you see a lot of people walking, a lot of bicyclists -- and a lot of cars driving around looking for parking, as the old Andronico's (nee Coop) and Walgreen's lots are full, as are most of the available spots on streets in the surrounding neighborhood. Getting rid of the parking did not get rid of the associated traffic, despite the best intentions.

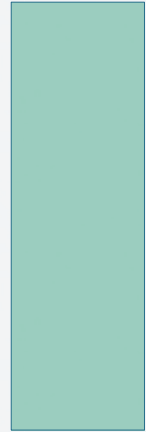
I think we all want to reduce traffic congestion and the many problems that it brings. But eliminating all or most of the station parking is a risky experiment. It could lead to more cars darting around nearby streets looking for parking (possibly at the same time parents are driving kids to school) or push more traffic onto I-80. If it goes badly, by the time we know the results it will be too late to change our hypothesis and run the experiment again.

Other BART stations, such as MacArthur, built a large parking structure first, then built housing. Let's try to learn from that experience.



EL CERRITO PLAZA TRANSIT ORIENTED DEVELOPMENT (TOD)

CITY COUNCIL
NOVEMBER 19, 2019



OVERVIEW

A. Background/Context

1. Beginning of the Process

B. Three “Action” Topics

1. Review/Provide Feedback draft Goals & Objectives
2. Authorize BART to evaluate potential library during project refinement phase
3. Support BART’s inclusion of Sustainable Access Studies & Strategies in process

OVERVIEW

Beginning of BART's Four Step TOD Process:

1. Pre-Development Solicitation
2. Developer Solicitation/Selection
 - Request for Qualifications
3. Project Refinement/Developer Agreement
 - Community Engagement (Vision, Design, Access)
 - Library Decision
4. Permitting & Construction

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- Economic Development Action Plan (2006)
 - Create a consistent vision with a transition to an urban lifestyle environment with a strong sense of community in dense commercial nodes
 - Development Opportunities-
 - Fairmont Avenue: The strongest potential for a walkable, pedestrian-oriented street lined with shops
 - El Cerrito Plaza BART Station: Potential to better connect the station to San Pablo Avenue and El Cerrito Plaza Shopping Center: Strengthen the area with high quality mixed use and retail projects

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- Economic Development Action Plan (2016)
 - Maximize TOD including higher density residential in-fill development close to existing infrastructure (BART, AC Transit, the Ohlone Greenway)
 - Strong Sense of Place: Create a physical environment with a strong sense of place with high-quality dynamic urban lifestyle development, supported by the market
 - Identify key commercial corridors and nodes for community interaction, including lower Fairmount Avenue
 - [Adopt agreements with BART for cooperative development of BART sites](#)

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- City Strategic Plan (2013)
 - Long Term Financial Sustainability
 - *Maximize opportunities for new/expanding businesses*
 - Deepen Sense of Place & Community Identity
 - *Reimagine underdeveloped/underutilized properties*
 - *Encourage use of alternative modes of transportation*
 - Foster Environmental Sustainability
 - *Reduce vehicle miles traveled through transit-oriented form*

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- Climate Action Plan (2013)
 - Sustainable Community Goal #1: Encourage more compact, higher density infill development along transportation corridors to reduce vehicle miles travelled
 - Develop planning mechanisms to encourage development of higher densities in designated areas
 - Develop a parking demand management strategy to encourage high density development and alternatives to driving

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- San Pablo Avenue Specific Plan (2014)
 - Urban Design Framework: Downtown is an entertainment/theater and shopping district that serves as the southern gateway to the City
 - Opportunities: Construct higher-intensity mixed-use development in proximity to the BART station.

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- San Pablo Avenue Specific Plan: El Cerrito Plaza Site
 - Maximum Height: 65' (6 stories) or 85' (8 stories) if project is consistent as an affordable housing project per State law
 - Parking: 0-1 space per unit (residential); Up to 1/1,000 square feet (commercial)
 - Ground Floor Commercial: 50% of frontage along Fairmount Avenue
 - Bicycle Parking, View Analysis, Public Open Space and 1% for Art requirements

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- Resolution 2016-68
 - City Council requests BART Board to advance development at the El Cerrito Plaza BART station
 - Memorandum of Understanding with BART to determine the feasibility of transit-oriented development and a potential new library at the El Cerrito Plaza BART station.

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- On-Street Parking Studies (2019)
 - Residential On-Street Parking: Strategy #14
 - Concern: The City provides free parking to BART commuters
 - Strategy: Charge BART commuters for on-street parking
 - Create a BART Commuter Permit and/or
 - Install Parking Meters and/or
 - Use pay-by-phone to charge for parking

BACKGROUND/CONTEXT: CITY GOALS & POLICIES

- Feasibility
 - Group 4 Site Analysis (next slides)
 - Strong development response to El Cerrito's San Pablo Avenue Specific Plan Form Based Code
 - Past studies showing economic feasibility in the vicinity of Plaza BART
- Next Feasibility Test
 - Advance to BART's TOD Process

GOALS & OBJECTIVES

GOALS AND OBJECTIVES

A. Complete Communities

1. **Regularly engage with the community** in the development of the project and associated access investments, and trade-offs between parking, housing and community amenities.
2. **Enhance the Ohlone Greenway's** role in increasing connectivity, sustainability and placemaking.
3. **Create visual and physical connection** between the BART station, adjacent neighborhoods, and shopping/services in El Cerrito Plaza, and along San Pablo Avenue and Fairmount Avenue.
4. **Create active ground floor** on Fairmount Avenue, with a mix of uses that complements and leverages the surrounding area.
5. **Manage area parking** to ensure neighborhood and business needs can be met.
6. Explore **options for integrating public library** into the TOD in partnership with City.

