



AGENDA

SPECIAL CITY COUNCIL MEETING
Tuesday, November 20, 2018 – 6:15 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, November 20, 2018 – 7:00 p.m.
City Council Chambers

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

Gabriel Quinto – Mayor

Mayor Pro Tem Rochelle Pardue-Okimoto
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Greg Lyman

6:15 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

Conduct interviews of candidates for the City Boards and Commissions.
Interviews may result in an announcement of appointment at the meeting.

3. 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 Greg Lyman

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

A. Minutes

Approve the Minutes for the meetings of October 16, 2018.

B. Proclamation – Golden Gate Frontier History Region

Approve a Proclamation proclaiming November as “Golden Gate Frontier History Month”.

C. The Schools and Local Communities Funding Act

Adopt a Resolution supporting The Schools and Local Communities Funding Act which will be on the 2020 Ballot.

D. Review Body for TDA Article 3 Pedestrian and Bicycle Funding

Adopt a Resolution authorizing an application to the Metropolitan Transportation Commission (MTC) for exemption from the local Bicycle Advisory Committee (BAC)/Bicycle and Pedestrian Advisory Committee (BPAC) requirement and designating the Contra Costa Countywide BAC as the review body for Transportation Development Act Article 3 Pedestrian and Bicycle funding.

E. Grant Deeds to allow Lot Line Adjustment for Mayfair Project

Adopt a Resolution accepting Grant Deeds from the City for property located on Assessor’s Parcel Numbers 502-062-003, 502-062-028 and a portion of Assessor’s Parcel Number 502-062-029 in the block bounded by San Pablo Avenue, Cutting Boulevard, Knott Avenue and Kearney Street to effectuate a Lot Line Adjustment for the Mayfair Project.

5. PRESENTATIONS

A. Presentation by Alameda -Contra Costa Medical Association – Opiate Epidemic

Receive a presentation from Joe Greaves, M.D., Alameda-Contra Costa Medical Association regarding the opiate epidemic.

B. Presentation by Badawi & Associates – FY 2016-17 CAFR

Receive a presentation from Badawi & Associates regarding the FY 2016-17 CAFR.

6. PUBLIC HEARINGS -

A. Appeal of Conditional Use Permit -1827 Arlington Boulevard

Conduct a Public Hearing and upon conclusion, consider adopting a Resolution denying the appeal and upholding the Planning Commission's approval of a Conditional Use Permit to allow an exception to the main building envelope to allow a height increase for an addition to the third floor of an existing house at 1827 Arlington Boulevard. (Application PL17-0154)

B. Integrated Waste Management Fees and East Bay Sanitary Garbage and Green Waste Collection and Processing Rates

1. Conduct a Public Hearing and upon conclusion, consider adopting a Resolution setting the maximum allowable East Bay Sanitary (EBS) garbage and green waste collection and disposal and processing rates effective January 1, 2019.

2. Conduct a Public Hearing and upon conclusion, consider adopting a Resolution setting Integrated Waste Management (IWM) fees effective January 1, 2019.

7. POLICY MATTERS –

A. City Manager Employment Agreement

Adopt a Resolution approving an Employment Agreement between the City and Karen Pinkos to be the new City Manager.

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 Tuesday, December 4, 2018 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.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/streamingmedia>. 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: 215-4305 Fax: 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.



Special City Council Meeting – 6:15 p.m. Commission Interviews

Date: November 20, 2018
To: Honorable Mayor and Members of the City Council
From: Sherry M. Kelly, Acting City Clerk
Subject: Commission Interviews

INTERVIEW SCHEDULE

November 20, 2018

6:15 p.m.	Josh Hohn	Design Review Board
6:30 p.m.	Nick Brooks	Planning Commission
6:45 p.m.	Wenlin Li	Design Review Board Planning Commission

BACKGROUND

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.

The attached matrix provides a listing of those individuals that have submitted applications and are being scheduled for interviews, as well as those that have been interviewed in 2018 but have not been appointed.

VACANCIES

Existing vacancies on boards, commissions and committees in which members are directly appointed by the City Council include:

Citizens Street Oversight Committee – One Vacancy

One term to expire March 2020

Design Review Board – One Vacancy

One term to expire March 2019. Municipal Code 2.04.280 requires that 3 members be "design professionals" and no more than 2 members be members of the Planning

**Special City Council Meeting
Commission Interviews**

Commission. The Board currently consists of 3 members who are licensed architects and 1 member of the general public.

Human Relations Commission – One Vacancy and One Student Vacancy

One term to expire March 2019. Student appointments are for a period of one year.

Planning Commission – One Vacancy

One term to expire March 2019

Attachments:

1. Applicant Matrix – Updated
2. Applications
3. Interview Questions

2018 Commission Vacancies as of November 20, 2018
Attachment 1

	<i>Arts & Culture (0)</i>	<i>Citizens Street Oversight (1)</i>	<i>Civil Service Commission (0)</i>	<i>Committee on Aging (2)</i>	<i>Crime Prevention (8)</i>	<i>Design Review Board (1)</i>	<i>Economic Development (7)</i>	<i>Environmental Quality (0)</i>	<i>Financial Advisory Board (0)</i>	<i>Human Relations (1)</i>	<i>Park and Recreation (0)</i>	<i>Planning Commission (1)</i>	<i>Urban Forest Committee (9)</i>	<i>Interview Date</i>	<i>Appointed</i>
Derik Hilliard							1			2				2/20	
Douglas Hund						2						1		2/20	
Ashley James						1		2						7/17	
Eva Jo Meyers	1													4/17	
Cathy Hanville												1		8/21	
Howdy Goudy												1		9/17	
Christine Gilmore				2						1				10/16	
Sylvia Ettinger (student)										1				No show	
Anatalio Ubalde												1		11/14	
Sajuti Rahman						2						1		Canceled	
Erin Gillett						1						2		11/14	
Nick Brooks												1		11/20	
Wenlin Li						1						2		11/20	
Josh Hohn						1								11/20	



**November 20, 2018
Special City Council Meeting**

Commission Interviews

Attachment 2 Applications

are available for review in hardcopy format at the
following locations:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue

**PLANNING COMMISSION AND DESIGN REVIEW BOARD
INTERVIEW QUESTIONS**

1. Briefly outline what in your professional background, work experience, education, or volunteer work would be relevant to the commission/board? What is your area of expertise and what is your experience in the planning entitlement process?

2. Will you give us a quick summary of why you chose to apply for the Planning Commission or Design Review Board and what you hope to accomplish as a member?

3. Can you explain how and why you feel you would be able to make fair and equitable decisions that would be in the best interest of **all** residents of the City?

Question to ask if interested in Planning Commission

4. The Planning Commission must often balance competing interests when it develops planning documents and makes land use decisions. In your opinion, what are the most important factors for the Planning Commission to consider in its decision making? Are you aware of any issues that this Board addressed recently?

Question to ask if interested in Design Review Board

5. From a design perspective, what design or landscaping do you believe is appropriate for the City and what needs improvement? Are you aware of any issues that this Board addressed recently?

EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, October 16, 2018 – 6:00 p.m.
Hillside Conference Room

SPECIAL CITY COUNCIL MEETING
Tuesday, October 16, 2018 – 6:30 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, October 16, 2018 – 7:00 p.m.
City Council Chambers

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

ROLL CALL

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

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Quinto convened the meeting at 6: 00 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC

There were no speakers.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for the City Boards and Commissions. Interviews may result in an announcement of appointment at the meeting.

Action: One interview completed.

ADJOURNMENT

The meeting adjourned at 6:25 p.m.

ROLL CALL

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

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Quinto convened the meeting at 6:30 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC

There were no speakers.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (*Pursuant to Government Code Section 54957.6*)

Agency Designated Representatives: Mayor Quinto and Councilmember Lyman

Unrepresented Employee: City Manager

POSSIBLE REPORT OUT OF CLOSED SESSION

Action: There was no report.

ADJOURNED SPECIAL CITY COUNCIL MEETING

The Council recessed the special meeting at 6:55 p.m. to reconvene after adjournment of the regular meeting. The Council reconvened at 10:05 p.m. The special meeting was adjourned at 10:45 p.m.

ROLL CALL

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

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Quinto convened the meeting at 7:00 p.m.

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE**
- 2. COUNCIL/STAFF COMMUNICATIONS**

Councilmember Fadelli reported that Councilmember Lyman and he met with the new California Public Utilities Commission liaison for the City. He stated this gives the City a point person to work with regarding both PG&E and MCE matters or concerns.

Councilmember Fadelli stated that he also participated with the League of Women Voters and the County Elections Department in a forum regarding Measure V. He stated this forum is available for viewing on Contra Costa Television's YouTube page.

Councilmember Abelson announced that she attended a Chamber of Commerce luncheon where the speaker, Tracy Young, Rubicon Programs, spoke about "El Cerrito's Economic Health Needs – A Three Point Approach".

Councilmember Abelson reported that she attended the Senior Resource Fair. She noted there were a wide array of booths staffed by organizations providing information and resources for seniors.

Mayor Pro-Tem Pardue-Okimoto reported that the Alta Bates Subcommittee is awaiting the Health Services Impact Report being prepared by U.C. Berkeley. The report will provide an assessment of how hospital closures affect communities.

Mayor Pro-Tem Pardue-Okimoto announced that she attended the El Cerrito High junior varsity game and watched the cheerleaders perform. She asked everyone to get out and support the team and this great cheerleader squad.

Councilmember Lyman noted that in addition to regulating electricity, the California Public Utilities Commission also regulates natural gas and transportation such as UBER.

Councilmember Lyman reported that the PUC issued a decision on October 11th with regard to the PCIA, the customer indifference charge which is associated with those customers that leave PG&E and leave stranded power-generating assets behind. He stated that the decision is not favorable to CCAs in that there will be higher PCIA costs for a couple of years until PG&E retires more of their stranded assets. He further stated that MCE is committed to having their prices below those of PG&E and this means that the MCE Board, of which he is a member, is actively finding ways to reduce generation costs so that the consumer's costs will continue to be lower even though there will be higher PCIA costs.

Mayor Quinto reported on various local events that he attended since his report at the last Council meeting.

Mayor Quinto announced that he attended the ICMA (International City Managers Association) Annual Conference in Baltimore on September 24th through the 26th where he introduced Karen Pinkos, the Assistant City Manager, as she was installed as the new President of ICMA. He congratulated Ms. Pinkos on this honor.

Mayor Quinto reported that at the September West County Mayor's Association meeting, a member of County staff spoke on the use of modular housing as a way to provide affordable housing for the poor. He reported that the County has contracted for a housing project to be built of shipping crates, stacked on top of each other, which ends up looking like a nice apartment building. This housing project will be located next to the old Richmond Health Center.

Fire Chief Maples reported on vegetation management and fire abatement efforts by the Fire Department, in coordination with the City's Public Works and Police Departments, CAL FIRE and volunteers, in the Hillside Natural Area. He stated they have completed 19 projects and removed 21 dead or dying trees in this area so far this year. Chief Maples informed the Council that staff is also working with PG&E to address easement areas. The Chief asked members of the public who have specific concerns to contact the Fire Department.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, asked why El Cerrito police continue to patrol in his neighborhood of Richmond.

Michael Fischer reported that at the last Library Commission meeting, the Commission voted to recommend to the Board of Supervisors that the Board eliminate overdue fines going forward and retroactively for all existing accounts. He stated that fines adversely affect those with lower incomes and can discourage people from using the Library. He noted that libraries that have eliminated fines have determined that eliminating fines does not significantly impact the return of books. Mr. Fischer also announced that there will be another Fix It Clinic scheduled for October 27th at Library.

Davis Todhunter questioned why the City is spending City funds to send out mailers on Measure V. He said that if Measure V passes, based on his situation and the fact that his home needs to be transferred in and out of various family trusts, he will be required to pay over \$30,000 in the new real estate property tax just to be able to keep ownership of his home within his family. He also expressed concern that many of the “No on V” signs that he and others have put up have been stolen, while none of the “Yes on V” signs have been removed.

Christian Teale stated his belief that if Measure V passes it will lower property values and increase the amount renters pay. He said that the City’s funding issues are a result of unfunded employee pension liabilities and high wages for City employees. He also noted that all the cities in California that have gone bankrupt are charter cities and that he doesn’t want his City overspending or going bankrupt.

Al Miller, President of the El Cerrito Library Foundation, provided an update on the “One City, One Book” program, including readings and discussions about the book, *The 57 Bus*.

Susan Duncan expressed appreciation to the Fire and Public Works Departments for clearing brush away from homes in the Hillside Natural Area. She stated there is still more work to be done in clearing areas and removal of trees. Ms. Duncan announced that the neighbors are forming volunteer groups to assist as needed. She suggested that more pressure be put on East Bay Regional Park District to reduce the fuel load in Wildcat Canyon.

Scott Perry expressed concern for the lack of vegetation management in the Hillside Natural Area. He stated that several reports have been issued over the years regarding this fire hazard, but the recommendations in these reports were never adopted. He asked that the City make this a priority and reorganize the City’s budget to address this issue.

Nick Galloro expressed concern for the 9,000 renters in the City who have no protection against arbitrary rent increases. He asked the Council to consider a rent increase moratorium and a just cause for eviction ordinance.

Robin Mitchell asked the Council to immediately put in place a rent increase moratorium and a just cause for eviction ordinance no matter what other programs the Council eventually decides to adopt. She stated her belief that the City should not spend resources looking at non-binding mediation as it has been

proven to not be effective. Ms. Mitchel pointed to a State anti-gouging statute that she believed the City could use to limit rent increases.

Howdy Goudey referred to a letter from Carol Lamont regarding her experience as a staff person working on affordable housing issues in other cities and her assessment that non-binding arbitration does not produce adequate results. He stated his appreciation for the work City staff has been doing on this issue. He expressed concern that what has been proposed from the prior workshop as short-term solutions will not be effective. Mr. Goudey asked the Council to move forward with an anti-gouging measure, which will give the City time to do more research and have more discussion on what measures would be most meaningful to address these issues in the City. He also stated his support for Measure V.

Sherry Drobner asked the Council to adopt a rent increase moratorium and a just cause for eviction ordinance. She handed out information on programs in other cities.

Jeff Levin, noted that hundreds of families in the City pay more than half their income for rent. He stated that while the Council debates the best policies, tenants remain at risk. He urged the Council to immediately adopt a temporary moratorium on rent increases coupled with just cause for eviction protections.

Helen Dickey, stated that she is on a fixed income and has no means of dealing with increasing rents. She asked the Council to consider the many seniors who are in the same situation.

Eduardo Torres, Bay Point, Northern California Reginal Coordinator for Tenants Together, reported that for the last two years he has been working exclusively in the City of Concord assisting tenants that have been subject to rent gouging. He informed the Council that about a year ago the City of Concord adopted a rent review program, which has been a complete failure. He stated that the City wastes over a \$100,000 for a program that is non-binding and heavily favors landlords over tenants. Mr. Torres cited cases where the review board recommended smaller rent increases than the landlord sought, but because the program is non-binding, the landlord proceeded with excessive rent increases. He recommended that the City of El Cerrito learn from the failures of non-binding arbitration and consider implementing a rent stabilization ordinance and a just cause for eviction ordinance. In the meantime, he urged the City to adopt a temporary moratorium on rent increases.

Makalia Aga stated that she has been a renter in the same place for the last 24 years and that her rent has increased 20% every year for the last three years. She said she is also paying more than 50% of her income for rent. She asked that the City adopt a temporary rent increase moratorium until a more permanent solution is put in place.

Ronnie Polonsky said she is impressed with the City's quick response to concerns citizens raised regarding fire hazards in the Hillside Natural Area. She asked the Council to move as quickly to address concerns raised by renters in

the City. She stated her support for a temporary rent increase moratorium. She said that even if Proposition 10 fails, the City still needs to implement a rent stabilization ordinance.

Mary Ghyidella stated that she lives next to the Wildwood Condominiums. She expressed concern that the five pine trees on their property, which drop tons of pine needles in the parking lot and in her yard, are a real fire hazard. She questioned what can be done regarding this matter.

4. ADOPTION OF THE CONSENT CALENDAR

Action: Moved, seconded (Pardue-Okimoto/Abelson) and carried unanimously to approve the Consent Calendar as indicated below

A. Minutes

Approve the Minutes for the meeting of September 17, 2018.

Action: Approved minutes.

B. Proclamation – Shelter-in-Place Education Day

Approve a Proclamation proclaiming November 7, 2018 as “Shelter-in-Place Education Day”.

Action: Approved proclamation.

C. Records Retention Schedule

Adopt a Resolution adopting a Records Retention Schedule and rescinding Resolution No. 2003-41.

Action: Adopted Resolution No. 2018-54.

D. Conflict of Interest Code

Adopt a Resolution adopting a revised Conflict of Interest Code and rescinding Resolution No. 2016-77.

Action: Adopted Resolution No. 2018-55.

E. Proclamation – United Against Hate Week

Approve a Proclamation designating November 11-17, 2018 as “United Against Hate Week”.

Action: Approved proclamation.

5. PRESENTATIONS

A. Presentation by East Bay Regional Park District on Measure FF

Receive a presentation from EBRPD Board Member Dee Rosario on Measure FF, a measure to extend funding for regional parks, on the November 6, 2018 ballot.

Action: Received presentation.

B. Presentation by West Contra Costa County Unified School District - District Elections

Receive a presentation from Marcus Walton, Director of Communications for WCCUSD, on the transition to District Elections.