GOALS AND OBJECTIVES

B. Sustainable Communities Strategy

1. **Deliver community serving facilities and dense residential mid-rise uses at the station** to support envisioned growth in the “San Pablo Avenue Corridor” Priority Development Area and the San Pablo Avenue Specific Plan.
2. **Address the regional housing need** while simultaneously helping the City put in place transportation management tools to avoid potential congestion and traffic impacts of population growth.
3. **Incorporate green and sustainable design** to minimize vehicle- and building-related greenhouse gas emissions.

GOALS AND OBJECTIVES

C. Ridership

1. **Increase BART ridership at times and locations when BART has capacity.**
2. **Attract BART patrons from the larger San Pablo Avenue Specific Plan area and beyond through sustainable access alternatives.**

GOALS AND OBJECTIVES

D. Value Creation & Value Capture

1. **Deliver a feasible development** that generates long term revenue to support BART operations.
2. **Participate in future area-wide financing efforts** (such as a parking benefit district, enhanced infrastructure financing district or business district) to capture value changes resulting from TOD to support community amenities and other investments.
3. **Leverage innovative third-party funding and financing options** that deliver TOD-related BART infrastructure and programming.

GOALS AND OBJECTIVES

E. Transportation Choice

1. Per BART's Access Policy, **increase the share of patrons who walk, bike, or take transit to BART** through access improvements that offer safe, viable non-auto alternatives to BART patrons.
2. **Minimize the need for BART patron parking replacement** in an on-site garage by maximizing the use of existing available parking capacity in close proximity to the station and exploring other parking and access options for patrons who do not live near the station.
3. Per BART's TOD Policy, develop an **Access Plan** to identify future access needs and strategies.

GOALS AND OBJECTIVES

E. Transportation Choice

4. **Enable new residents of the development to reduce their reliance on cars** by providing transportation alternatives through GreenTRIP certification or equivalent.
5. **Expand the pedestrian and bicycle network** – particularly connecting to the Ohlone Greenway – to support the City and BART’s active transportation goals.
6. **Embrace the rapid evolution of mobility trends and technologies** to adapt to future transportation needs.

GOALS AND OBJECTIVES

F. Affordability

1. **Minimum of 20% of housing units will be affordable** to low and very-low income households or below, and support BART’s 35% systemwide affordability goal by aiming for a higher percentage of affordable units.
2. **Support local economy through project labor agreements** for construction of project. Aim for Small Business Enterprise inclusion in design and construction of the TOD.

QUESTIONS AND COMMENTS

THANK YOU!



EL CERRITO PLAZA/LIBRARY FEASIBILITY STUDY

City Council Presentation

November 19, 2019



VISION FOR EL CERRITO PLAZA

	USE	PROGRAM GOAL	DRIVER
	HOUSING	~900 Units @1,000 SF/ea - Min. 20% Affordable - Parking TBD	- BART TOD Goals - AB2923 - Financial/Market Feasibility
	RETAIL	- TBD (50% Fairmount Ave Frontage)	- Fairmount Ave Economic Development - San Pablo Ave Specific Plan - Climate Action Plan
	BART	- Parking and Access TBD	- TOD Policy - BART Access Policy/Investment Framework - AB2923
	LIBRARY	- 21,000 SF - 63 Parking Spaces (3 spaces per 1,000 SF)	- 2015 Library Needs Assessment

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS

SITE ANALYSIS AND CONTEXT



SITE	A	B & C	D
SIZE	1.57 ac	4.4 ac	1.59 ac
ZONING	T.O.M.U. transit oriented mixed use	T.O.H.I.M.U. transit oriented high intensity mixed use	
DENSITY	35-45 du/ acre Up to 70 du/acre for housing for elderly and disabled	75 du/ acre BART TOD Development Targets	
HEIGHT	65' with CU Permit	65' MAX 85' for affordable housing project	

■ RETAIL ZONE
 ■ BART STATION
 ■ OPEN SPACE

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS

SITE ANALYSIS AND CONTEXT

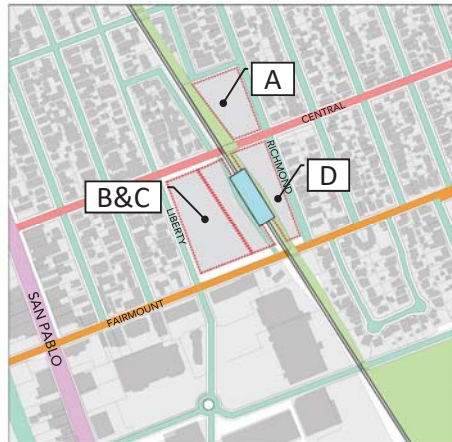
USES



LEGEND

- Single Family Residential
- Apartments Residential
- Commercial/Residential
- Commercial
- Public Recreation

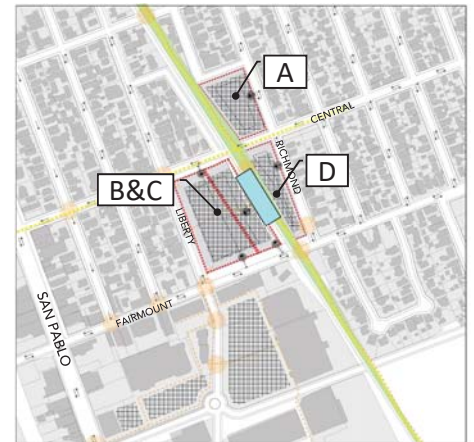
STREET TYPES



LEGEND

- San Pablo Avenue
- Gateway Street
- Major Commercial Street
- Neighborhood Street
- Ohlone Greenway