Action: Received presentation.

C. Presentation by East Bay Municipal Utility District – Water System Overview

Receive a presentation from Director Andy Katz, EBMUD, on an overview of the Water System.

Action: Received presentation.

D. Presentation by Contra Costa County Animal Services – Animal Services Update

Receive a presentation from Steve Burdo, Community and Media Relations Manager, Contra Costa County Animal Services, on Animal Services.

Action: Received presentation.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS - None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Abelson announced that there are several vacancies on the Crime Prevention Committee and anyone interested can get an application from the City's website and attend meetings to learn more.

Councilmember Fadelli reported that the Financial Advisory Board is presently working on the City's financial policies and that the Human Relations Commission is in discussions with staff on how best to address issues related to the rising rents and affordable housing.

Councilmember Lyman reported that there continue to be discussions at the RecycleMore meetings related to a Joint Exercise Power Authority (JEPA) agreement. He informed the Council that the California Integrated Waste Management Board has cited RecycleMore for not meeting standards related to outreach for business recycling. Councilmember Lyman pointed out that the City's recycling program operates separately from RecycleMore and is in compliance with State mandates.

9. ADJOURNMENT

The regular meeting adjourned at 10:00 p.m.

Gabriel Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meetings of October 16, 2018 as approved by the El Cerrito City Council.

Sherry M. Kelly
Acting City Clerk

EL CERRITO CITY COUNCIL PROCLAMATION
Commemorating the “Golden Gate Frontier History Region”

WHEREAS, according to author Lynn Stegner, “like the upbringing of a child, the development of a region leaves forever personal engravings on both first inhabitants and the lifestyles that they and the land cast together and pass down”. As descendants and newcomers to a region, we are the self-appointed heirs to its history, recognizing the sacrifices and devotions of early pioneers; and

WHEREAS, acting to share this responsibility with today’s generations, it begins with the naming of the Golden Gate Frontier History Region; where waters from mountain peaks of the Sierra Madre, Mt. St. Helena, Mt. Diablo, and more, flow through the San Francisco Bay to the Pacific Ocean; and

WHEREAS, we benefit from knowing how each town’s founding added to this frontier. The early settlement and development of California was deeply influenced by the immigrants and goods that came by way of the maritime transportation routes by sailing around Cape Horn, via the Isthmus of Panama, as well as through the more commonly used routes of transcontinental migration. In 2016 the State Board of Education adopted the History - Social Science framework, including the standards of Around the Horn maritime route and President Polk, for instruction in 8th grade; and

WHEREAS, Golden State History’s dedication of the Golden Gate Frontier History Region, includes the influences of geography, transportation routes, climate, botany and commerce in our historic populations of the San Francisco Bay and is vital to community awareness of the history and cultural and economic development of California.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commemorate the Golden Gate Frontier History Region and proclaim November as “Golden Gate Frontier History Month” in the City of El Cerrito.

Dated: November 20, 2018

Gabriel Quinto, Mayor

RESOLUTION NO. 2018-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO SUPPORTING
THE SCHOOLS AND LOCAL COMMUNITIES FUNDING ACT**

WHEREAS, since the passage of Proposition 13 in 1978, cities and counties have faced significant limitations in their main source of funding, the property tax; and

WHEREAS, while the intent of Proposition 13 is to help homeowners, loopholes in the system have permitted major commercial and industrial properties to avoid reassessment, a windfall to commercial property owners at the expense of vital public services, and

WHEREAS, the property tax has shifted away from commercial property and toward residential property throughout the state and in virtually every county; and

WHEREAS, city and county finances have long been stressed while the state has failed in its intention to improve local finances; and

WHEREAS, the property tax is one of the few discretionary sources of revenue for cities and counties; and

WHEREAS, estimates by academic researchers at USC have identified that reassessing commercial property will bring \$11.4 billion in property taxes to cities, counties, special districts, and schools; and

WHEREAS, USC has identified that nearly 80% of the revenue will come from just 8% of large properties, owned by corporations and wealthy investors, many of them out-of-state; and

WHEREAS, USC research shows that a majority of commercial owners already pay close to market value, making the current system inequitable among businesses, benefitting large owners who have held land for a long period; and

WHEREAS, the current failure to close the commercial property loophole has led to poor land use and inflated land values, particularly affect the ability to provide adequate high-density housing; and

WHEREAS, enough signatures have been gathered to place the Schools and Local Communities Funding Act on the ballot in 2020; and

WHEREAS, allocation of revenues to cities, counties and special districts will follow current property tax allocation; and

WHEREAS, the Act will provide billions in locally-controlled property tax funding yearly for cities, counties, and special districts; and

Agenda Item No. 4(C)

WHEREAS, the Act contains provisions to benefit small businesses, and levels the playing field among businesses; and

WHEREAS, the Act will improve land use, infrastructure, public safety, housing, parks, libraries, health and human services and the environment.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Cerrito, that it hereby supports the Schools and Local Communities Funding Act.

I CERTIFY that at a regular meeting on October 16, 2018 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 October XX, 2018.

Sherry Kelly, Acting City Clerk

APPROVED:

Gabriel Quinto, Mayor



AGENDA BILL

Agenda Item No. 4(D)

Date: November 20, 2018
To: El Cerrito City Council
From: Ana Bernardes, Acting Engineering Manager/Senior Engineer
Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Confirm Designation of the Contra Costa Countywide Bicycle Advisory Committee (BAC) as the Review Body for Transportation Development Act Article 3 Pedestrian and Bicycle Funding in the City of El Cerrito

ACTION REQUESTED

Adopt resolution authorizing application to the Metropolitan Transportation Commission for exemption from the local Bicycle Advisory Committee (BAC)/Bicycle Advisory Committee (BAC) requirement and designating the Contra Costa Countywide BAC as the review body for Transportation Development Act Article 3 Pedestrian and Bicycle funding in the City of El Cerrito.

BACKGROUND

The Metropolitan Transportation Commission (MTC) is responsible for establishing policies and procedures for Transportation Development Act Article 3 Pedestrian and Bicycle (TDA 3) grant funding. In June 2013, the MTC updated TDA 3 policies by adopting its Resolution 4108, which required each jurisdiction to have a local BAC/BPAC, as appointed by the City Council, to review and prioritize projects proposed to be funded by TDA 3.

MTC staff worked with stakeholders including congestion management agencies, counties, various working groups and public interest groups to develop a process and criteria that balances the interests of the bicycle and pedestrian communities with the desire to effectively and efficiently manage a relatively small funding program without unduly burdening local jurisdictions with lengthy processes. As a result, the MTC guidance allows a jurisdiction to apply for an exemption from using a local BAC/BPAC if it can demonstrate that the countywide BAC/BPAC provides for expanded city representation.

In September 1992, the City of El Cerrito City Council had previously designated the Contra Costa Countywide BAC as the local BAC for the purposes of meeting MTC TDA 3 requirements (Resolution 92-81). Since then, the City has used the Contra Costa Countywide BAC for review of proposed projects and has successfully applied for and received TDA 3 funding to plan and implement projects to improve bicycle and pedestrian infrastructure and facilities in El Cerrito.

ANALYSIS

If a jurisdiction wishes to use a countywide BAC/BPAC in lieu of its own, it must meet the following criteria

1. Per MTC Resolution 4108, the countywide BAC/BPACs must have a minimum of five members who live or work in the county.
2. The charter or written mission/purpose of the countywide BAC/BPAC must include the timely review and prioritization of city/county bicycle and pedestrian project applications.
3. The countywide BAC/BPAC must have adequate geographic representation such that each jurisdiction that wishes to use the countywide BAC/BPAC has a Board or Council selected representative who lives or works in that city or a nearby city jurisdiction within the supervisory district. The countywide BAC/BPAC must have at least one member from each of the county's supervisory districts in order to provide for expanded representation.

The Contra Costa Countywide BAC meets these requirements for the City of El Cerrito. The Contra Costa Countywide BAC is comprised of sixteen members, including five representatives who are appointed by the Contra Costa County Board of Supervisors (one representative from each of the five Supervisorial districts). The other members include one representative from eight bicycle organizations that use the roads in Contra Costa County; one representative each from the Mayors' Conference, the East Bay Regional Park District, and the bicycle industry. The California Highway Patrol and Superintendent of Schools serve in an ex officio capacity as resources only. The qualifications for membership on the committee are to live or work in the County.

The City of El Cerrito has been successful in implementing bicycle and pedestrian projects with the input from the Contra Costa Countywide BAC in the past. The adoption of this resolution will confirm that we have used and will continue to use the Contra Costa Countywide BAC to serve as the local BAC. The resolution will also appoint a Countywide BAC member to serve as the City's representatives. If approved by the City Council, staff will submit the resolution to MTC and the Contra Costa Countywide BAC to allow the City to maintain its eligibility for future TDA 3 funding.

STRATEGIC PLAN CONSIDERATIONS

The City's Strategic Plan articulates the mission of the City to serve, lead, and support our diverse and transit-rich community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety, and creating an economically and environmentally sustainable future. Approval of this resolution is consistent with the following El Cerrito Strategic Plan Goals:

- Goal B - *Achieve long-term financial sustainability* by continuing to pursue and support opportunities for new funding, including outside grants.
- Goal E – *Ensure the public's health and safety* by improving pedestrian and bicycle infrastructure and facilities; and

Agenda Item No. 4(D)

- Goal F – *Foster environmental sustainability citywide* by encouraging alternative modes of transportation to the single occupancy vehicle.

ENVIRONMENTAL CONSIDERATIONS

This action is not subject to the California Environmental Quality Act (CEQA) guidelines. Individual projects for which the city applies for grants under the Metropolitan Transportation Committee's (MTC) Transportation Development Act (TDA) funding are analyzed under CEQA.

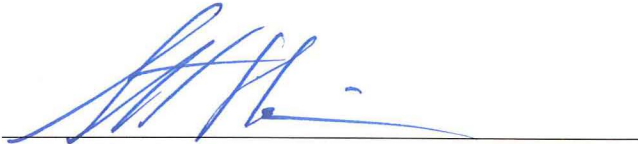
FINANCIAL CONSIDERATIONS

There is no impact to the General Fund. Without the proposed designation, the City has the potential of not being eligible to apply for grant funding for bicycle and pedestrian projects under the TDA 3 program.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin
City Manager

Attachment:

1. Resolution

RESOLUTION 2018-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR EXEMPTION FROM THE LOCAL BICYCLE ADVISORY COMMITTEE (BAC)/ BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC) REQUIREMENT AND DESIGNATING THE CONTRA COSTA COUNTYWIDE BAC AS THE REVIEW BODY FOR TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN AND BICYCLE FUNDING IN THE CITY OF EL CERRITO.

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for establishing policies and procedures for Transportation Development Act Article 3 Pedestrian and Bicycle (TDA 3) grant funding; and

WHEREAS, in June 2013, the MTC updated TDA 3 policies by adopting Resolution 4108 which requires each jurisdiction to have a local Bicycle Advisory Committee (BAC)/Bicycle and Pedestrian Advisory Committee (BPAC) to review and prioritize TDA Article 3 bicycle and pedestrian projects and to participate in the development and review of comprehensive bicycle plans; and

WHEREAS, MTC guidance allows a local agency to apply for an exemption from using a local BAC/BPAC if it can demonstrate that the countywide BAC/BPAC provides for expanded city representation; and

WHEREAS, each member of the Contra Costa County Board of Supervisors has appointed a representative on the Contra Costa Countywide BAC; and

WHEREAS, said representation for each Supervisorial District in turn represents the local agencies within each District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that:

1. The Contra Costa Countywide BAC provides for expanded city representation in the City of El Cerrito.

2. The City of El Cerrito hereby directs the City Manager or designee to apply to MTC for exemption from the city BAC/BPAC requirement.

3. The City of El Cerrito hereby identifies the Contra Costa Countywide BAC as the review body for Transportation Development Act Article 3 Funding of pedestrian and bicycle projects in the City of El Cerrito.

4. The City of El Cerrito hereby identifies the County Supervisorial District 1 representative on the Contra Costa Countywide BAC as the City of El Cerrito representative on said committee.

I CERTIFY that at a regular meeting on November 20, 2018 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 20, 2018.

Sherry M. Kelly, Acting City Clerk

City of El Cerrito APPROVED:

Gabriel Quinto, Mayor



AGENDA BILL

Agenda Item No. 4(E)

Date: November 20, 2018
To: El Cerrito City Council
From: Sean Moss, Acting Planning Manager
Subject: Acceptance of Grant Deeds to allow a Lot Line Adjustment for the Mayfair Project

ACTION REQUESTED

Adopt a resolution accepting grant deeds from the City of El Cerrito, a municipal corporation for property located on Assessor's Parcel Numbers 502-062-003, 502-062-028 and a portion of Assessor's Parcel Number 502-062-029.

BACKGROUND

On July 12, 2017, the El Cerrito Planning Commission approved the Tier IV Design Review application for the Mayfair project consisting of the construction of two new buildings containing 223 residential units at 11600, 11690 San Pablo Avenue and 1925 Kearney Street. On August 2, 2017, the El Cerrito Design Review Board also approved the Tier IV Design Review application for the project. (Resolutions PC17-07 and PC17-03)

On February 6, 2018 the City Council authorized the execution of a Disposition and Development Agreement (DDA) with HD Mayfair, LLC and Mayfair Affordable, LLC. (Resolution 2018-06)

On August 21, 2018 the El Cerrito Zoning Administrator approved a Lot Line Adjustment for the project site. (ZA 18-07)

ANALYSIS

The approved Mayfair project consists of two buildings which will be built by two different developers as provided for in the DDA. The project requires a Lot Line Adjustment to create an individual parcel for each building.

The City of El Cerrito currently owns the property which comprises the project site. To effectuate the lot line adjustments, grant deeds must be recorded that reflect the boundaries of the two new lots. The City is basically conveying property to itself. Government Code Section 27281 requires that the City Council accept the Grant Deeds prior to recordation.

STRATEGIC PLAN CONSIDERATIONS

Acceptance of the grant deeds will allow the project to move forward and will further Goal C of the El Cerrito Strategic Plan by "developing a vision for underdeveloped and underutilized properties...that encourage[s] investment and/or new development."

ENVIRONMENTAL CONSIDERATIONS

Environmental review pursuant to the California Environmental Quality Act was completed as part of the entitlement process for the project.

FINANCIAL CONSIDERATIONS

The acceptance of the grand deeds will allow the project to move forward and will allow HD Mayfair, LLC to close escrow on the site, generating revenue for the City from the sale of the property pursuant to a Compensation Agreement with the taxing entities.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this report and the attachments.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Grant Deed
3. Grant Deed

RESOLUTION 2018-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ACCEPTING A GRANT DEEDS FROM THE CITY OF EL CERRITO, A MUNICIPAL CORPORATION FOR PROPERTY LOCATED ON ASSESSOR'S PARCEL NUMBERS 502-062-003, 502-062-028 AND A PORTION OF ASSESSOR'S PARCEL NUMBER 502-062-029, IN THE BLOCK BOUNDED BY SAN PABLO AVENUE, CUTTING BOULEVARD, KNOTT AVENUE, AND KEARNEY STREET.

WHEREAS, on July 12, 2017 the El Cerrito Planning Commission approved the Tier IV Design Review application for the "Mayfair Project" consisting of the construction of two new buildings containing 223 residential units at 11600, 11690 San Pablo Avenue and 1925 Kearney Street (Resolution PC17-07); and

WHEREAS, on August 2, 2017 the El Cerrito Design Review Board approved the Tier IV Design Review application for the "Mayfair Project" consisting of the construction of two new buildings containing 223 residential units at 11600, 11690 San Pablo Avenue and 1925 Kearney Street (Resolution PC17-03); and

WHEREAS, on February 6, 2018 the City Council authorized the execution of a Disposition and Development Agreement (DDA) with HD Mayfair, LLC and Mayfair Affordable, LLC (Resolution 2018-06); and

WHEREAS, on August 21, 2018 the Zoning Administrator approved a Lot Line Adjustment for the project site (ZA 18-07); and

WHEREAS, the City of El Cerrito is the owner of the subject property; and

WHEREAS, the Grant Deeds must be recorded to reflect the boundaries of the parcels resulting from the Lot Line Adjustment. Government Code Section 27281 requires that the City Council accept the Grant Deeds prior to recordation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito as follows:

1. The above recitals are true and are incorporated into this Resolution.
2. The City Council accepts the Grant Deeds from the City of El Cerrito, a Municipal Corporation, to effectuate a Lot Line Adjustment of City-owned properties for the Mayfair Project and authorizes their recordation in the official records of Contra Costa County.

I CERTIFY that at a regular meeting on November 20, 2018 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

Agenda Item No. 4(E)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on XX, 2018.

Sherry Kelly, Acting City Clerk

APPROVED:

Gabriel Quinto, Mayor

RECORDING REQUESTED BY:
First American Title Company

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**

The City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
Attn: City Manager

Space Above This Line for Recorder's Use Only

A.P.N.: 502-062-003, 502-062-028 and a
portion of 502-062-029

File No.: 0192-5341213 ()

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$0, R&T code 11911; CITY TRANSFER TAX \$;
SURVEY MONUMENT FEE \$

- ☐ computed on the consideration or full value of property conveyed, OR
☐ computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
☐ unincorporated area; ☐ City of **El Cerrito**, and
☒ Exempt from transfer tax; Reason: **This Grant Deed is recording to effectuate the lot line adjustment**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THE CITY OF EL CERRITO, A MUNICIPAL CORPORATION

hereby GRANT(s) to **THE CITY OF EL CERRITO, A MUNICIPAL CORPORATION**

the following described property in the City of **El Cerrito**, County of **Contra Costa**, State of **California**:

LEGAL DESCRIPTION AND PLAT MAP ARE ATTACHED HERETO AS EXHIBIT "A" AND "B"

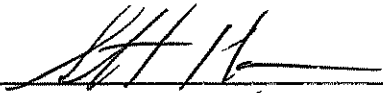
Mail Tax Statements To: **SAME AS ABOVE**

A.P.N.: 502-062-003, 502-062-028 and a
portion of 502-062-029

File No.: 0192-5341213 ()

Dated: 10/4, 2018

**THE CITY OF EL CERRITO, A MUNICIPAL
CORPORATION**

By: 

Name: Scott Marin

Title: Executive Director

Mail Tax Statements To: **SAME AS ABOVE**

Grant Deed - continued

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)SS

COUNTY OF CONTRA COSTA)

On October 4, 2018 before me, Jennifer A. Peat, Notary Public, personally appeared
Scott Hamlin

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

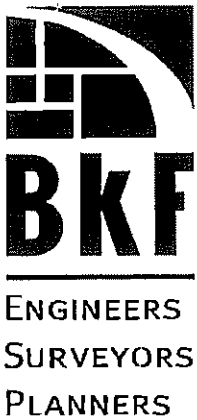
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jennifer A. Peat
Notary Signature



This area for official notarial seal.



August 20, 2018
BKF Job No. 20165247-50

EXHIBIT "A"
PROPERTY DESCRIPTION
PARCEL A (ADJUSTED PARCEL)

The land referred to herein is situated in the City of El Cerrito, County of Contra Costa, State of California, and is described as follows:

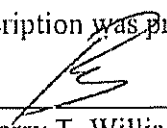
BEING all of Parcels 1 and 2 and a portion of Parcel 3 as said parcels are described in the Grant Deed to the El Cerrito Municipal Services Corporation, a California nonprofit public benefit corporation, recorded January 20, 2012, as Document Number 2012-0014458-00, Contra Costa County Records, and being also Lots 17, 18, 19 and 20 and portions of Lots 12 through 16, inclusive, and a portion of Lot 21, all in Block 2, as said lots and block are shown on that certain map entitled "Richmond Junction", filed May 6, 1913, in Book 9 of Maps at Page 221 (9 M 221), in the Office of the Recorder of Contra Costa County, being more particularly described as follows:

BEGINNING at the most northerly corner of said Lot 17 (9 M 221) on the southwesterly right of way line of Kearney Street (50 foot wide right of way) as said street is shown on said map (9 M 221); **THENCE** along said southwesterly right of way line South 28°00'21" East 119.72 feet; **THENCE** leaving the last said line South 61°59'39" West 176.45 feet to the northeasterly right of way line of San Pablo Avenue (100 foot wide right of way as said right of way is described in the Final Order of Condemnation recorded November 6, 1995, as Document Number 95-193521, Contra Costa County Records; **THENCE** along said northeasterly right of way line and the northeasterly right of way line of said San Pablo Avenue as described in the Grant Deed recorded February 17, 1994, as Document Number 94-046446, Contra Costa County Records the following four (4) courses: 1) North 28°55'10" West 107.14 feet; 2) North 62°01'02" East 1.98 feet to a point on a curve, concave easterly, having a radius of 10.00 feet, from which the center bears North 62°01'02" East; 3) northerly along said curve through a central angle of 90°00'00", an arc distance of 15.71 feet; 4) North 27°58'58" West 2.60 feet to the southeasterly right of way line of Knott Avenue (formerly Richmond Boulevard) (60 foot wide right of way) as said boulevard is shown on said map (9 M 221); **THENCE** along the last said line North 61°59'39" East 166.18 feet to the **POINT OF BEGINNING**.

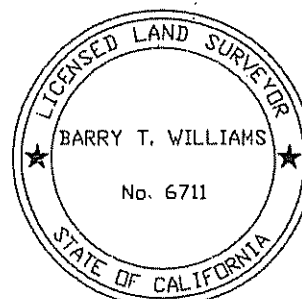
Containing an area of 21,165 square feet or 0.486 acres, more or less.

A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B".

This description was prepared from record information for BKF Engineers.

By: 
Barry T. Williams, P.L.S No 6711
License Expires: 06/30/20

Dated: 3/20/18



9 M 221 BLOCK 8

KEARNEY STREET

RIGHT OF WAY PER
95-193521 O.R.

CUTTING BOULEVARD

9 M 221
BLOCK 1

KNOTT AVENUE
(FORMERLY RICHMOND BLVD.)

9 M 221
BLOCK 3

$\Delta = 90^{\circ}00'00''$
 $R = 10.00'$
 $L = 15.71'$

PARCEL A
21,165 SQ. FT.

PARCEL B
47,267 SQ. FT. $\pm$
1.085 ACRES $\pm$

PROPERTY LINE
AFTER ADJUSTMENT

RIGHT OF WAY PER
94-046446 O.R.

SAN PABLO AVENUE

RIGHT OF WAY PER
95-193521 O.R.



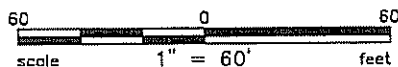
BASIS OF BEARINGS

BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3; NORTH AMERICAN DATUM OF 1983 (NAD 83, 1998) EPOCH 2004.00. ALL DISTANCES AND DIMENSIONS ARE IN GRID FEET AND DECIMALS THEREOF. TO OBTAIN GROUND DISTANCES, MULTIPLY GRID DISTANCES BY 1.0000678.

NOTES:

1. POB - POINT OF BEGINNING
2. PDC - POINT OF COMMENCEMENT
3. ALL UNITS ARE IN US SURVEY FEET AND DECIMALS THEREOF.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N27°58'58"W	2.60'
L2	S62°01'02"W	1.98'
L3	S61°59'52"W	2.02'
L4	N28°38'33"W	33.70'
L5	S62°01'24"W	10.04'
L6	N27°59'12"W	5.30'



1646 N. CALIFORNIA BLVD.,
SUITE 400
WALNUT CREEK, CA 94596
(925) 940-2200
www.bkf.com

EXHIBIT "B"

Subject PLAT TO ACCOMPANY DESCRIPTION
LOT LINE ADJUSTMENT-PROPOSED PARCELS
Job No. 20165247-50
By RGM Date 06/25/2018 Chkd. BTW

**IMPORTANT INFORMATION ABOUT THE COMPLETION OF THIS FORM
PENALTIES ASSESSED BY THE TAX COLLECTOR FOR NON-COMPLETION HAVE
INCREASED**

CA Senate Bill S07 signed into Law and effective in 2012 amends Sections of the Revenue and Taxation Code relating to taxation, increasing the penalties imposed for failure to file a change of ownership report.

Because of the potential for significantly higher penalties, It is very important that you:

- 1) Complete the Preliminary Change of Ownership Report ("PCOR") with all information;
- 2) Ensure that the mailing address for the grantee is complete and accurate to ensure that the Assessor can contact you with any inquiries.

The Title Company/Escrow Officer cannot help you complete this document because of liability reasons.

If you are unable to complete the PCOR or it is rejected for filing, the County will charge an additional \$20 fee and the Assessor will mail notification to you requesting completion of the PCOR. **If you don't complete and return the PCOR at that time, a penalty can be assessed and added to your tax bill.**

PRELIMINARY CHANGE OF OWNERSHIP REPORT

To be completed by the transferee (buyer) prior to a transfer of subject property, in accordance with section 480.3 of the Revenue and Taxation Code. A *Preliminary Change of Ownership Report* must be filed with each conveyance in the County Recorder's office for the county where the property is located.

ASSESSOR'S PARCEL NUMBER

502-062-003, 502-062-028 and a portion of 502-062-029

SELLER/TRANSFEROR

The City of El Cerrito, a municipal corporation

BUYER/TRANSFeree

The City of El Cerrito, a municipal corporation

BUYER'S DAYTIME TELEPHONE NUMBER

BUYER'S EMAIL ADDRESS

STREET ADDRESS OR PHYSICAL LOCATION OF REAL PROPERTY

VACANT LAND / LOT LINE ADJUSTMENT, El Cerrito, CA

☐ YES ☐ NO	This property is intended as my principal residence. If YES, please indicate the date of occupancy or intended occupancy.	MO	DAY	YEAR
☐ YES ☐ NO	Are you a disabled veteran or an unmarried surviving spouse of a disabled veteran who was compensated at 100% by the Department of Veterans Affairs?			

MAIL PROPERTY TAX INFORMATION TO (NAME)

MAIL PROPERTY TAX INFORMATION TO (ADDRESS)

CITY

STATE

ZIP CODE

PART 1. TRANSFER INFORMATION*Please complete all statements.*

This section contains possible exclusions from reassessment for certain types of transfers

YES	NO	
☐	☐	A. This transfer is solely between spouses (<i>addition or removal of a spouse, death of a spouse, divorce settlement, etc.</i>).
☐	☐	B. This transfer is solely between domestic partners currently registered with the California Secretary of State (<i>addition or removal of a partner, death of a partner, termination settlement, etc.</i>).
☐	☐	*C. This is a transfer: ☐ between parent(s) and child(ren) ☐ from grandparent(s) and grandchild(ren)
☐	☐	*D. This transfer is the result of a cotenant's death. Date of death: _____
☐	☐	*E. This transaction is to replace a principal residence by a person 55 years of age or older. Within the same county? ☐ YES ☐ NO
☐	☐	*F. This transaction is to replace a principal residence by a person who is severely disabled as defined by Revenue and Taxation Code section 69.5. Within the same county? ☐ YES ☐ NO
☐	☐	G. This transaction is only a correction of the name(s) of the person(s) holding title to the property (<i>e.g., a name change upon marriage</i>). If YES, please explain: _____
☐	☐	H. The recorded document creates, terminates, or reconveys a lender's interest in the property
☐	☐	I. This transaction is recorded only as a requirement for financing purposes or to create, terminate, or reconvey a security interest (<i>e.g., cosigner</i>). If YES, please explain: _____
☐	☐	J. The recorded document substitutes a trustee of a trust, mortgage, or other similar document
☐	☐	K. This is a transfer of property:
☐	☐	1. to/from a revocable trust that may be revoked by the transferor and is for the benefit of ☐ the transferor, and/or ☐ the transferor's spouse ☐ registered domestic partner
☐	☐	2. to/from an irrevocable trust for the benefit of the ☐ creator/grantor/trustor and/or ☐ grantor's/trustor's spouse ☐ grantor's/trustor's registered domestic partner
☐	☐	L. This property is subject to a lease with a remaining lease term of 35 years or more including written options
☐	☐	M. This is a transfer between parties in which proportional interests of the transferor(s) and transferee(s) in each and every parcel being transferred remain exactly the same after the transfer
☐	☐	N. This is a transfer subject to subsidized low-income housing requirements with governmentally imposed restrictions
☐	☐	*O. This transfer is to the first purchaser of a new building containing an active solar energy system
☐	☒	P. Other. This transfer is to <u>FACILITATE LOT LINE ADJUSTMENT</u>

* Please refer to the instructions for Part 1

Please provide any other information that will help the Assessor understand the nature of the transfer.

THIS DOCUMENT IS NOT SUBJECT TO PUBLIC INSPECTION

PART 2. OTHER TRANSFER INFORMATION*Check and complete as applicable.*

A. Date of transfer, if other than recording date: _____

B. Type of transfer:

☐ Purchase ☐ Foreclosure ☐ Gift ☐ Trade or exchange ☐ Merger, stock, or partnership acquisition (Form BOE-100-B)☐ Contract of sale Date of contract: _____ ☐ Inheritance Date of death: _____☐ Sale/leaseback ☐ Creation of a lease ☐ Assignment of a lease ☐ Termination of a lease Date lease began: _____

Original term in years (including written options): _____ Remaining term in years (including written options): _____

☒ Other Please explain: **TO FACILITATE LOT LINE ADJUSTMENT**C. Only a partial interest in the property was transferred ☐ YES ☐ NO If YES, Indicate the percentage transferred: _____ %**PART 3. PURCHASE PRICE AND TERMS OF SALE***Check and complete as applicable.*

A. Total purchase price

\$ _____

B. Cash down payment or value of trade or exchange excluding closing costs

Amount \$ _____

C. First deed of trust @ _____ % interest for _____ years. Monthly payment \$ _____

Amount \$ _____

☐ FHA (____ Discount Points) ☐ Cal-Vet ☐ VA (____ Discount Points) ☐ Fixed rate ☐ Variable rate☐ Bank/Savings & Loan/Credit Union ☐ Loan carried by seller☐ Balloon payment \$ _____ Due date: _____

D. Second deed of trust @ _____ % interest for _____ years. Monthly payment \$ _____

Amount \$ _____

☐ Fixed rate ☐ Variable rate ☐ Bank/Savings & Loan/Credit Union ☐ Loan carried by seller☐ Balloon payment \$ _____ Due date: _____E. Was an Improvement Bond or other public financing assumed by the buyer? ☐ YES ☐ NO

Outstanding balance \$ _____

F. Amount, if any, of real estate commission fees paid by the buyer which are not included in the purchase price

\$ _____

G. The property was purchased: ☐ Through real estate broker Broker name: _____ Phone number: (____) _____☐ Direct from seller ☐ From a family member-Relationship _____☐ Other Please explain: _____

H. Please explain any special terms, seller concessions, broker/agent fees waived, financing, and any other information (e.g., buyer assumed the existing loan balance) that would assist the Assessor in the valuation of your property

PART 4: PROPERTY INFORMATION*Check and complete as applicable.*

A. Type of property transferred

☐ Single-family residence☐ Co-op/Own-your-own☐ Manufactured home☐ Multiple-family residence Number of units: _____☐ Condominium☐ Unimproved lot☐ Other Description: (i.e., timber, mineral, water rights, etc.) _____☐ Timeshare☐ Commercial/IndustrialB. ☐ YES ☐ NO Personal/business property, or incentives, provided by seller to buyer are included in the purchase price. Examples of personal property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships, etc. Attach list if available

If YES, enter the value of the personal/business property: \$ _____ Incentives \$ _____

C. ☐ YES ☐ NO A manufactured home is included in the purchase price.

If YES, enter the value attributed to the manufactured home: \$ _____

☐ YES ☐ NO The manufactured home is subject to local property tax. If NO, enter decal number: _____D. ☐ YES ☐ NO The property produces rental or other incomeIf YES, the income is from: ☐ Lease/rent ☐ Contract ☐ Mineral rights ☐ Other: _____E. The condition of the property at the time of sale was: ☐ Good ☐ Average ☐ Fair ☐ Poor

Please describe: _____

CERTIFICATION

I certify (or declare) that the foregoing and all information hereon, including any accompanying statements or documents, is true and correct to the best of my knowledge and belief.

SIGNATURE OF BUYER, TRANSFEREE, OR CORPORATE OFFICER

DATE 10/4/18

TELEPHONE (510) 215 4301

NAME OF BUYER, TRANSFEREE, PERSONAL REPRESENTATIVE, OR CORPORATE OFFICER (PLEASE PRINT)

TITLE EXECUTIVE DIRECTOR

E-MAIL ADDRESS sch@ci-el-cerrito.ca.us

The Assessor's office may contact you for additional information regarding this transaction.

ADDITIONAL INFORMATION

Please answer all questions in each section, and sign and complete the certification before filing. This form may be used in all 58 California counties. If a document evidencing a change in ownership is presented to the Recorder for recordation without the concurrent filing of a *Preliminary Change of Ownership Report*, the Recorder may charge an additional recording fee of twenty dollars (\$20).

NOTICE: The property which you acquired may be subject to a supplemental assessment in an amount to be determined by the County Assessor. Supplemental assessments are not paid by the title or escrow company at close of escrow, and are not included in lender impound accounts. **You may be responsible for the current or upcoming property taxes even if you do not receive the tax bill.**

NAME AND MAILING ADDRESS OF BUYER: Please make necessary corrections to the printed name and mailing address. Enter Assessor's Parcel Number, name of seller, buyer's daytime telephone number, buyer's email address, and street address or physical location of the real property.

NOTE: Your telephone number and/or email address is very important. If there is a question or a problem, the Assessor needs to be able to contact you.

MAIL PROPERTY TAX INFORMATION TO: Enter the name, address, city, state, and zip code where property tax information should be mailed. This must be a valid mailing address.

PRINCIPAL RESIDENCE: To help you determine your principal residence, consider (1) where you are registered to vote, (2) the home address on your automobile registration, and (3) where you normally return after work. If after considering these criteria you are still uncertain, choose the place at which you have spent the major portion of your time this year. Check YES if the property is intended as your principal residence, and indicate the date of occupancy or intended occupancy.

DISABLED VETERAN: If you checked YES, you may qualify for a property tax exemption. **A claim form must be filed and all requirements met in order to obtain the exemption. Please contact the Assessor for a claim form.**

PART 1: TRANSFER INFORMATION

If you check YES to any of these statements, the Assessor may ask for supporting documentation.