CIRCULATION



LEGEND

- Access
- Route
- Direction
- Parking Lot
- Bike path
- Walking Path
- Crosswalk

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS

SITE CAPACITY STUDIES



LEGEND

- BART STATION
- RETAIL ZONE
- OPEN SPACE

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DO NOT INCLUDE ANY FINANCIAL ANALYSIS



11. 19. 2019

EL CERRITO LIBRARY - PLAZA TOD SITE ANALYSIS/FEASIBILITY STUDY

SITE CAPACITY STUDIES – OPTION 1A

PLAZA + LIBRARY (SITE C)



		A	B & C	D
		HOUSING	HOUSING	HOUSING
URBAN	USES	OPEN SPACE	RETAIL	RETAIL
			LIBRARY	OPEN SPACE
			OPEN SPACE	
BUILDING	HEIGHT (APPROXIMATELY)	70'		
	FLOORS (RESIDENTIAL)	5		
	HOUSING UNITS	~920 @ 1,000 SF/ Unit		
PARKING	# PARKING SPACES	~763 Spaces		

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS

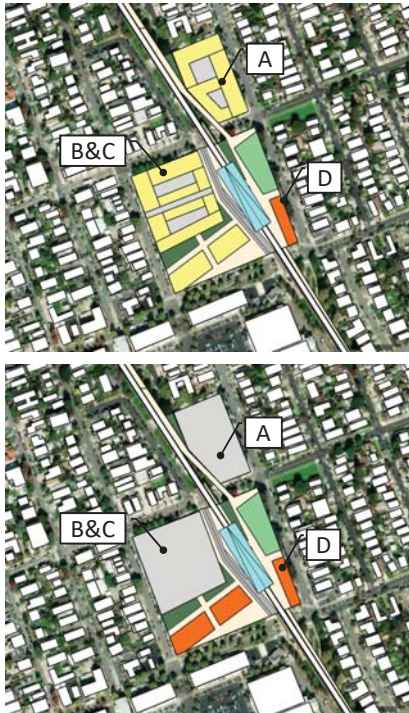


11. 19. 2019

EL CERRITO LIBRARY - PLAZA TOD SITE ANALYSIS/FEASIBILITY STUDY

SITE CAPACITY STUDIES – OPTION 1B

PLAZA + LIBRARY (SITE D)



URBAN	USES	A	B & C	D
		HOUSING	HOUSING	RETAIL
BUILDING	HEIGHT (APPROXIMATELY)	80'		
	FLOORS (RESIDENTIAL)	6		
	HOUSING UNITS	~800 @ 1,000 SF/ Unit		
PARKING	# PARKING SPACES	~773 Spaces		

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS



GROUP 4

11. 19. 2019

EL CERRITO LIBRARY - PLAZA TOD SITE ANALYSIS/FEASIBILITY STUDY

SITE CAPACITY STUDIES – OPTION 1C

PLAZA + LIBRARY (SITE A)



URBAN	USES	A	B & C	D
		LIBRARY	HOUSING	HOUSING
BUILDING	HEIGHT (APPROXIMATELY)	80'		
	FLOORS (RESIDENTIAL)	6		
	HOUSING UNITS	~800 @ 1,000 SF/ Unit		
PARKING	# PARKING SPACES	~703 Spaces		

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS



GROUP 4

11. 19. 2019

EL CERRITO LIBRARY - PLAZA TOD SITE ANALYSIS/FEASIBILITY STUDY

PROJECT OBJECTIVES (PRELIMINARY)

	USE	PROGRAM GOAL	DRIVER
	HOUSING	~900 Units @1,000 SF/ea - Min. 20% Affordable - Parking TBD	- BART TOD Goals - AB2923 - Feasibility
	RETAIL	- TBD (50% Fairmount Ave Frontage)	- Fairmount Ave Economic Development - San Pablo Ave Specific Plan
	BART	- Parking and Access TBD	- TOD Policy - BART Access Policy/Investment Framework - AB2923
	LIBRARY	- 21,000 SF - 63 Parking Spaces	- 2015 Library Needs Assessment

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS

SITE EVALUATION CRITERIA

PREREQUISITES	- ALIGNMENT WITH S.P.A.S.P. GOALS - ALIGNMENT WITH BART GOALS - SUSTAINABILITY
LIBRARY EVALUATION CRITERIA	- VISIBILITY - FUNCTIONALITY - PARKING - TIMELINE/PHASING - COST/FINANCING
BART EVALUATION CRITERIA	- COMPLETE COMMUNITIES - SUSTAINABLE COMMUNITIES STRATEGY - RIDERSHIP - VALUE CREATION AND VALUE CAPTURE - TRANSPORTATION CHOICE - AFFORDABILITY

* NOTE: THIS STUDY EVALUATES SITE CAPACITY BASED ON VARIOUS POLICY DRIVERS. IT DOES NOT INCLUDE ANY FINANCIAL ANALYSIS



El Cerrito Plaza Transit-Oriented Development



**El Cerrito City Council
November 19, 2019**



Presentation Overview

- What is TOD?
- Why are we pursuing TOD at El Cerrito Plaza now?
- AB 2923
- Process to date and next steps



Contra Costa Centre, Pleasant Hill BART



What is “Transit-Oriented Development (TOD)”?