C,D,E, F: If you checked YES to any of these statements, you may qualify for a property tax reassessment exclusion, which may allow you to maintain your property's previous tax base. **A claim form must be filed and all requirements met in order to obtain any of these exclusions.** Contact the Assessor for claim forms. **NOTE:** If you give someone money or property during your life, you may be subject to federal gift tax. You make a gift if you give property (including money), the use of property, or the right to receive income from property without expecting to receive something of at least equal value in return. The transferor (donor) may be required to file Form 709, Federal Gift Tax Return, with the Internal Revenue Service if they make gifts in excess of the annual exclusion amount.

G: Check YES if the reason for recording is to correct a name already on title [e.g., Mary Jones, who acquired title as Mary J. Smith, is granting to Mary Jones]. This is not for use when a name is being removed from title.

H: Check YES if the change involves a lender, who holds title for security purposes on a loan, and who has no other beneficial interest in the property.

"Beneficial interest" is the right to enjoy all the benefits of property ownership. Those benefits include the right to use, sell, mortgage, or lease the property to another. A beneficial interest can be held by the beneficiary of a trust, while legal control of the trust is held by the trustee.

I: A "cosigner" is a third party to a mortgage/loan who provides a guarantee that a loan will be repaid. The cosigner signs an agreement with the lender stating that if the borrower fails to repay the loan, the cosigner will assume legal liability for it.

M: This is primarily for use when the transfer is into, out of, or between legal entities such as partnerships, corporations, or limited liability companies. Check YES only if the interest held in each and every parcel being transferred remains exactly the same.

N: Check YES only if property is subject to subsidized low-income housing requirements with governmentally imposed restrictions; property may qualify for a restricted valuation method (i.e., may result in lower taxes).

O: If you checked YES, you may qualify for a new construction property tax exclusion. **A claim form must be filed and all requirements met in order to obtain the exclusion. Contact the Assessor for a claim form.**

PART 2: OTHER TRANSFER INFORMATION

A: The date of recording is rebuttably presumed to be the date of transfer. If you believe the date of transfer was a different date (e.g., the transfer was by an unrecorded contract, or a lease identifies a specific start date), put the date you believe is the correct transfer date. If it is not the date of recording, the Assessor may ask you for supporting documentation.

B: Check the box that corresponds to the type of transfer. If OTHER is checked, please provide a detailed description. Attach a separate sheet if necessary.

C: If this transfer was the result of an inheritance following the death of the property owner, please complete a Change in Ownership Statement, Death of Real Property Owner, form BOE-502-D, if not already filed with the Assessor's office.

PART 3: PURCHASE PRICE AND TERMS OF SALE

It is important to complete this section completely and accurately. The reported purchase price and terms of sale are important factors in determining the assessed value of the property, which is used to calculate your property tax bill. Your failure to provide any required or requested information may result in an inaccurate assessment of the property and in an overpayment or underpayment of taxes.

A. Enter the total purchase price, not including closing costs or mortgage insurance

"Mortgage insurance" is insurance protecting a lender against loss from a mortgagor's default, issued by the FHA or a private mortgage insurer.

B. Enter the amount of the down payment, whether paid in cash or by an exchange. If through an exchange, exclude the closing costs

"Closing costs" are fees and expenses, over and above the price of the property, incurred by the buyer and/or seller, which include title searches, lawyer's fees, survey charges, and document recording fees.

C. Enter the amount of the First Deed of Trust, if any. Check all the applicable boxes, and complete the information requested

A **"balloon payment"** is the final installment of a loan to be paid in an amount that is disproportionately larger than the regular installment

D. Enter the amount of the Second Deed of Trust, if any. Check all the applicable boxes, and complete the information requested

E. If there was an assumption of an improvement bond or other public financing with a remaining balance, enter the outstanding balance, and mark the applicable box.

An **"improvement bond or other public financing"** is a lien against real property due to property-specific improvement financing, such as green or solar construction financing, assessment district bonds, Mello-Roos (a form of financing that can be used by cities, counties and special districts to finance major improvements and services within the particular district) or general improvement bonds, etc. Amounts for repayment of contractual assessments are included with the annual property tax bill.

F. Enter the amount of any real estate commission fees paid by the buyer which are not included in the purchase price.

G. If the property was purchased through a real estate broker, check that box and enter the broker's name and phone number. If the property was purchased directly from the seller (who is not a family member of one of the parties purchasing the property), check the "Direct from seller" box. If the property was purchased directly from a member of your family, or a family member of one of the parties who is purchasing the property, check the "From a family member" box and indicate the relationship of the family member (e.g., father, aunt, cousin, etc.). If the property was purchased by some other means (e.g., over the Internet, at auction, etc.), check the "OTHER" box and provide a detailed description (attach a separate sheet if necessary).

H. Describe any special terms (e.g., seller retains an unrecorded life estate in a portion of the property, etc.), seller concessions (e.g., seller agrees to replace roof, seller agrees to certain interior finish work, etc.), broker/agent fees waived (e.g., fees waived by the broker/agent for either the buyer or seller), financing, buyer paid commissions, and any other information that will assist the Assessor in determining the value of the property.

PART 4: PROPERTY INFORMATION

A. Indicate the property type or property right transferred. Property rights may include water, timber, mineral rights, etc.

B. Check YES if personal, business property or incentives are included in the purchase price in Part 3. Examples of personal or business property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships (golf, health, etc.), ski lift tickets, homeowners' dues, etc. Attach a list of items and their purchase price allocation. An adjustment will not be made if a detailed list is not provided.

C. Check YES if a manufactured home or homes are included in the purchase price. Indicate the purchase price directly attributable to each of the manufactured homes. If the manufactured home is registered through the Department of Motor Vehicles in lieu of being subject to property taxes, check NO and enter the decal number.

D. Check YES if the property was purchased or acquired with the intent to rent or lease it out to generate income, and indicate the source of that anticipated income. Check NO if the property will not generate income, or was purchased with the intent of being owner-occupied.

E. Provide your opinion of the condition of the property at the time of purchase. If the property is in "fair" or "poor" condition, include a brief description of repair needed.

RECORDING REQUESTED BY:
First American Title Company

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**

The City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
Attn: City Manager

Space Above This Line for Recorder's Use Only

A.P.N.: 502-062-029 (Portion of)

File No.: 0192-5341213 ()

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$0, R&T code 11911; CITY TRANSFER TAX \$;
SURVEY MONUMENT FEE \$

- [] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [] City of **El Cerrito**, and
[X] Exempt from transfer tax; Reason: **This Grant Deed is recording to effectuate the lot line adjustment**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THE CITY OF EL CERRITO, A MUNICIPAL CORPORATION

hereby GRANT(s) to **THE CITY OF EL CERRITO, A MUNICIPAL CORPORATION**

the following described property in the City of **El Cerrito**, County of **Contra Costa**, State of **California**:

LEGAL DESCRIPTION AND PLAT MAP ARE ATTACHED HERETO AS EXHIBIT "A" AND "B"

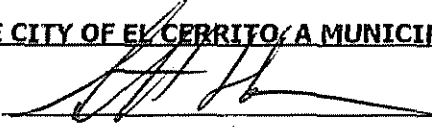
Mail Tax Statements To: **SAME AS ABOVE**

A.P.N.: 502-062-029 (Portion of)

File No.: 0192-5341213 ()

Dated: 10/4, 2018

THE CITY OF EL CERRITO, A MUNICIPAL CORPORATION

By: 

Name: Scott Harin

Title: Executive Director

Mail Tax Statements To: **SAME AS ABOVE**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)SS

COUNTY OF CONTRA COSTA)

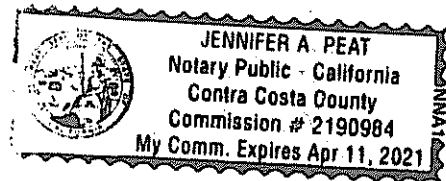
On OCTOBER 4, 2018 before me, JENNIFER A. PEAT, Notary Public, personally appeared
SCOTT HANIN

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jennifer A. Peat
Notary Signature



This area for official notarial seal.



August 20, 2018
BKF Job No. 20165247-50

EXHIBIT "A"
PROPERTY DESCRIPTION
PARCEL B (ADJUSTED PARCEL)

The land referred to herein is situated in the City of El Cerrito, County of Contra Costa, State of California, and is described as follows:

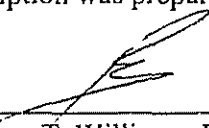
BEING a portion of Parcel 3 as said parcel is described in the Grant Deed to the El Cerrito Municipal Services Corporation, a California nonprofit public benefit corporation, recorded January 20, 2012, as Document Number 2012-0014458-00, Contra Costa County Records, and being also Lots 22 through 31, inclusive and portions of Lots 1 through 12, inclusive, and a portion of Lots 21 and 32, all in Block 2, as said lots and block are shown on that certain map entitled "Richmond Junction", filed May 6, 1913, in Book 9 of Maps at Page 221 (9 M 221), in the Office of the Recorder of Contra Costa County, being more particularly described as follows:

COMMENCING at the most northerly corner of said Lot 17 (9 M 221) on the southwesterly right of way line of Kearney Street (50 foot wide right of way) as said street is shown on said map (9 M 221); **THENCE** along said southwesterly right of way line South 28°00'21" East 119.72 feet to the **POINT OF BEGINNING**; **THENCE** continuing along said southwesterly right of way line of Kearney Street South 28°00'21" East 271.98 feet to the northwesterly right of way line of Cutting Boulevard as said right of way is described in the Final Order of Condemnation recorded November 6, 1995, as Document Number 95-193521, Contra Costa County Records; **THENCE** along said northwesterly right of way line South 62°01'02" West 160.31 feet to the northeasterly right of way line of San Pablo Avenue (100 foot wide right of way) as described in said document (95-193521); **THENCE** along said northeasterly right of way line the following five (5) courses: 1) North 27°59'12" West 5.30 feet; 2) South 62°01'24" West 10.04 feet; 3) North 28°38'33" West 33.70 feet; 4) South 61°59'52" West 2.02 feet; 5) North 28°55'10" West 232.94 feet; **THENCE** leaving said northeasterly right of way line North 61°59'39" East 176.45 feet to the **POINT OF BEGINNING**.

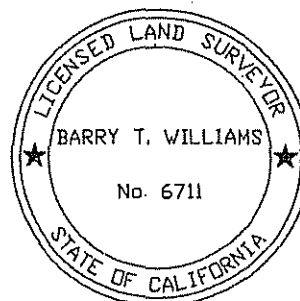
Containing an area of 47,267 square feet or 1.085 acres, more or less.

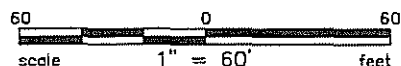
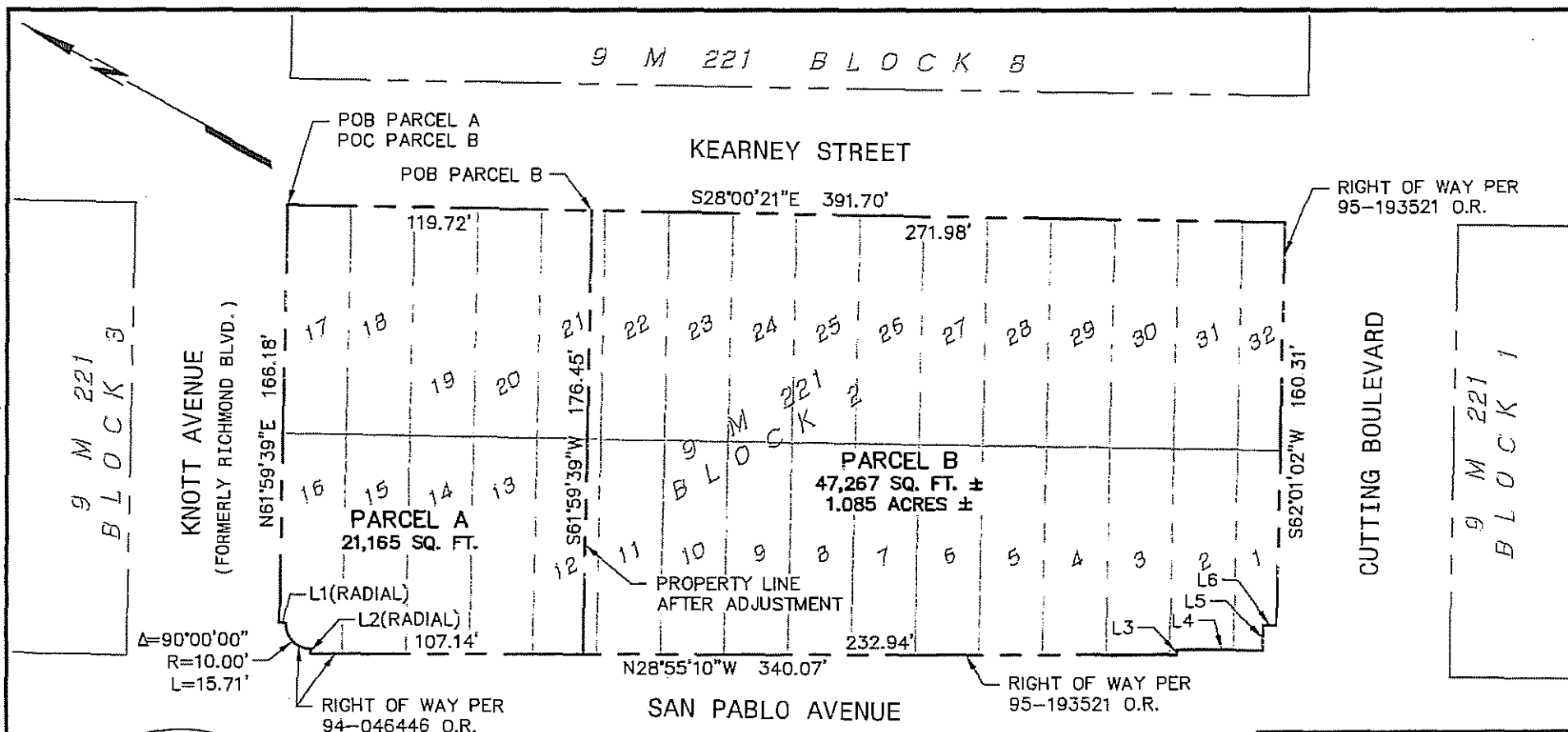
A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit "B".

This description was prepared from record information for BKF Engineers.

By: 
Barry T. Williams, P.L.S No. 6711
License Expires: 06/30/20

Dated: 8/20/18





BASIS OF BEARINGS

BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3; NORTH AMERICAN DATUM OF 1983 (NAD 83, 1998) EPOCH 2004.00. ALL DISTANCES AND DIMENSIONS ARE IN GRID FEET AND DECIMALS THEREOF. TO OBTAIN GROUND DISTANCES, MULTIPLY GRID DISTANCES BY 1.0000678.

NOTES:

1. POB - POINT OF BEGINNING
2. POC - POINT OF COMMENCEMENT
3. ALL UNITS ARE IN US SURVEY FEET AND DECIMALS THEREOF.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N27°58'58"W	2.60'
L2	S62°01'02"W	1.98'
L3	S61°59'52"W	2.02'
L4	N28°38'33"W	33.70'
L5	S62°01'24"W	10.04'
L6	N27°59'12"W	5.30'



1646 N. CALIFORNIA BLVD.,
SUITE 400
WALNUT CREEK, CA 94596
(925) 940-2200
www.bkf.com

EXHIBIT "B"

Subject PLAT TO ACCOMPANY DESCRIPTION
LOT LINE ADJUSTMENT-PROPOSED PARCELS
Job No. 20165247-50
By RGM Date 06/25/2018 Chkd. BTW

**IMPORTANT INFORMATION ABOUT THE COMPLETION OF THIS FORM
PENALTIES ASSESSED BY THE TAX COLLECTOR FOR NON-COMPLETION HAVE
INCREASED**

CA Senate Bill 507 signed into Law and effective in 2012 amends Sections of the Revenue and Taxation Code relating to taxation, increasing the penalties imposed for failure to file a change of ownership report.

Because of the potential for significantly higher penalties, it is very important that you:

- 1) Complete the Preliminary Change of Ownership Report ("PCOR") with all information;
- 2) Ensure that the mailing address for the grantee is complete and accurate to ensure that the Assessor can contact you with any inquiries.

The Title Company/Escrow Officer cannot help you complete this document because of liability reasons.

If you are unable to complete the PCOR or it is rejected for filing, the County will charge an additional \$20 fee and the Assessor will mail notification to you requesting completion of the PCOR. **If you don't complete and return the PCOR at that time, a penalty can be assessed and added to your tax bill.**

PRELIMINARY CHANGE OF OWNERSHIP REPORT

To be completed by the transferee (buyer) prior to a transfer of subject property, in accordance with section 480.3 of the Revenue and Taxation Code. A *Preliminary Change of Ownership Report* must be filed with each conveyance in the County Recorder's office for the county where the property is located.

ASSESSOR'S PARCEL NUMBER
502-062-029 (A PORTION OF)

SELLER/TRANSFEROR
The City of El Cerrito, a municipal corporation

BUYER/TRANSFeree
The City of El Cerrito, a municipal corporation

BUYER'S DAYTIME TELEPHONE NUMBER

BUYER'S EMAIL ADDRESS

STREET ADDRESS OR PHYSICAL LOCATION OF REAL PROPERTY
VACANT LAND / LOT LINE ADJUSTMENT, El Cerrito, CA

☐ YES ☐ NO This property is intended as my principal residence. If YES, please indicate the date of occupancy or intended occupancy.