Housing, office or mixed-use development designed to enhance non auto access to transit stations, in order to:

- **Create great places** and activate communities with services and amenities
- **Increase economic opportunity** and revenue generation for cities
- Offer more sustainable transportation choices in order to **address climate change**
- **Increase ridership** at times when BART has capacity
- Support **affordable housing and transportation**



3



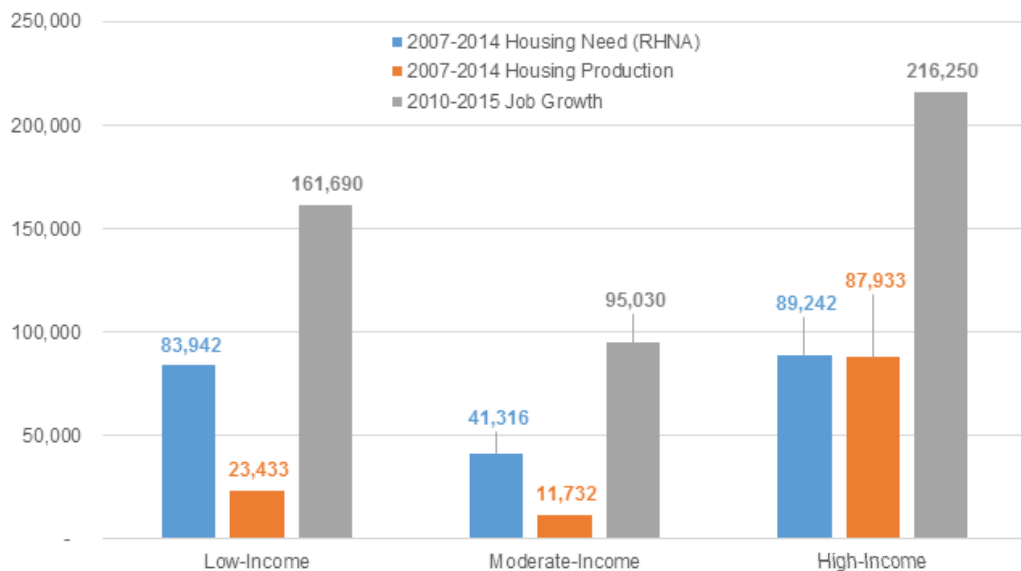
Why TOD at El Cerrito Plaza Now?

The region is not building enough housing to meet demand

Regional Growth
2010-2017:
722,000 Jobs
106,000 housing units
Almost 1 unit for every 7 jobs!

(Source: MTC)

Jobs Growth and Housing Production, Bay Area

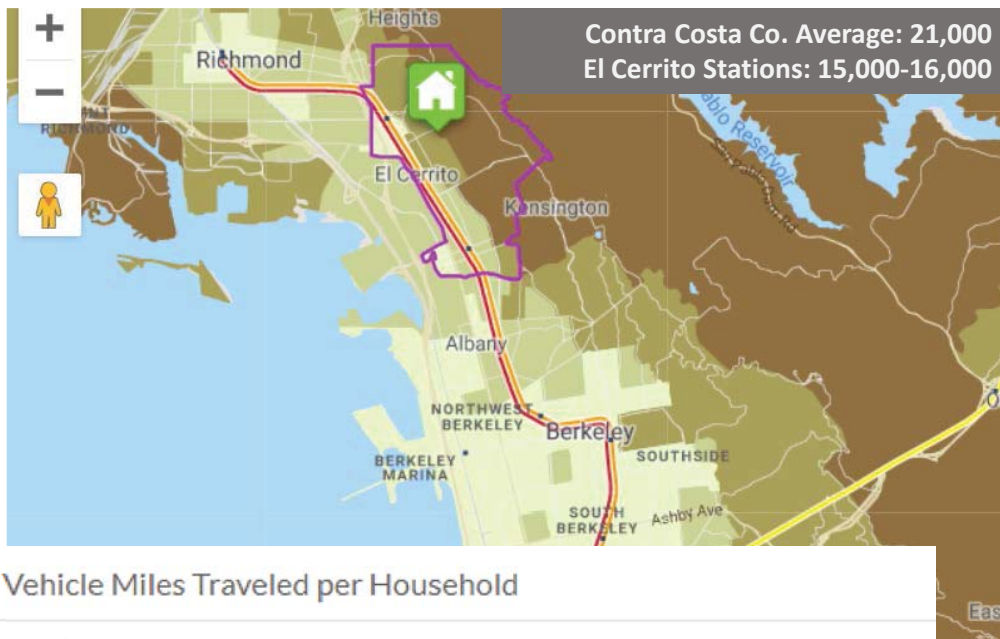


4



Why TOD at El Cerrito Plaza Now?

Address climate change by growing where people drive less

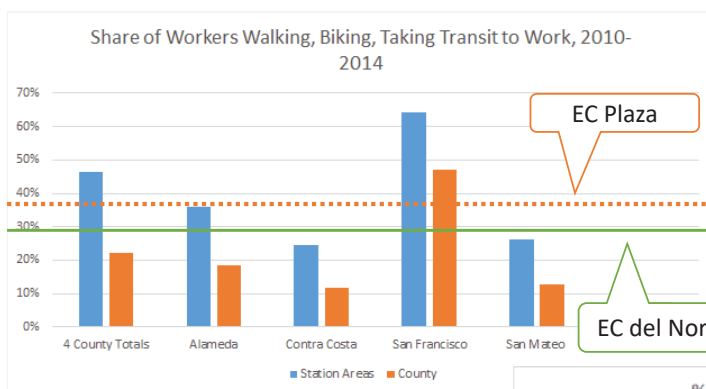


Source: Center for Neighborhood Technology, htaindex.cnt.org

5



Why TOD at El Cerrito Plaza Now?

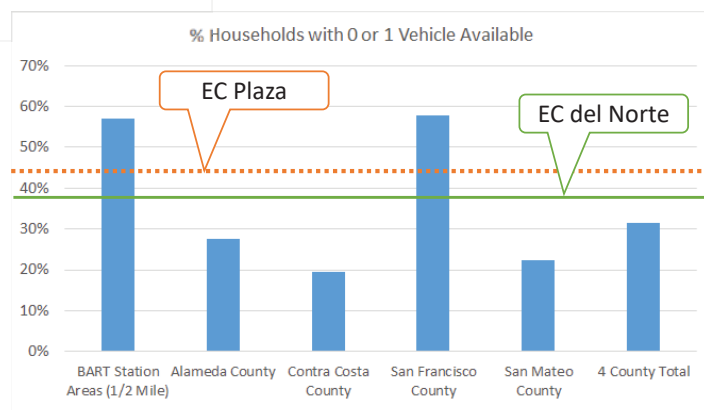


Offer Transportation Choices:

Almost half of commuters living ½ mile from BART walk, bike or take transit to work, vs. less than ¼ in the 4 county area

Reduce Auto Dependence:

More than half of households living ½ mile from BART own 1 or fewer cars – equivalent to San Francisco rates



6



Marea Alta and San Leandro Senior

115 family affordable units + 85 senior affordable units

Child care center and courtyard playground

Largest modular affordable project on west coast

BRIDGE Housing



Berkeley City Council Work Session – January 15, 2019
Rendering and top right image are used with permission of BRIDGE Housing

7



El Cerrito TOD & AB 2923

Law signed by Gov. Brown in
Sept. 2018

Affects existing BART-owned
property only

Requires BART to set zoning
standards for height, density,
parking, and building mass
(floor-area-ratio)

Cities must rezone to meet
standards by July 1, 2022

San Pablo Ave Specific Plan may
meet these standards already



**El Cerrito Plaza – BART-owned property
affected by AB 2923**

8



BART's Development Process: What's happened so far

- El Cerrito Plaza Station Access Survey (January-February 2019)
- El Cerrito City Council meeting (February 2019)
- San Pablo Avenue Specific Plan workshops (July 2019)
- El Cerrito Plaza Station Open House (August 2019)
- Community Open House (October 2019)

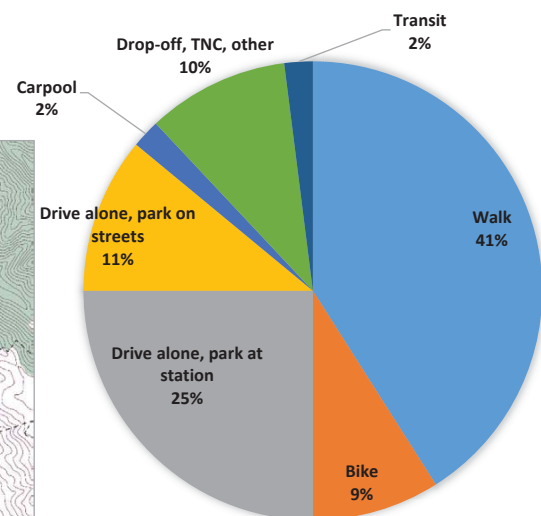
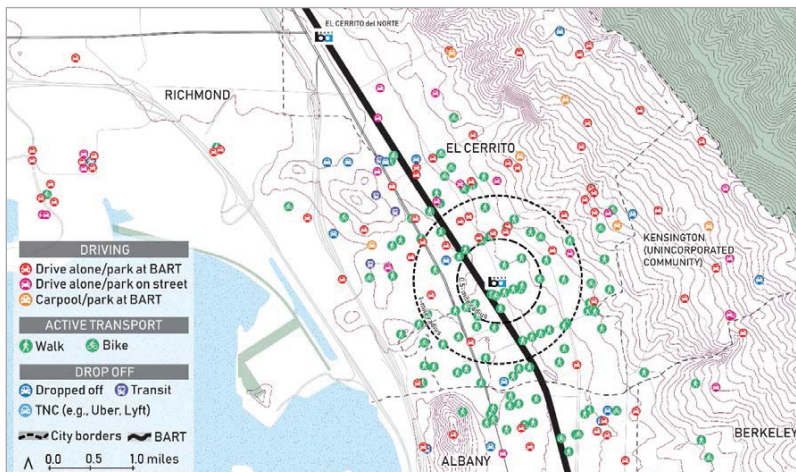


9



How people get to El Cerrito Plaza?

- More people travel to El Cerrito Plaza BART by walking than any other mode (41%).
- 36% of people coming to BART drive alone, many from within a 1-mile radius
- 11% of those who drive alone park on the streets





Tradeoffs between parking, housing and other community benefits

EVERY DOLLAR SPENT ON BUILDING STRUCTURED PARKING MEANS LESS MONEY FOR:

- Affordable Housing
- Residential Density (important for activation/retail)
- Community-serving uses (child care, etc.)
- Open Space and landscaping/urban design elements
- Transportation Infrastructure Improvements
- Other Community Benefits

It costs \$60K-\$80K PER SPACE to build a parking garage.



Station Access Improvements

- Increase the share of patrons who walk, bike, or take transit to BART
- Minimize the need for onsite BART patron parking replacement
- Expand the pedestrian and bicycle network
- Embrace the rapid evolution of mobility trends and technologies





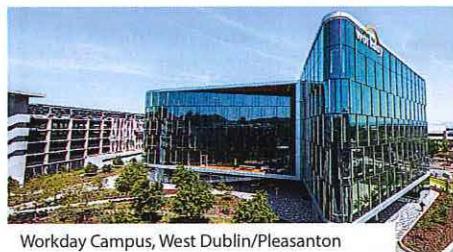
Next Steps

- **Early 2020:** Continued public outreach
- **Summer/Fall 2020:** Developer selection
- **Winter 2020 to Summer 2021:** Development Concept including decisions about library, replacement parking
- **Fall 2021:** Earliest date for application to City for entitlement.
- **Winter 2022:** Earliest start date for project construction

** Schedule depends on market readiness, availability of funding for affordable housing, BART access improvements*

What is Transit Oriented Development?