MO	DAY	YEAR

☐ YES ☐ NO Are you a disabled veteran or a unmarried surviving spouse of a disabled veteran who was compensated at 100% by the Department of Veterans Affairs?

MAIL PROPERTY TAX INFORMATION TO (NAME)

MAIL PROPERTY TAX INFORMATION TO (ADDRESS)

CITY

STATE

ZIP CODE

PART 1. TRANSFER INFORMATION

Please complete all statements.

This section contains possible exclusions from reassessment for certain types of transfers.

- | YES | NO | |
|--------------------------|-------------------------------------|---|
| ☐ | ☐ | A This transfer is solely between spouses (<i>addition or removal of a spouse, death of a spouse, divorce settlement, etc.</i>). |
| ☐ | ☐ | B This transfer is solely between domestic partners currently registered with the California Secretary of State (<i>addition or removal of a partner, death of a partner, termination settlement, etc.</i>). |
| ☐ | ☐ | *C This is a transfer: ☐ between parent(s) and child(ren) ☐ from grandparent(s) and grandchild(ren) |
| ☐ | ☐ | *D This transfer is the result of a cotenant's death. Date of death _____ |
| ☐ | ☐ | *E This transaction is to replace a principal residence by a person 55 years of age or older. Within the same county? ☐ YES ☐ NO |
| ☐ | ☐ | *F This transaction is to replace a principal residence by a person who is severely disabled as defined by Revenue and Taxation Code section 69.5. Within the same county? ☐ YES ☐ NO |
| ☐ | ☐ | G This transaction is only a correction of the name(s) of the person(s) holding title to the property (<i>e.g., a name change upon marriage</i>). If YES, please explain: _____ |
| ☐ | ☐ | H The recorded document creates, terminates, or reconveys a lender's interest in the property |
| ☐ | ☐ | I This transaction is recorded only as a requirement for financing purposes or to create, terminate, or reconvey a security interest (<i>e.g., cosigner</i>). If YES, please explain: _____ |
| ☐ | ☐ | J The recorded document substitutes a trustee of a trust, mortgage, or other similar document |
| ☐ | ☐ | K This is a transfer of property: |
| ☐ | ☐ | 1 to/from a revocable trust that may be revoked by the transferor and is for the benefit of ☐ the transferor, and/or ☐ the transferor's spouse ☐ registered domestic partner |
| ☐ | ☐ | 2 to/from an Irrevocable trust for the benefit of the ☐ creator/grantor/trustor and/or ☐ grantor's/trustor's spouse ☐ grantor's/trustor's registered domestic partner |
| ☐ | ☐ | L This property is subject to a lease with a remaining lease term of 35 years or more including written options |
| ☐ | ☐ | M This is a transfer between parties in which proportional interests of the transferor(s) and transferee(s) in each and every parcel being transferred remain exactly the same after the transfer |
| ☐ | ☐ | N This is a transfer subject to subsidized low-income housing requirements with governmentally imposed restrictions |
| ☐ | ☐ | *O This transfer is to the first purchaser of a new building containing an active solar energy system |
| ☐ | ☒ | P Other. This transfer is to FACILITATE LOT LINE ADJUSTMENT |

* Please refer to the Instructions for Part 1.

Please provide any other information that will help the Assessor understand the nature of the transfer.

THIS DOCUMENT IS NOT SUBJECT TO PUBLIC INSPECTION

PART 2. OTHER TRANSFER INFORMATION*Check and complete as applicable.*

A Date of transfer, if other than recording date: _____

B. Type of transfer:

- ☐ Purchase ☐ Foreclosure ☐ Gift ☐ Trade or exchange ☐ Merger, stock, or partnership acquisition (Form BOE-100-B)
☐ Contract of sale Date of contract: _____ ☐ Inheritance Date of death: _____
☐ Sale/leaseback ☐ Creation of a lease ☐ Assignment of a lease ☐ Termination of a lease Date lease began: _____
 Original term in years (including written options): _____ Remaining term in years (including written options): _____

☒ Other Please explain: **TO FACILITATE LOT LINE ADJUSTMENT**C Only a partial interest in the property was transferred ☐ YES ☐ NO If YES, indicate the percentage transferred: _____ %**PART 3. PURCHASE PRICE AND TERMS OF SALE***Check and complete as applicable.*

A Total purchase price

\$ _____

B Cash down payment or value of trade or exchange excluding closing costs

Amount \$ _____

C First deed of trust @ _____ % interest for _____ years Monthly payment \$ _____

Amount \$ _____

☐ FHA (____ Discount Points) ☐ Cal-Vet ☐ VA (____ Discount Points) ☐ Fixed rate ☐ Variable rate

☐ Bank/Savings & Loan/Credit Union ☐ Loan carried by seller

☐ Balloon payment \$ _____ Due date: _____

D Second deed of trust @ _____ % interest for _____ years Monthly payment \$ _____

Amount \$ _____

☐ Fixed rate ☐ Variable rate ☐ Bank/Savings & Loan/Credit Union ☐ Loan carried by seller

☐ Balloon payment \$ _____ Due date: _____
E Was an Improvement Bond or other public financing assumed by the buyer? ☐ YES ☐ NO

Outstanding balance \$ _____

F Amount, if any, of real estate commission fees paid by the buyer which are not included in the purchase price

\$ _____

G The property was purchased: ☐ Through real estate broker Broker name: _____ Phone number: (____) _____
☐ Direct from seller ☐ From a family member-Relationship _____
☐ Other Please explain: _____

H Please explain any special terms, seller concessions, broker/agent fees waived, financing, and any other information (e.g., buyer assumed the existing loan balance) that would assist the Assessor in the valuation of your property.

PART 4: PROPERTY INFORMATION*Check and complete as applicable.*

A Type of property transferred

- ☐ Single-family residence ☐ Co-op/Own-your-own ☐ Manufactured home
☐ Multiple-family residence Number of units: _____ ☐ Condominium ☐ Unimproved lot
☐ Other Description: (i.e., timber, mineral, water rights, etc.) ☐ Timeshare ☐ Commercial/Industrial

B ☐ YES ☐ NO Personal/business property, or incentives, provided by seller to buyer are included in the purchase price. Examples of personal property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships, etc. Attach list if available

If YES, enter the value of the personal/business property: \$ _____ Incentives \$ _____

C ☐ YES ☐ NO A manufactured home is included in the purchase price.

If YES, enter the value attributed to the manufactured home: \$ _____

☐ YES ☐ NO The manufactured home is subject to local property tax. If NO, enter decal number: _____D ☐ YES ☐ NO The property produces rental or other incomeIf YES, the income is from: ☐ Lease/rent ☐ Contract ☐ Mineral rights ☐ Other: _____E The condition of the property at the time of sale was: ☐ Good ☐ Average ☐ Fair ☐ Poor

Please describe: _____

CERTIFICATION

I certify (or declare) that the foregoing and all information hereon, including any accompanying statements or documents, is true and correct to the best of my knowledge and belief.

SIGNATURE OF BUYER/TRANSFEREE OR CORPORATE OFFICER

DATE

TELEPHONE

NAME OF BUYER/TRANSFEREE/PERSONAL REPRESENTATIVE/CORPORATE OFFICER (PLEASE PRINT)

TITLE

E-MAIL ADDRESS

SCOTT HANIN

EXECUTIVE DIRECTOR

Schei-el-centro.ca.us

The Assessor's office may contact you for additional information regarding this transaction.

ADDITIONAL INFORMATION

Please answer all questions in each section, and sign and complete the certification before filing. This form may be used in all 58 California counties. If a document evidencing a change in ownership is presented to the Recorder for recordation without the concurrent filing of a *Preliminary Change of Ownership Report*, the Recorder may charge an additional recording fee of twenty dollars (\$20).

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C, D, E, F: If you checked YES to any of these statements, you may qualify for a property tax reassessment exclusion, which may allow you to maintain your property's previous tax base. **A claim form must be filed and all requirements met in order to obtain any of these exclusions.** Contact the Assessor for claim forms. **NOTE:** If you give someone money or property during your life, you may be subject to federal gift tax. You make a gift if you give property (including money), the use of property, or the right to receive income from property without expecting to receive something of at least equal value in return. The transferor (donor) may be required to file Form 709, Federal Gift Tax Return, with the Internal Revenue Service if they make gifts in excess of the annual exclusion amount.

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I: A **"cosigner"** is a third party to a mortgage/loan who provides a guarantee that a loan will be repaid. The cosigner signs an agreement with the lender stating that if the borrower fails to repay the loan, the cosigner will assume legal liability for it.

M: This is primarily for use when the transfer is into, out of, or between legal entities such as partnerships, corporations, or limited liability companies. Check YES only if the interest held in each and every parcel being transferred remains exactly the same.

N: Check YES only if property is subject to subsidized low-income housing requirements with governmentally imposed restrictions; property may qualify for a restricted valuation method (i.e., may result in lower taxes).

O: If you checked YES, you may qualify for a new construction property tax exclusion. **A claim form must be filed and all requirements met in order to obtain the exclusion. Contact the Assessor for a claim form.**

PART 2: OTHER TRANSFER INFORMATION

A: The date of recording is rebuttably presumed to be the date of transfer. If you believe the date of transfer was a different date (e.g., the transfer was by an unrecorded contract, or a lease identifies a specific start date), put the date you believe is the correct transfer date. If it is not the date of recording, the Assessor may ask you for supporting documentation.

B: Check the box that corresponds to the type of transfer. If OTHER is checked, please provide a detailed description. Attach a separate sheet if necessary.

C: If this transfer was the result of an inheritance following the death of the property owner, please complete a Change in Ownership Statement, Death of Real Property Owner, form BOE-502-D, if not already filed with the Assessor's office.

PART 3: PURCHASE PRICE AND TERMS OF SALE

It is important to complete this section completely and accurately. The reported purchase price and terms of sale are important factors in determining the assessed value of the property, which is used to calculate your property tax bill. Your failure to provide any required or requested information may result in an inaccurate assessment of the property and in an overpayment or underpayment of taxes.

A. Enter the total purchase price, not including closing costs or mortgage insurance.

"Mortgage insurance" is insurance protecting a lender against loss from a mortgagor's default, issued by the FHA or a private mortgage insurer.

B. Enter the amount of the down payment, whether paid in cash or by an exchange. If through an exchange, exclude the closing costs.

"Closing costs" are fees and expenses, over and above the price of the property, incurred by the buyer and/or seller, which include title searches, lawyer's fees, survey charges, and document recording fees.

C. Enter the amount of the First Deed of Trust, if any. Check all the applicable boxes, and complete the information requested.

A **"balloon payment"** is the final installment of a loan to be paid in an amount that is disproportionately larger than the regular installment.

D. Enter the amount of the Second Deed of Trust, if any. Check all the applicable boxes, and complete the information requested.

E. If there was an assumption of an improvement bond or other public financing with a remaining balance, enter the outstanding balance, and mark the applicable box.

An **"improvement bond or other public financing"** is a lien against real property due to property-specific improvement financing, such as green or solar construction financing, assessment district bonds, Mello-Roos (a form of financing that can be used by cities, counties and special districts to finance major improvements and services within the particular district) or general improvement bonds, etc. Amounts for repayment of contractual assessments are included with the annual property tax bill.

F. Enter the amount of any real estate commission fees paid by the buyer which are not included in the purchase price.

G. If the property was purchased through a real estate broker, check that box and enter the broker's name and phone number. If the property was purchased directly from the seller (who is not a family member of one of the parties purchasing the property), check the "Direct from seller" box. If the property was purchased directly from a member of your family, or a family member of one of the parties who is purchasing the property, check the "From a family member" box and indicate the relationship of the family member (e.g., father, aunt, cousin, etc.). If the property was purchased by some other means (e.g., over the Internet, at auction, etc.), check the "OTHER" box and provide a detailed description (attach a separate sheet if necessary).

H. Describe any special terms (e.g., seller retains an unrecorded life estate in a portion of the property, etc.), seller concessions (e.g., seller agrees to replace roof, seller agrees to certain interior finish work, etc.), broker/agent fees waived (e.g., fees waived by the broker/agent for either the buyer or seller), financing, buyer paid commissions, and any other information that will assist the Assessor in determining the value of the property.

PART 4: PROPERTY INFORMATION

A. Indicate the property type or property right transferred. Property rights may include water, timber, mineral rights, etc.

B. Check YES if personal, business property or incentives are included in the purchase price in Part 3. Examples of personal or business property are furniture, farm equipment, machinery, etc. Examples of incentives are club memberships (golf, health, etc.), ski lift tickets, homeowners' dues, etc. Attach a list of items and their purchase price allocation. An adjustment will not be made if a detailed list is not provided.

C. Check YES if a manufactured home or homes are included in the purchase price. Indicate the purchase price directly attributable to each of the manufactured homes. If the manufactured home is registered through the Department of Motor Vehicles in lieu of being subject to property taxes, check NO and enter the decal number.

D. Check YES if the property was purchased or acquired with the intent to rent or lease it out to generate income, and indicate the source of that anticipated income. Check NO if the property will not generate income, or was purchased with the intent of being owner-occupied.

E. Provide your opinion of the condition of the property at the time of purchase. If the property is in "fair" or "poor" condition, include a brief description of repair needed.



**November 20, 2018
Regular City Council Meeting**

Agenda Item No. 5(B)

FY 2016-17 CAFR

is available for review online at

<http://www.el-cerrito.org/DocumentCenter/View/10497/El-Cerrito-2017-CAFR-Final---08162018>

CITY HALL 10940 San Pablo Avenue, El Cerrito, CA 94523-3034
Telephone (510) 215-4305 Fax (510) 215-4319 <http://www.el-cerrito.org>



AGENDA BILL

Agenda Item No. 6(A)

Date: November 20, 2018
To: El Cerrito City Council
From: Sean Moss, Acting Planning Manager
Subject: An appeal of the Planning Commission's approval of a Conditional Use Permit at 1827 Arlington Boulevard

ACTION REQUESTED

Conduct a public hearing and upon conclusion, adopt a resolution denying the appeal and upholding the Planning Commission's approval of a Conditional Use Permit to allow an exception to the main building envelope to allow a height increase for an addition to an existing house at 1827 Arlington Boulevard.

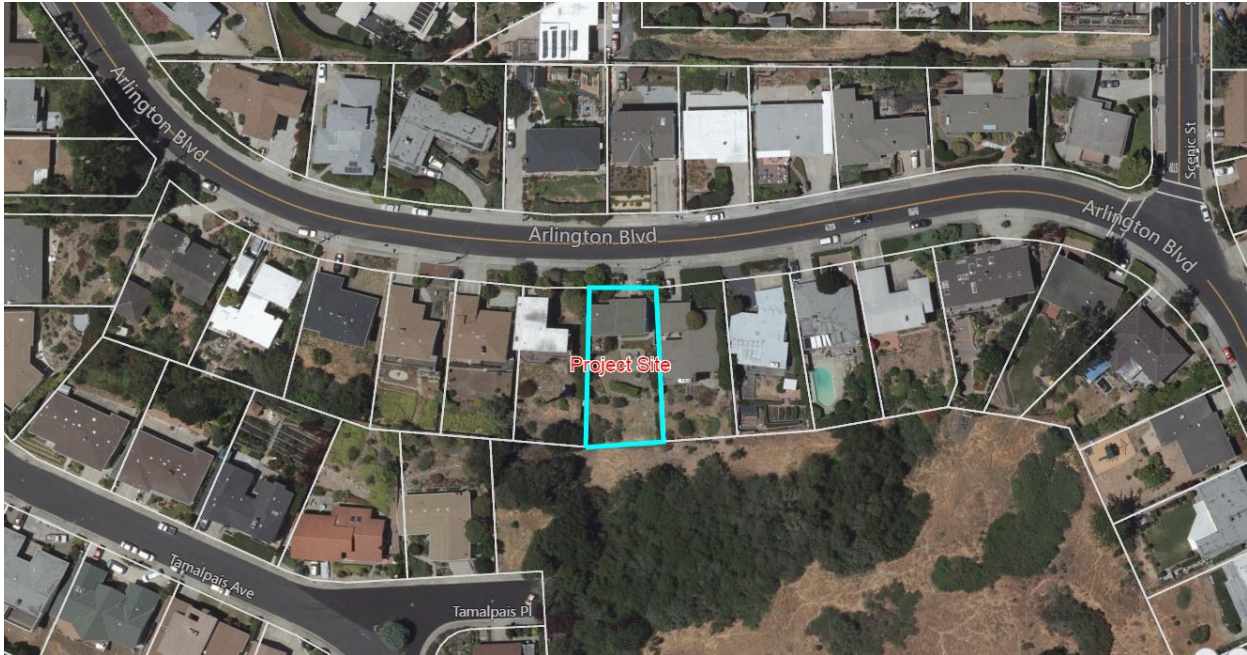
BACKGROUND

The house at 1827 Arlington is an approximately 1,878 square foot, two-bedroom home. The house has a main story at the street level, a upper story above the garage and a lower story which is not accessible from within main living area of house. The house sits on a 6,840-square foot interior lot in the Single Family Residential (RS-5) zoning district. The existing lot coverage of the property is 14.4%. The lot slopes down steeply away from Arlington Blvd. The slope of the property is 28%. The house features an attached two-car garage, living room, dining room, and kitchen on the main level. The upstairs level contains two bedrooms and a bathroom. The downstairs level contains a rec room, bathroom and kitchenette.