Transit Oriented Development (TOD) is a pattern of development that encourages greater concentration of residential, commercial, and recreational spaces oriented around public transportation services. Research shows that TOD increases transit use, reduces driving and reduces per capita greenhouse emissions, among other benefits.



Workday Campus, West Dublin/Pleasanton



AvalonBay Pleasant Hill



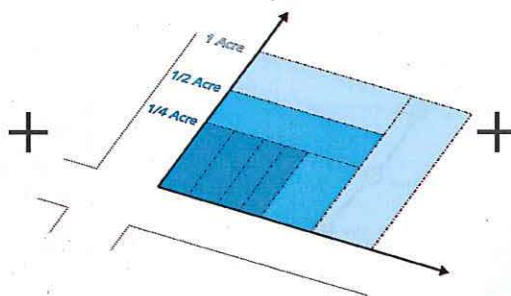
Fruitvale Transit Village

What is Assembly Bill 2923 (2018)?

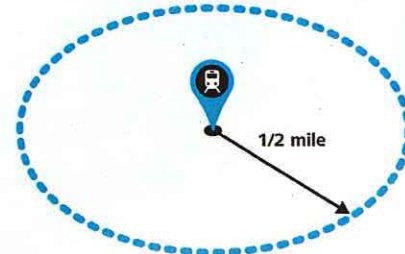
AB 2923 allows BART to enable TOD on BART-owned property, in collaboration with local jurisdictions, that meet the following criteria:



Located in Alameda, Contra Costa, and San Francisco counties. BART Stations located in San Mateo and Santa Clara Counties are not included.



Singular or contiguous parcels of at least 1/4 acre in size.



Within 1/2 mile of a BART station entrance.

Why was AB 2923 created?

BART has a goal to produce 20,000 new homes and 4.5 million square feet of commercial space on its property by 2040. BART's TOD targets 35% of its housing portfolio to be affordable. Due to the housing crisis, state legislators deemed it crucial to enable land to be developed at the densities and within the time-frame that the BART Board adopted in 2016.

Did BART propose AB 2923?

No. AB 2923 was envisioned by the State legislature. Throughout the process, BART remained neutral on the bill and did not support or oppose its passage.

Will BART collaboratively work with local jurisdictions?

Yes. BART is working with affected jurisdictions to create a guidance document that will enable context-sensitive design. The 2017 TOD Guidelines identifies three different station types, which will be used to set standards on BART's developable land.

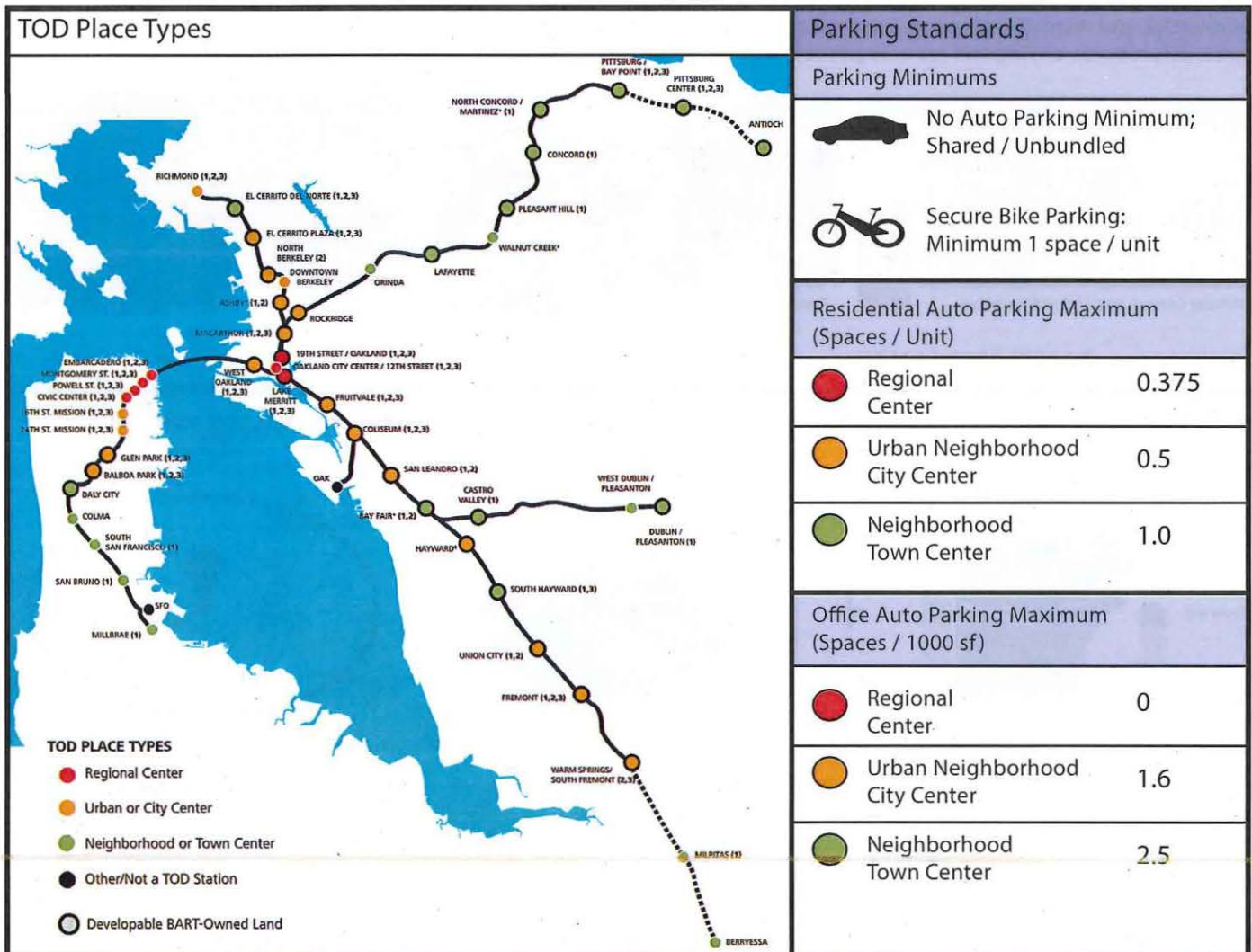
How can I learn more? Go to BART's website for more information:

<https://www.bart.gov/about/business/tod/ab2923>

RECEIVED

below. AB 2923 giv
1-233-12 50 YTD
2013-12 50 YTD

Guidelines



Development Standards

BART TOD Place Types	Minimum Building Height (Residential / Office)	Minimum Dwelling Units per Acre	Floor Area Ratio (FAR)
 Regional Center	High Rise (if feasible) 12 stories	75 DU/Acre	7.2 FAR
 Urban Neighborhood / City Center	Mid Rise 7 stories	75 DU/Acre	4.2 FAR
 Neighborhood / Town Center	Mid Rise 5 stories	75 DU/Acre	3.0 FAR

What else does AB 2923 require BART to do?

AB 2923 requires BART to do the following:

- Assess parking replacement needs for BART riders
- Develop a transportation demand management program
- Engage with Communities of Concern
- Develop an anti-displacement strategy
- Conduct biennial reporting to the State's Housing and Community Development Department



Proposal for Police Services in the Community of Kensington

November 19, 2019



Overview

- RFP Timeline/Process
- Introduction to ECPD Operations
- Kensington RFP Summary
- El Cerrito Proposal
- Questions

RFP Timeline

- KPPCSD issued on July 22, 2019
- Original deadline was October 15, 2019
- Extension Granted until December 16, 2019
- Public Meeting held November 8, 2019

RFP Process

- Staff Discussions
- ECPEA Engagement
- Review of KPD Facilities
- Public Meeting
- Public Input Opportunity
- **Council Direction** ◀
- CPC Concept Review
- Proposal Finalization
- Proposal Submittal

Police Operations in El Cerrito

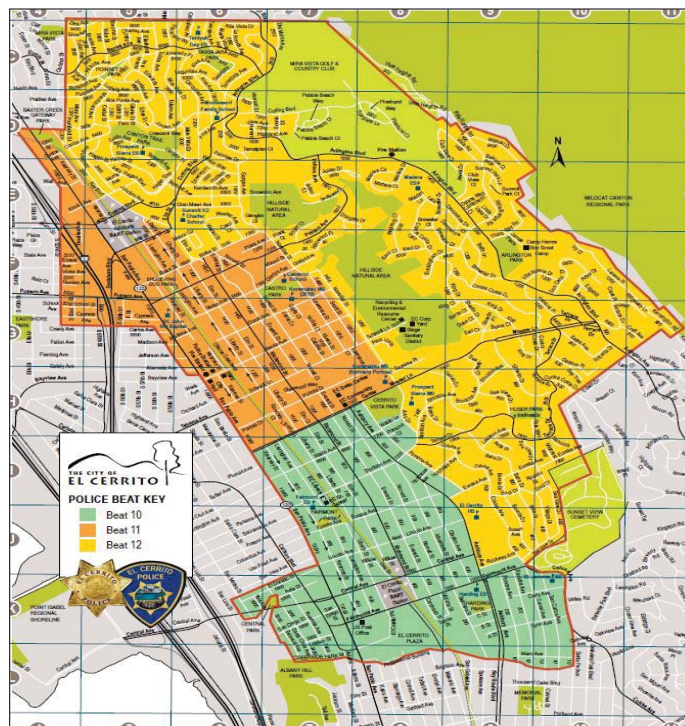
Primary Operations

Patrol
Investigations
Traffic
School Resource Officers

Patrol Structure

4 teams • 24-hour coverage • 12-hour shifts
Each team composed of Sergeant, Corporal and 4 Officers
3 Beats

El Cerrito Beat
Map



Kensington RFP Options

1. Full-Service Police Services

- Executive Management Oversight
- City Administrative Support
- Patrol coverage 24/7/365
- Traffic Enforcement
- Investigations
- Property and Evidence Services
- Records Management Services
- Internal Affairs
- Dispatch Services

2. Hybrid Model

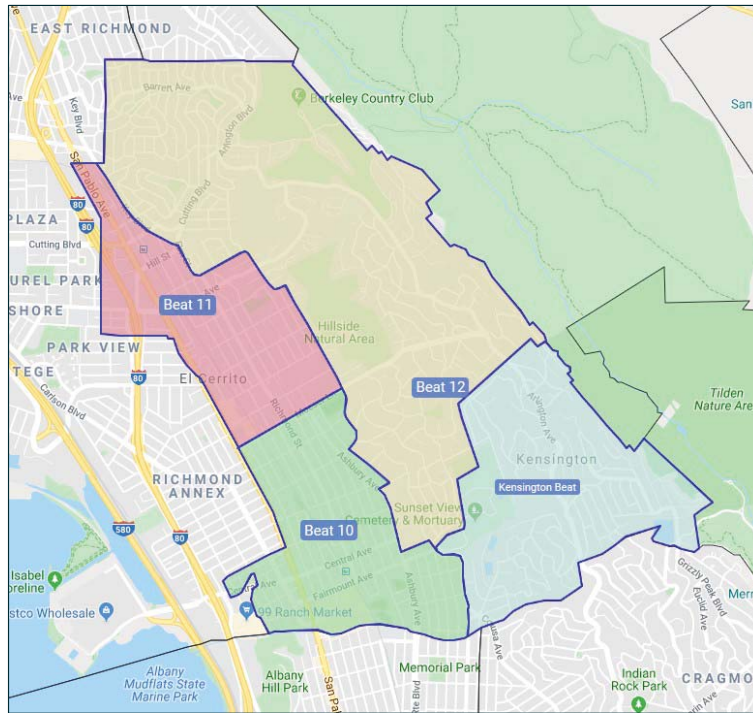
- Patrol coverage 7/365 for the Hours of 9pm - 9am
- Cover Kensington as a Dedicated Beat
- Investigations for Part 1 Crimes
- Internal Affairs
- Property and Evidence Services
- Records Management Services
- Human Resources and/or Payroll
- Information Technology

5-year term

El Cerrito Proposal

- Kensington integrated as a beat
- Increase staffing to include 4 officers, 1 detective and 1 lieutenant
- Provide option of an additional part-time or full-time records specialist
- Police personnel assigned to Kensington may wear Kensington Police patches and may drive Kensington police vehicles.
- Use of Kensington Public Safety Building for Kensington related business, office hours, and appointments.
- 5-year term

Proposed Beat
Map with
Kensington Beat



Approximate Costs (year one)

Personnel (Salary, Benefits, Ins)

\$1,525,000 – 1,674,000

Equipment, Services, Supplies

\$355,000

Administrative Overhead

\$440,000

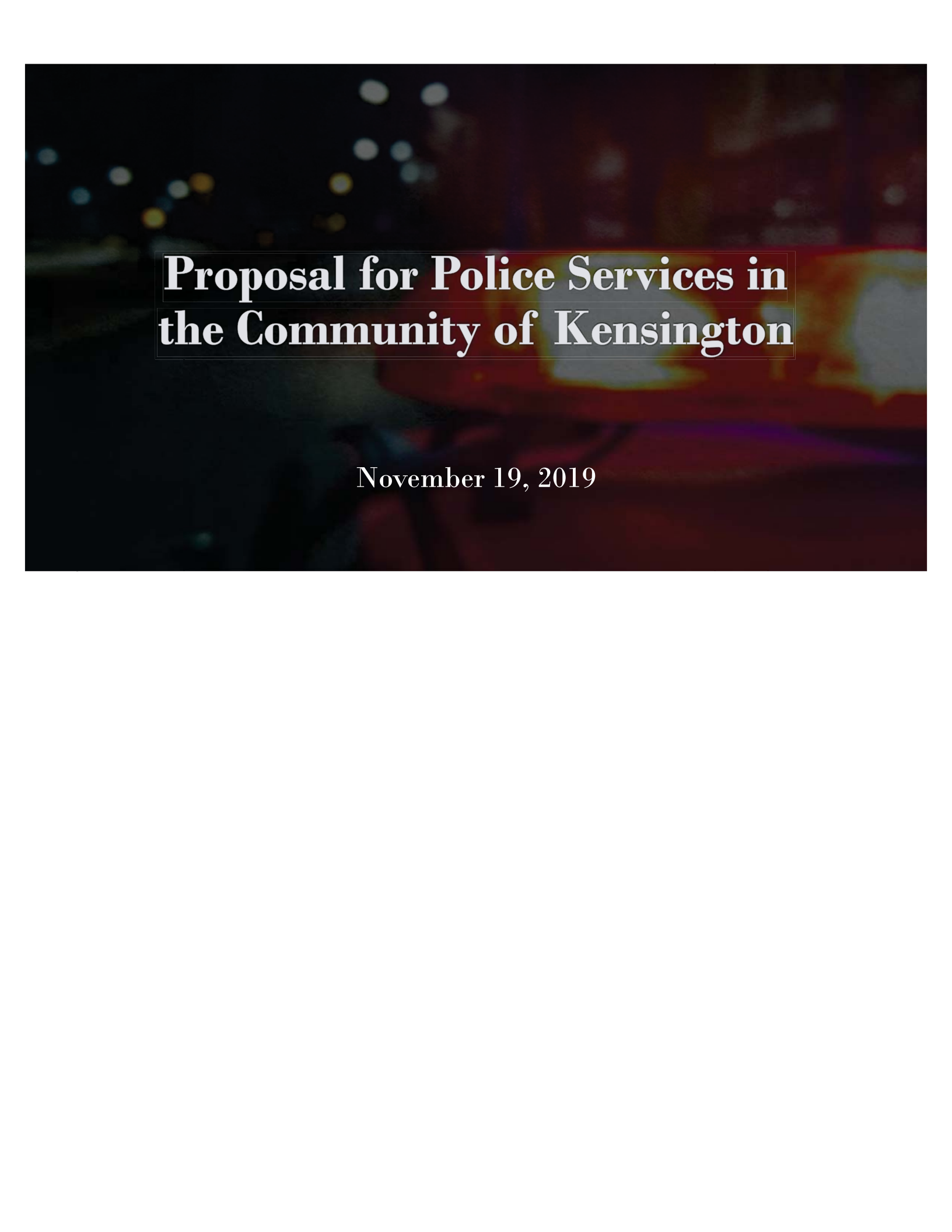
Total

\$2,320,000 – 2,469,000

Benefits

- Increased patrol support for emergency responses in El Cerrito
- Additional detective for major investigations
- Additional staff for collateral assignments such as CSI, HNT, Trainers, Etc.
- Shared costs for police services
- Uniform standards across communities
- Administrative overhead costs supplement existing administrative functions

Questions?



Proposal for Police Services in the Community of Kensington

November 19, 2019