Photos of Existing House

The surrounding neighborhood contains predominantly single-family homes on larger lots. The homes on the downhill side of Arlington Boulevard generally have a one-story appearance from the street. Although, some homes likely have a lower level similar to the subject property. The uphill side of Arlington Boulevard features a mixture of one-story and two-story homes.



Vicinity Map

The existing house conforms with all required setbacks, with the exception of the required 20-foot front setback to covered parking. (The garage is 14.3-feet from the front property line.) The existing upper story does not conform with the required main building envelope (discussed in further detail below) and is a legal non-conforming structure in this respect.

1827 Arlington Permit History

It is not unusual for older City property records to be incomplete and/or inconsistent. The property file for 1827 Arlington Boulevard is no exception. The original building permit for the house dates to February 11, 1954. It lists a 1-story, 5-room house with an attached garage. However, it also lists a building height of 24 feet, which would typically indicate a 2-story structure. The permit lists overall dimensions of 45 feet by 26 feet (1,170 square feet), which corresponds with the dimensions of the main level (including the garage). However, there are no bedrooms on the main level, nor do there appear to have ever been bedrooms on this level. The permit also notes a 5-room dwelling. The number of rooms on older building permits typically does not include areas such as garages, bathrooms and hallways. Therefore, the 5 rooms listed on the permit would seem to include the living room, dining room, kitchen, and the two bedrooms on the upper story.

The permit history further notes a permit for the addition of a room, bathroom and deck in 1970. This permit is likely for the addition of habitable space on the lower level.

Project History

The applicant is seeking a Conditional Use Permit to allow a height increase to the main building envelope to allow an upper story addition. (The project and the Conditional Use Permit are described in greater detail below). The applicant submitted the Conditional Use Permit application on October 25, 2017. City staff reviewed the application and

provided a list of information to the applicant required for the application to be complete. Revised plans were submitted on July 2, 2018. The public hearing was scheduled for September 19, 2018 because the project architect was not available for the regular Planning Commission meeting in August.

At the September 19, 2018 meeting, the Planning Commission considered the project. The Commission received presentations from City staff and the applicant. The Commission conducted a public hearing and hear testimony from five speakers, including the property owner and the appellant. Upon closing the public hearing, the Commission discussed the project and approved the Conditional Use Permit unanimously on a 5-0 vote, with Commissioner Mendez absent.

On October 1, 2018, Russ Malboubi of 1822 Arlington Boulevard, filed an appeal of the Planning Commission's approval of the Conditional Use Permit.

ANALYSIS

Project Description

The applicant is proposing a 237-square foot addition to the main level of the house, and a 486-square foot addition to the upper level, for a total of 723 additional square feet. The additions to the main level would be in the form of an enlarged entry and a small addition at the rear. On the upper floor, the existing bedrooms and bathroom would be reconfigured, and a master bedroom and bathroom would be added. The staircase would also be relocated into the added square footage. The addition to the upper floor would extend the existing flat roofline 19 feet to the west, with the relocated staircase acting as a vertical architectural element on the front of the house, projecting 2 feet above the existing roofline.

Main Building Envelope

Figure 19.06-B of the El Cerrito Zoning Ordinance establishes the permitted height limits and daylight planes for development in the RS zoning districts. Maximum heights and daylight planes vary dependent on the slope of the subject property. As discussed above the subject property has a slope of 28%. The permitted maximum building envelope, therefore, reaches a height of 20 feet at the required setback lines and then slopes toward the center of the property at a 45-degree angle (the required daylight plane), until it reaches a base height of 30 feet. The 'base height' is the maximum height permitted by-right. An additional 5 feet can be granted with a Conditional Use Permit.

FIGURE 19.06-B: HEIGHT LIMITS AND REQUIRED DAYLIGHT PLANES - RS DISTRICT

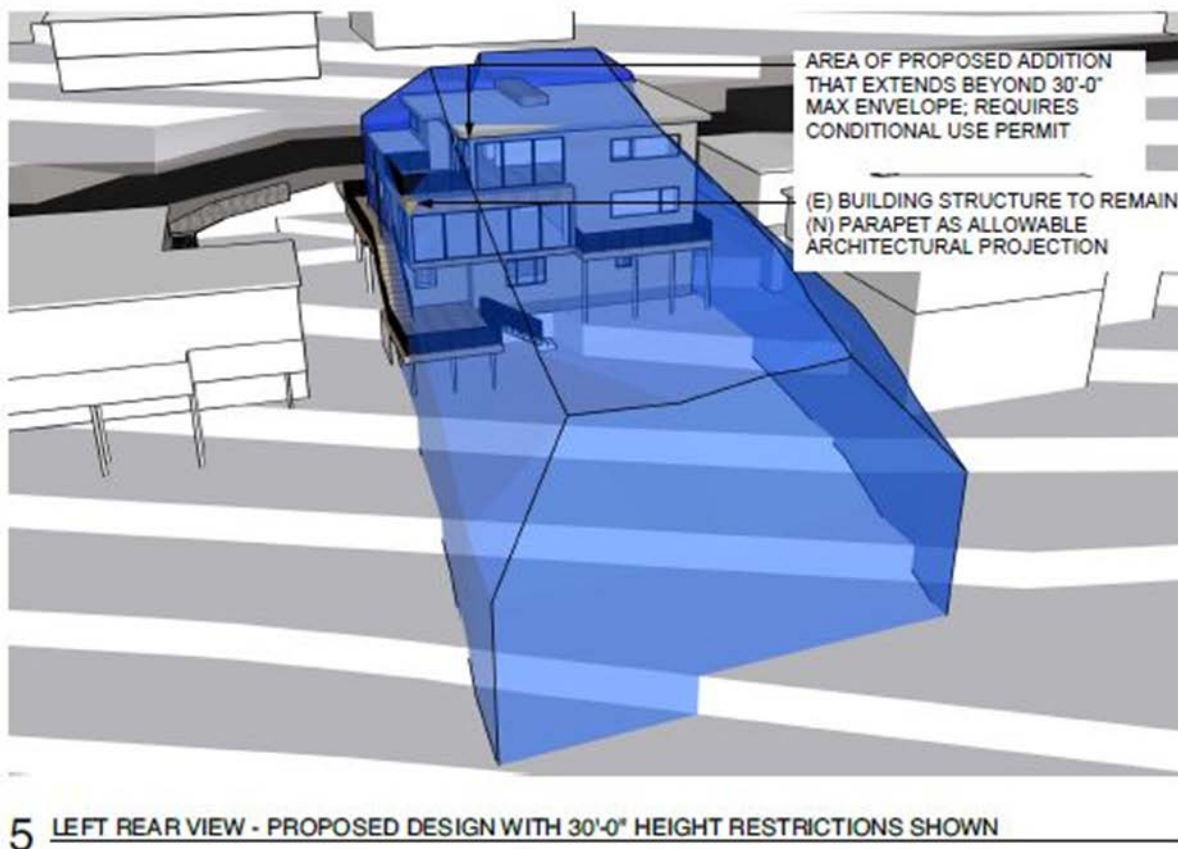
Ground Slope	Maximum Height at Setback Line	Base Height	Maximum Height - Requires CUP	Diagram
10 % or less	15 ft	25 ft	30 ft	
Greater than 10% Less than 40 %	20 ft	30 ft	35 ft	

The applicant is seeking a Conditional Use Permit to allow additional height at the rear portion of the proposed addition (see image below). The proposed addition has largely been designed to fit within the permitted main building envelope.

The lot slopes down steeply from Arlington Boulevard. At the street level, the house has a two story-appearance. Currently, the upper story of the house sits atop the garage. The applicant is proposing to extend the upper story along the same roofline. Due to the angle of the required daylight plane on the west side of the property, the upper story addition has been sited with a setback of over 10 feet to the western side property line. This will limit potential privacy impacts to the property to the west.

The rear portion of the house is three stories, with the lower level located under the main level. This space is not accessible from within the main house; it is accessible from the exterior via a stairs and a rear deck. The floorplan of the existing house shows a kitchenette which appears to have been added without permits. The draft resolution contains a condition of approval which would require the applicant to either remove the unpermitted kitchen or to secure permits for the kitchen and legalize the space as an Accessory Dwelling Unit.

Since the property slopes steeply, the by-right main building envelope follows this slope at a height of 30 feet. The rear portion of the proposed upper-story addition would align with the existing rear wall of the house. Because the main building envelopes slopes toward the rear, a small portion of the proposed addition would extend beyond the by-right building envelope at the rear. The applicant is requesting a Conditional Use Permit to allow the proposed addition to extend a maximum of approximately 2.5 feet above the by-right main building envelope. This encroachment is best displayed on the rear/north elevation. In addition, the applicant has provided three-dimensional models which show the main building envelope and the encroachment of the proposed addition (see image below). The steep slope of the property limits the feasibility of expansion in other areas of the lot. Since the proposed addition includes a new master suite, the applicant has chosen to place the addition on the upper level, where the existing bedrooms are located.



Shadows

The findings required for approval of the conditional use permit are discussed in detail below. In order to support these findings, the applicant has supplied information depicting existing views across the property and the shadows cast by the proposed addition. The applicant has modeled shadows at 9:00 a.m., noon, and 3:00 p.m. on the equinoxes for both the existing house and the proposed addition. Staff notes that in the longest

shadows occur on the winter solstice, with the shortest shadows occurring on the summer solstice. Shadows cast on the vernal and autumnal equinoxes are 'medium' or 'average' shadows, with lengths between these extremes. The shadow studies submitted by the applicant show that at noon and in the afternoon, the additional shadow cast by the proposed addition falls almost entirely on the subject property. In the morning, some additional shadow would be cast onto the front yard of the property to the east. This additional shadow would be cast by the street-facing portion of the addition, which complies with the by-right main building envelope. As discussed above, the portion of the proposed addition which extends above the base height is located at the rear of the house.

Views

The applicant has also provided photos of the existing house as well as renderings of the proposed addition which attempt to display how the project might impact existing views. The existing view through the area where the addition is proposed is partially obscured by an existing Magnolia tree and other vegetation. Upon visiting the site, staff noted that the view of the San Francisco skyline would be obscured from the public sidewalk across the street from the site. The appellant has also submitted photographs which portray the view across the subject property from the appellant's property. Staff notes however, that the front portion of the addition conforms with the main building envelope which is permitted by-right. The portion of the addition which requires additional height is located at the rear of the house. If the project were modified to conform with the by-right envelope at the rear, the impact to views from uphill properties would not be reduced.

Appeal

In his Letter of Appeal, the appellant makes several claims about the project and the findings required for approval. Staff has summarized the appellant's points below and included responses to these points.

1. The findings are not supported by the facts.

Response: The appellant makes several claims related to required findings. The appellant cites the numbers of the findings listed in Planning Commission Resolution. However, the language cited in the appellant's letter seems to indicate that he is discussing the findings in an order different than the order in the Planning Commission resolution. In order to avoid confusion, staff will address the findings holistically in this response.

The findings required for approval are contained below. It is staff's position that the findings for approval can be made based upon the facts presented in this agenda bill.

The appellant claims that the proposed project is not compatible with the neighborhood because most surrounding homes are one or two stories. Staff notes

that the subject house currently appears to be two stories from the street and the proposed project will continue this two-story appearance. The appearance of the proposed project is consistent with the scale of other homes in the surrounding neighborhood. The proposed project largely complies with the required main building envelope and daylight plane. This permitted envelope is consistent throughout the RS-5 zoning district and is intended to limit development to a scale that is appropriate within this single-family residential zoning district. The appellant claims that there are no other three-story houses on sloping lots in El Cerrito. This claim is incorrect. Staff is aware of other homes with three-functional levels on sloping lots. However, staff also notes that the number of 'stories' is immaterial to this application. The Zoning Ordinance does not regulate the number of stories permitted. Rather, the Zoning Ordinance regulates the permitted height of homes. As discussed above, the ordinance allows a base height of 30 feet and allows applicants to seek a Conditional Use Permit for an additional 5 feet. This project seeks a Conditional Use Permit to allow a 2.5-foot height increase for only a small portion at the rear of the house.

The appellant claims that the project will cause "a significant adverse impact" to adjacent residences because it will impact his view. Staff notes that the project would have similar impacts if it were designed to fit entirely within the by-right main building envelope. The additional height at the rear of the proposed addition will not adversely affect the livability of surrounding properties and represents the least practicable impact, since it does not have a greater impact than a project which would be allowed by-right.

The appellant claims that the proposed project does not represent a significant aesthetic upgrade to the house. This finding was not intended to be a judgement of the proposed architectural design, but was intended to speak to the project's function as a living environment and its attractiveness as an amenity for the City. The project involves a single-family home and is not subject to Design Review. The Planning Commission's and the City Council's purview for this application does not include the project's aesthetics. However, the City Council must determine that the project will be an "attractive amenity." Staff contends that the project would be a significant renovation of the existing house, would improve the function of the house as a living environment and would represent an attractive amenity for the City.

The applicant also claims that the existing upper story of the house is unpermitted. As discussed previously in this agenda bill, the permit histories for older homes can sometimes be incomplete. The permit history for the property is inconsistent and incomplete. Given the specific inconsistencies in the permit history (discussed in more detail above), City staff does not find a compelling reason that the existing upper floor would be unpermitted.

2. The staff report contains substantive errors.

Response: The appellant claims that the staff report refers to the existing house as "two-story" and refers to a "second story addition" even though the house is three

stories. The staff report does not refer to the house as “two-story” it says that the house has a two-story appearance from the street. The staff report does reference a “second story addition.” It is staff’s contention that the proposed addition could fairly be called either a second or third story addition given its appearance and height at the street level. However, as previously discussed, the number of stories is immaterial to the application since the Zoning Ordinance regulates only building height.

The appellant also claims that the staff report incorrectly referred to the existing structure as legal non-conforming. The permit history of the project has been discussed at length, and due to the inconsistencies and incompleteness of the record, staff considers the existing house as legal non-conforming.

Compliance with the General Plan

The Conditional Use Permit to allow an exception to the main building envelope is consistent with the following policies of the El Cerrito General Plan:

LU1.5: Suitable Housing. Promote suitably located housing and services for all age groups within the City.

The proposed project will add additional square footage to the existing house, including a master bedroom and bathroom. This will increase the livability of the house and add usable square footage to the City’s existing housing stock.

LU4.5: Quality of Development. Ensure that all development in nonresidential areas addresses compatibility and quality of life.

The project is not expected to have greater impacts to views, solar access, and privacy than it would if it were designed to comply with the by-right height limit. The project is consistent with the existing house and the surrounding single-family neighborhood.

Required Findings

In order to approve the Conditional Use Permit to allow an exception to the main building envelope, the City Council must make the following findings, contained in 19.34.040 of the El Cerrito Zoning Ordinance:

1. The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

The location and size of the proposed addition are consistent with the existing house and are generally consistent with the scale of development in the surrounding neighborhood. Only a small portion at the rear of the proposed addition requires an increase in the permitted height. This portion of the structure

will have minimal impact to the abutting properties with regard to solar access and view blockage.

2. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the City.

The proposed addition will add square footage, including an additional bedroom and bathroom, improving the convenience of the living environment for the occupants. The proposed project represents a significant aesthetic upgrade to the house, making it an attractive amenity.

3. The proposal is consistent with the purpose of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.

The Conditional Use Permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district's intent. The proposed project will implement policies LU 1.5: Suitable Housing and LU4.5: Quality of Development of the El Cerrito General Plan.

In addition, to approve the Conditional Use Permit to allow an exception to the main building envelope, the City Council must make the following findings in Section 19.06.030.D.3.i:

The proposal, when viewed in its entirety represents a superior design solution to that which would be possible if the project were built in full compliance with the required standards for the main building envelope, and will not cause a significant adverse impact on residences to the side, rear or directly across the street, with respect to solar access, view blockage, and privacy. For Conditional Use Permits that allow height increases, the proposal causes the least practicable impact on neighbors in terms of views, privacy, and solar access; and provides detailing, articulation, and other design treatments that mitigate any bulk created by the additional height.

This Conditional Use Permit will allow the applicant to add to the existing upper story of the house, creating a more cohesive design, and allowing the applicant to make significant aesthetic improvements to the house. The steep slope of the property limits the feasibility of expansions in other portions of the property. The small area at the rear of the proposed addition that requires an increase in the permitted height will have minimal impact to solar access and view blockage due to its small size and location at the rear of the structure. The upper story addition's large setback from the side property line will limit privacy impacts to the adjacent property.

STRATEGIC PLAN CONSIDERATIONS

By implementing the General Plan policies discussed above, the project will further Goal C: *Deepen a sense of place and community identity* of the El Cerrito Strategic Plan by

STRATEGIC PLAN CONSIDERATIONS

By implementing the General Plan policies discussed above, the project will further Goal C: *Deepen a sense of place and community identity* of the El Cerrito Strategic Plan by incorporating a "vision for underdeveloped and underutilized properties...that [includes] investment and/or new development."

The project will allow the property owner to add usable square footage to an existing single-family home and will allow the owner to invest in improving the property.

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities.

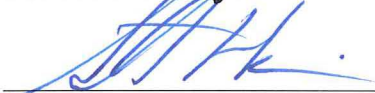
FINANCIAL CONSIDERATIONS

The proposed project involves a private project on private property. The project does not involve any City costs. Permit fees have been collected to cover the City's costs for processing this Conditional Use Permit. If the project is approved, building permit fees will be collected to cover the City's cost of processing a building permit.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the project and this report.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Plans, dated November 13, 2018
3. Planning Commission Resolution PC18-10
4. Letter from Michael Aubert, dated September 6, 2018.
5. Letter from Russ Malboubi, dated September 13, 2018.
6. Letter from Susannah Snider and David Pon, dated September 13, 2018.
7. Materials provided to the Planning Commission by Russ Malboubi on September 19, 2018
8. Letter of appeal, dated October 1, 2018.
9. Applicant's response to appeal, dated November 9, 2018
10. Letter from Santiago Cilley and Martina Larralde
11. Letter from Darin Takakura

RESOLUTION 2018-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A HEIGHT INCREASE OF THE MAIN BUILDING ENVELOPE FOR A 723 SQUARE FOOT ADDITION AT 1827 ARLINGTON BOULEVARD

WHEREAS, on October 25, 2017 the owner of property located at 1827 Arlington Boulevard in the City of El Cerrito (the "site") submitted an application for a Conditional Use Permit for a height increase of the envelope of the main building located at the site (the "project"); and

WHEREAS, the General Plan land use classification of the site is Low Density Residential;

WHEREAS, the zoning district of the site is RS-5 (Single Family Residential); and

WHEREAS, the City Council finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities; and

WHEREAS, the existing Assessor's Parcel Number of the site is 505-032-007; and

WHEREAS, on September 19, 2018 the Planning Commission conducted a public hearing and unanimously approved the Conditional Use Permit; and

WHEREAS, on October 1, 2018 Russ Malboubi filed an appeal of the Planning Commission's approval of the Conditional Use Permit; and

WHEREAS, on November 20, 2018, the City Council, after due consideration of all exhibits, facts, testimony, correspondence, reports, and other evidence offered for review does find and determine the following:

1. The location and size of the proposed addition are consistent with the existing house and are generally consistent with the scale of development in the surrounding neighborhood. Only a small portion at the rear of the proposed addition requires an increase in the permitted height. This portion of the structure will have minimal impact to the abutting properties with regard to solar access and view blockage.
2. The proposed addition will add square footage, including an additional bedroom and bathroom, improving the convenience of the living environment for the occupants. The proposed project represents a significant upgrade to the house, making it an attractive amenity.
3. The Conditional Use Permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district's intent. The existing house is legal non-conforming, and the proposed expansion is permitted pursuant to section 19.27.050.B of the Zoning Ordinance. The proposed project will implement policies LU 1.5: Suitable Housing and LU4.5: Quality of Development of the El Cerrito General Plan.

Agenda Item No. 6 (A)

Attachment 1

4. This Conditional Use Permit will allow the applicant to add to the existing upper story of the house, creating a more cohesive design, and allowing the applicant to make significant improvements to the house. The steep slope of the property limits the feasibility of expansions in other portions of the property. The small area at the rear of the proposed addition that requires an increase in the permitted height will have minimal impact to solar access and view blockage due to its small size and location at the rear of the structure. The upper story addition's large setback from the side property line will limit privacy impacts to the adjacent property.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, it hereby denies the appeal of the Planning Commission's approval of a Conditional Use Permit and approves Conditional Use Permit Application No. PL17-0154, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans presented to the Planning Commission on September 19, 2018. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.
2. If the owner/applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and the owner/applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. If not used, this approval shall expire two years from the date of this action.
5. Prior to the issuance of a building permit, the project shall be revised to include either:
1) removal of all unpermitted work on the lower level to the satisfaction of the Building Official, including removal of the unpermitted kitchen/kitchenette; or 2) legalization of all unpermitted work on the lower level to the satisfaction of the Building Official, and compliance with all provisions of Section 19.20.190: Accessory Dwelling Units of the El Cerrito Municipal Code.
6. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit.

Fire Department:

6. Building Construction
 - A. Building construction shall meet current California Building, Fire, and Residential Codes and the El Cerrito Fire Code.
 - B. All electrical breakers shall be labeled.
7. Carbon Monoxide Detectors – NEW CONSTRUCTION AREAS ONLY
 - A. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
 - B. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
 - C. Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.
8. Smoke Detection – NEW CONSTRUCTION AREAS ONLY
 - A. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
 - B. Smoke detectors shall be 120v powered with battery backup.
 - C. Smoke detectors shall be interconnected.
9. Emergency Egress
 - A. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue.
 - B. Escape or rescue windows shall be installed in accordance with California Residential Code R310.2.1 & R310.2.2.
10. Premises Identification
 - A. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
 - B. Address shall be either internally or externally illuminated.

Public Works:

7. As part of the building permit submittal, the owner/applicant shall provide drainage plan for new roof and any rain leaders to the satisfaction of the City Engineer. All drainage is encouraged to stay on-site, draining away from the foundations, 10 feet from property lines, and shall not cause a nuisance to neighboring properties.
8. As part of the building permit submittal, the drainage plan shall show drainage to flow away from the existing curb ramp to the satisfaction of the City Engineer.
9. As part of the building permit submittal, the owner/applicant shall provide a detailed Erosion and Sediment Control Plan to the satisfaction of the City Engineer.

I CERTIFY that at a regular meeting on November 20, 2018 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:

Agenda Item No. 6 (A)
Attachment 1

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, 2018.

Sherry Kelly, Acting City Clerk

APPROVED:

Gabriel Quinto, Mayor



**November 20, 2018
Regular City Council Meeting**

Agenda 6(A)

Attachment 2 Plans

are available for review in hardcopy format at the
following location:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito
(510) 215-4305

Planning Commission Resolution PC18-10

APPLICATION NO. PL17-0154

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A HEIGHT INCREASE OF THE MAIN BUILDING ENVELOPE FOR A 723 SQUARE FOOT ADDITION AT 1827 ARLINGTON BOULEVARD

WHEREAS, the General Plan land use classification of the site is Low Density Residential;

WHEREAS, the zoning district of the site is RS-5 (Single Family Residential);

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, Class 1: Existing Facilities;

WHEREAS, the site is located at 1827 Arlington Boulevard;

WHEREAS, the existing Assessor's Parcel Number of the site is 505-032-007;

WHEREAS, on October 25, 2017 the applicant submitted an application for a conditional use permit to a height increase of the main building envelope;

WHEREAS, on September 19, 2018, the Planning Commission, after due consideration of all evidence and reports offered for review does find and determine the following:

1. The location and size of the proposed addition are consistent with the existing house and are generally consistent with the scale of development in the surrounding neighborhood. Only a small portion at the rear of the proposed addition requires an increase in the permitted height. This portion of the structure will have minimal impact to the abutting properties with regard to solar access and view blockage.
2. The proposed addition will add square footage, including an additional bedroom and bathroom, improving the convenience of the living environment for the occupants. The proposed project represents a significant aesthetic upgrade to the house, making it an attractive amenity.
3. The Conditional Use Permit will allow the expansion of a single-family home, which is a permitted land use in the RS-5 district, and consistent with the district's intent. The proposed project will implement policies LU 1.5: Suitable Housing and LU4.5: Quality of Development of the El Cerrito General Plan.
4. This Conditional Use Permit will allow the applicant to add to the existing upper story of the house, creating a more cohesive design, and allowing the applicant to make significant aesthetic improvements to the house. The steep slope of the property limits the feasibility of expansions in other portions of the property. The small area at the rear of the proposed addition that requires an increase in the permitted height will have minimal impact to solar access and view blockage due to its small size and location at the rear of the structure. The upper story addition's large setback from the side property line will limit privacy impacts to the adjacent property.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby approves Application No. PL17-0154, subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans presented to the Planning Commission on September 19, 2018. Minor changes may be approved by the Zoning Administrator. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved.
2. If applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of El Cerrito, then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
3. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.
4. If not used, this approval shall expire two years from the date of this action.
5. Prior to the issuance of a building permit, the project shall be revised to include either: 1) removal of all unpermitted work on the lower level to the satisfaction of the Building Official, including removal of the unpermitted kitchen/kitchenette; or 2) legalization of all unpermitted work on the lower level to the satisfaction of the Building Official, and compliance with all provisions of Section 19.20.190: Accessory Dwelling Units of the El Cerrito Municipal Code.
6. A construction staging plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of a building permit. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit.

Fire Department:

6. Building Construction
 - A. Building construction shall meet current California Building, Fire, and Residential Codes and the El Cerrito Fire Code.
 - B. All electrical breakers shall be labeled.
7. Carbon Monoxide Detectors – NEW CONSTRUCTION AREAS ONLY
 - A. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
 - B. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
 - C. Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.
8. Smoke Detection – NEW CONSTRUCTION AREAS ONLY
 - A. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
 - B. Smoke detectors shall be 120v powered with battery backup.
 - C. Smoke detectors shall be interconnected.

9. Emergency Egress
 - A. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue.
 - B. Escape or rescue windows shall be installed in accordance with California Residential Code R310.2.1 & R310.2.2.
10. Premises Identification
 - A. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
 - B. Address shall be either internally or externally illuminated.

Public Works:

7. As part of the building permit submittal, the applicant shall provide drainage plan for new roof and any rain leaders to the satisfaction of the City Engineer. All drainage is encouraged to stay on-site, draining away from the foundations, 10 feet from property lines, and shall not cause a nuisance to neighboring properties.
8. As part of the building permit submittal, the drainage plan shall show drainage to flow away from the existing curb ramp to the satisfaction of the City Engineer.
9. As part of the building permit submittal, the applicant shall provide a detailed Erosion and Sediment Control Plan to the satisfaction of the City Engineer.

CERTIFICATION

I certify that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on September 19, 2018, upon motion of Commissioner Bloom, second by Commissioner Crump:

AYES: Bloom, Crump, Hansen, Lucas, Navarrete

NOES: None

ABSTAIN: None

ABSENT: Mendez



Sean Moss, AICP
Senior Planner

To the Community Development Department
Planning and Building Division
10890 San Pablo Avenue
El Cerrito, CA 94530

Re: Application PL 17-0154
1827 Arlington BLVD

September 6, 2018

Dear Sirs,

I have consulted the plans for the proposed addition to the house at 1827 Arlington and it is my opinion that a height increase should not be granted for this project.

This house is already the only house on the block with a third story that blocks the view of its neighbors to a considerable extent.

Allowing a height increase would negatively impact the character of the neighborhood, and would create a precedent that might lead to a slew of similar requests from other neighboring property owners in the future. It would also block the view of several neighbors.

The views on this street account for a large percentage of the property values, and removing the view from any house would very negatively impact its value.

This particular property has plenty of space for an addition without increasing the overall height.

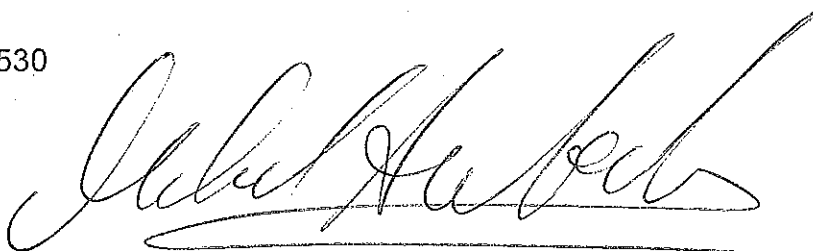
I will not be able to attend the hearing, but I hope that my letter will be accorded proper consideration by the planning commission.

Best Regards

Michael Aubert

1819 Arlington Blvd

El Cerrito, CA 94530



9-6-2018

September 13, 2018

RECEIVED

Planning and Building Division
Community Development Department
10890 San Pablo Ave
El Cerrito, CA 94530

SEP 13 2018

CITY OF EL CERRITO
BUILDING DIVISION

RE: Application No., PL17-0154
1827 Arlington Blvd.
El Cerrito, CA

Dear Commissioner:

My name is Russ Malboubi. I received your letter regard to the public hearing about addition on the above subject property.

I live on 1822 Arlington Blvd., El Cerrito, CA since 1992. My house is exactly located cross the street from the above subject property. One of the main reason that me, my wife and 3 children moved to El Cerrito was because of the beautiful view of the Bay.

As you see on the picture (EXH. A), which I took from my living room, I already lost the beautiful view of the city of Albany, Emeryville Albany Hill and down town Oakland when the one bedroom built about 50 years (EXH B1) ago on the top of the garage of the above subject property.

If the City approves the use permit and the owner of the property built the third story on the top of his garage then, **NOT ONLY** I am losing the entire view of El Cerrito, Bay Bridge, downtown SF from my living room and family room as you can see on the pictures (EXH. B2), my property value alone will drop significantly by \$500,000.00.

On 9/29/2016, Mr. Kiel who is a contractor bought the subject property. Mr. Keil already renovated this home. He also converted a room downstairs to illegal In-Law unit and renting \$2200.00 per month (EXH. C). Therefore, he already violated the City Ordinance.

Mr. Keil has 4-5 personal cars. He never parks any of his car in his garage because his house has only one car garage which used for his storage, however, on the pictures shows two car garage doors. He also has 3 big trucks for his construction business which he parks on and off on the street plus his tenant's car. Therefore, since Mr. Keil moved in our neighborhood, we are having a lot of parking space problem.

I have three children who go to work every day. When they come back, sometimes they cannot find the parking space front of my own home.

Mr. Kiel who was a contractor and he was an expert on the on real estate and construction failed to do his homework. He did not check with the City to find out if he can build third story addition on the top of the garage before he purchased the property.

I feel that his intention was that come to our neighborhood, buy a depress home, apply for the permit for addition, create a better view and destroy the neighborhood's views and then, sell the property to get his financial gain and move on the next one.

Mr. Keil already renovated this home when he purchased it. He violated the City Code by finishing his basement and creating **an illegal In-Law unit** without getting any permit and then rented the unit for \$2200.00 (EXH. D) since he moved in. This one also created additional parking problem for our neighborhood.

The value of all El Cerrito's home on the Hill starting about that \$1,500,000.00 to \$3,000,000.00 because of only one thing. And that is the **VIEW!** These views are, city of Oakland, El Cerrito, Albany, Richmond, Emeryville, San Pablo, San Francisco, Albany Hill, Bay Bridge, Golden Gate and parametric of 180-degree view of the Bay.

That was a reason that the City of El Cerrito passed an Ordinance on 2008 under Municipal Code, Title 19, to **prevent contractors, investors, or house flippers come to city or our neighborhood and destroy our beautiful view, privacy, solar access, use and enjoyment of our property in order to obtain their own financial gain and then, do renovation or addition and sale the property for Hugh profit and move on the next one.**

The city has a legal liability to enforce the city Code and Ordinance. The City not only should denial this permit to build the third story on the top of the garage of the above subject property, which blocking my view and others, the City also should enforce the Code or Ordinance to remove in-law unit downstairs of the subject property in order to solve some parking problem.

I do appreciate if the Commissioner denial the permit for the construction for the above subject property.

Thank you

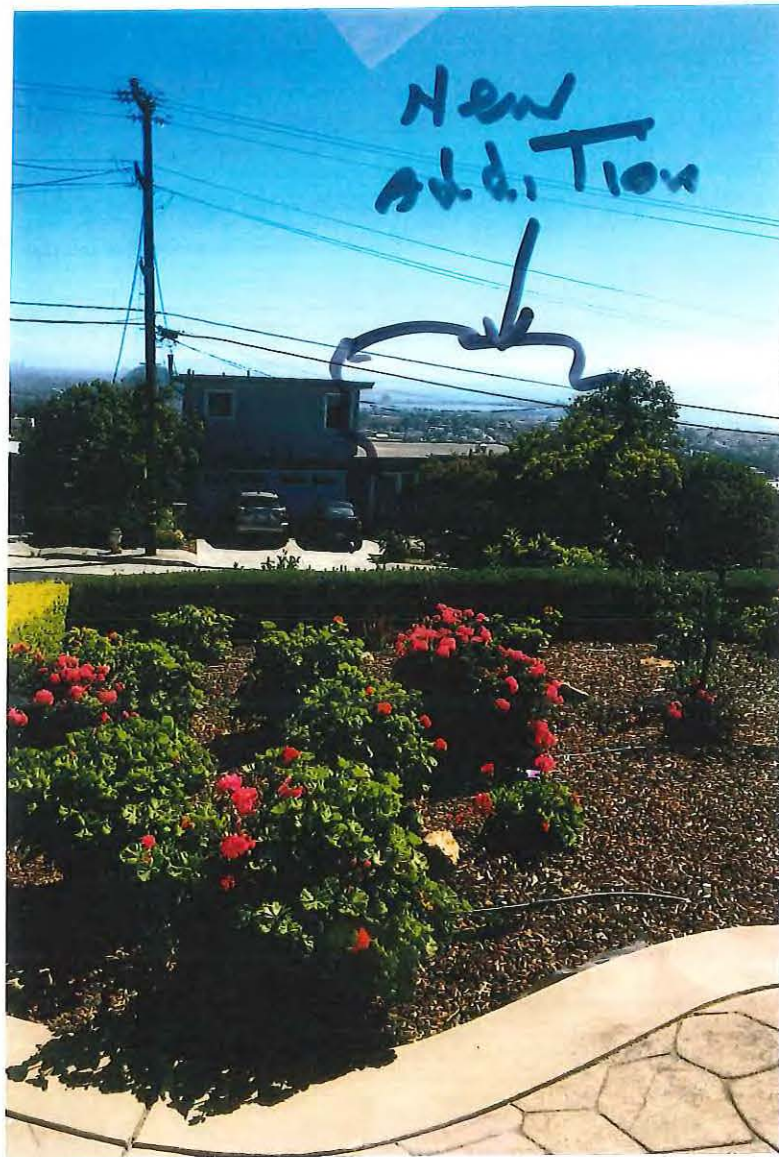
Russ Malboubi
1822 Arlington Blvd.
El Cerrito, CA
510-526-5000

Section 19.06.030-D3

- a) The proposal when viewed in its entirety represents a superior design solution to that which would be possible if the project were built in full compliance with the required standards for the main building envelope and will not cause a significant adverse impact on **residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy.**
- b) For Conditional Use Permits that allow height increases, the proposal causes the least practicable **impact on neighbors in terms of views, privacy,** and solar access; and provides detailing, articulation, and other design treatments that mitigate any bulk created by the additional height.

Section 19.34.040 - Required findings.

- A) **Findings for Approval:** A Use Permit shall only be granted if the Zoning Administrator or Planning Commission finds that the proposal as submitted, modified and/or conditioned conforms to all of the following criteria as well as to any other special findings required for approval of Use Permits in specific zoning
 - 1) The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will **not** adversely affect the livability or appropriate development of abutting properties and the **surrounding neighborhood.**
 - 2) The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the City.
 - 3) The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.
- B) **Denial.** If the Zoning Administrator or Planning Commission determines that it is not possible to make all of the required findings for approval, the application shall be denied. The specific basis for denial based on the above findings shall be established for the record.



EXH A

RECEIVED

SEP 13 2018

CITY OF EL CERRITO
BUILDING DIVISION

Planning and Building Division
Community Development Department
10890 San Pablo Ave
El Cerrito, CA 94530

RE: Application No., PL 17-0154
1827 Arlington Boulevard
El Cerrito, CA

Dear Commissioner:

I, Susannah Snider and David Pon live at 1824 Arlington Boulevard El Cerrito. We purchased our house in March 2017. Our house is across the street from the applicants house. (1827 Arlington Boulevard El Cerrito).

We searched for quite a while until we found our home. As soon as we walked in the door we knew that this home was for us. It is a wonderful 1950's house but what really makes the house is the amazing view. Downtown Oakland, the Bay Bridge, San Francisco and the Golden Gate Bridge. The warmth, the sunlight pouring in through the windows and of course the view. We recently learned about the applicants proposal from your letter and we are opposed to the plans. We paid \$1.135 for our house and that price, as you know, has a lot to do with the view just described.

The applicants plan would eliminate our view of downtown Oakland from the majority of our windows. (Dining room, kitchen sink and breakfast area). Not only would we loose the skyline we would also loose the view of Albany Hill, which we know is in El Cerrito. I truly enjoy looking out our kitchen window while I'm cooking or doing dishes and seeing both the downtown skyline of Oakland and the hill.

The applicants plan is only in their best interest and not the in the interest of our community. I fear if their plan is accepted then I don't know what is next. All the neighbors on the slope adding to their homes as well? Completely diminishing not only our view but our investment?

We are asking for Application No., PL 17-0154 to be denied.

Susannah Snider and David Pon
415.608.9424
1824 Arlington Boulevard
El Cerrito, CA 94530

Pics are enclosed as well to help illustrate.

View from dining room window

Oakland



View from
Kitchen
Window

Oakland

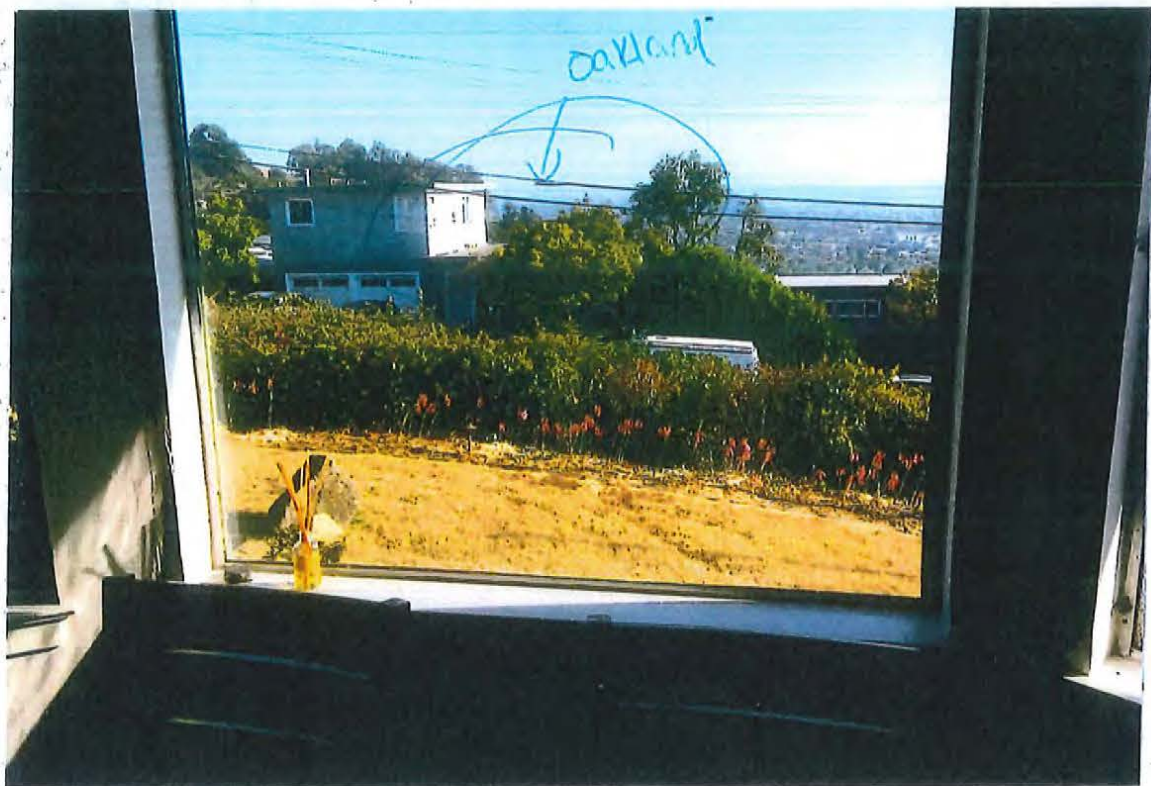
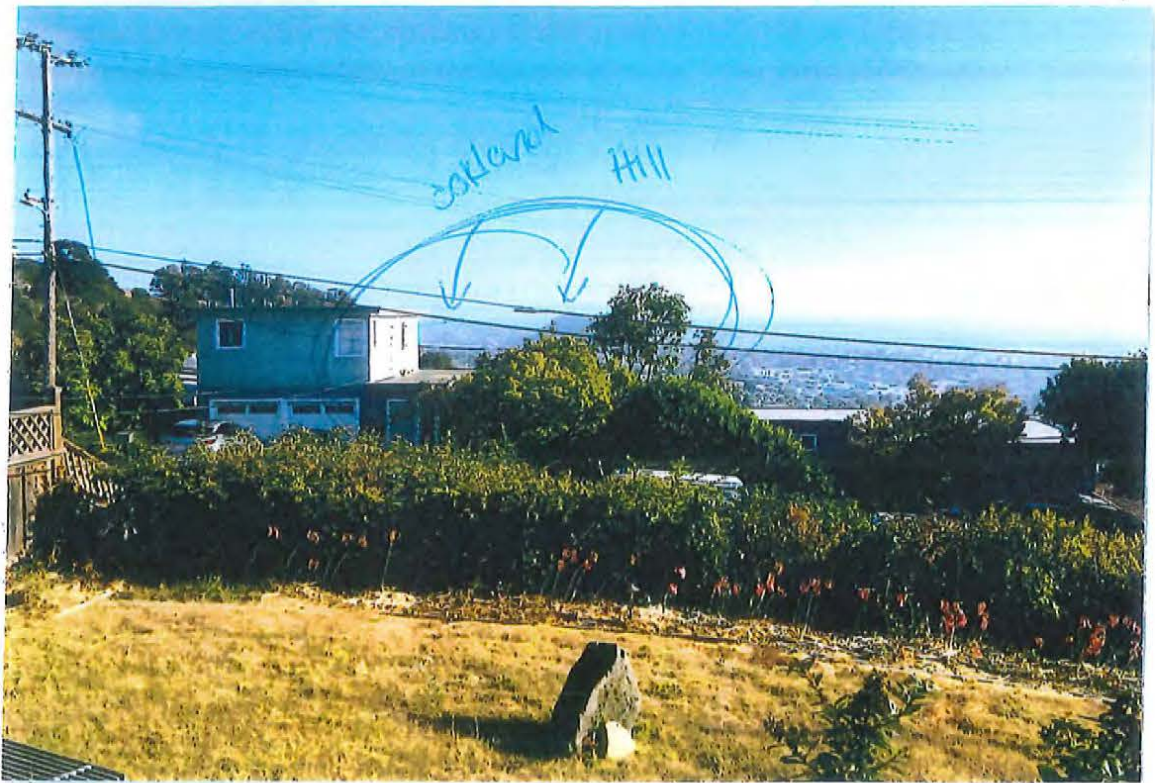


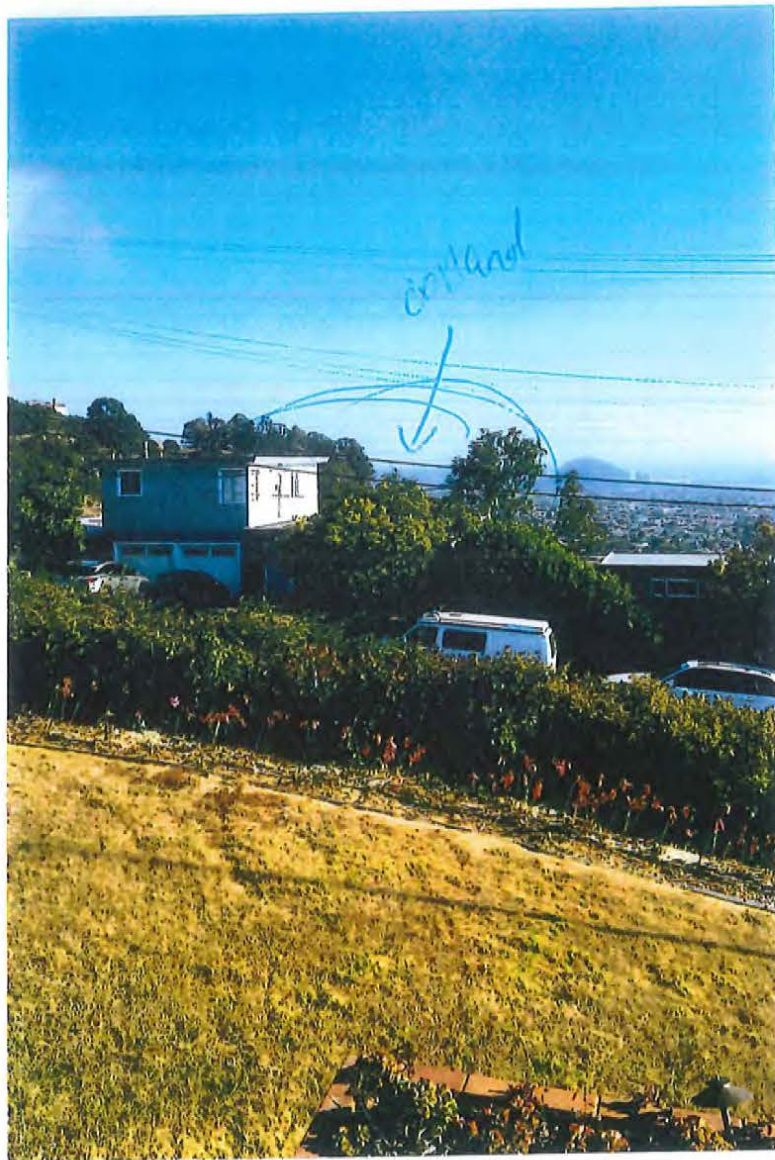
View from Kitchen sink window

Oakland

Hill









1822 Arlington Blvd.
MALBOUBI'S Residence

EXH. "A"



1827 Arlington Blvd.

EX H. "B"

APPLICATION FOR BUILDING PERMIT

EL CERRITO, CALIFORNIA

Type of Construction _____ Kind of Construction _____ Located in Zone _____

Application is hereby made to the Building Inspector of the City of El Cerrito for permission to build

a. 1 story 5 room, frame building, Garage Attached ☒ Detached ☐
(stucco, rustic, etc.)

by (No.) _____ Families _____ Stores _____

Being Lot No. 65 Block _____ Arlington Manor Tract.

Estimated Value produced \$ 10,344.82 (Includes all materials and labor for finished building.)

Subject to the following conditions:

1. According to plans and specifications herewith submitted or
2. It is unlawful to commence or proceed with any work requiring a building permit until such permit has been issued.
3. Permits expire six months from date of issue unless sooner revoked by the City Council.
4. Owners and builders must assume responsibility for establishing and conforming to property, street and setback lines.
5. All provisions of the Building Law will be complied with in the erection of said building whether specified herein or not.

6. _____

LOT AND BUILDING DIMENSIONS

Lot 55 ft. by 130 ft. Area _____ Sq. ft. If less than 5,000 sq. ft. Authority for Construction _____

Building 45 ft. by 26 ft. Total Floor Area 1170 Sq. ft. Extreme Height 24 ft.

Garage Attached _____ sq. ft. or Detached _____ Sq. ft.

BUILDING CONSTRUCTION DETAILS

FOUNDATION

To be of conc. Walls, Widths, at top 8 inch. At Bottom 14 inch.
Min Ht. 18 inch Max Ht. _____ In. or Inverted "T" Foundation, base 14" x 8"
Vert. Wall Width 8 inch. Piers, Top size 8 x 8 inch. Bottom size 18 x 18 inch.
Height 14 inch. Maximum Spacing 5 ft. Post on piers 4 x 4 inch.
Mud Sills 2 x 6 inch. Redwood, Underpinning, 2 x 4 inch. 16 inch O. C.
Girders 4 x 4 inch. Max Span 5 ft.

WALL CONSTRUCTION

Outside Wall	Ceiling Height	Type of Construction	Size and Spacing of Studs.
Cellar	ft. <u>18</u> in.	In. thick of _____	In. _____ In. O.C.
First Story	ft. <u>10</u>	In. thick of _____	2x4 In. <u>16</u> Inc. O.C.
Second Story	ft. _____	In. thick of _____	In. _____ In. O.C.
Third Story	ft. _____	In. thick of _____	In. _____ In. O.C.

Main Sills, 2 x 4 inch. Doubled. Top plates to be doubled bearing partitions same as outside walls.

FLOOR, CEILING AND ROOF CONSTRUCTION

Item	Size and Spacing	Maximum Span	Roof Construction
First Floor Joists	2x8 inch. <u>16</u> Inc. O. C.	<u>12</u> ft. <u>1</u> inch.	Covered with _____
Second Floor "	2x8 inch. <u>16</u> Inc. O. C.	<u>12</u> ft. <u>1</u> inch.	Sheathing. <u>x</u> _____ In.
Third Floor "	inch _____ In. O. C.	ft. _____ inch.	Spaced _____ In.
Ceiling Joists	2x4 Inc. <u>16</u> Inc. O. C.	<u>10</u> ft.	Pitch _____
Rafters	2x4 inch. <u>24</u> In. O. C.	<u>8</u> ft. <u>4</u> inch.	

HEATING CONSTRUCTION

Chimneys (Brick lined with flue lining full length No. _____
(Patent No. _____ Size _____ No. of Inlets _____ Size of Inlet _____
Instantaneous Water Heaters No. _____ not to be connected to smoke flues.
Gas Floor Furnace Vented, No. _____
Remarks _____

Name of Owner of Ground W. H. Daguerre Residence Address 401 Oakbury

We (I) hereby agree to save, indemnify and keep harmless the City of El Cerrito and its officials from and against all liabilities, judgments, costs and expenses which may in any wise accrue against said City and its officials, or either of them in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of El Cerrito.

W. H. Daguerre
SIGNATURE OF OWNER, OR BUILDER

Approved W. L. Deans ADDRESS _____

1827 Arlington Blvd. FOR DEPARTMENT USE ONLY

NUMBER

CHECKED BY

Permit No. 3305

Fee 24.00

Date Issued 2-11-54

Workmen's Compensation Insurance Carrier _____ Contractor's License No. _____

Expiration Date of above Insurance Policy _____ City Business License No. _____

ATM CONSTRUCTION

P.O. BOX 4681
Berkeley CA 94704

SEPTEMBER 14, 2018

Russ Malboubi
1822 Arlington Blvd
El Cerrito, CA 94530

RE: 1827 Arlington Blvd
El Cerrito, CA 94530

Dear Russ Malboubi:

Per your request, I observed the above subject property (1827 Arlington Blvd.) from upstairs of your house (1822 Arlington Blvd) and from the sidewalk, as well as from your neighbor's side.

From the outside observation, it seems to me that the subject property was built with Tar & Gravel roof. It appears to me that this property was built as one-story building and at a later time 2nd-story addition above the garage was built.

- 1) The outside of the first story is covered by stucco but the exterior wall of upstairs addition has plywood siding (T-eleven).
- 2) It looks to me there is separation between the first and second story, it's not uniform.

Please contact me at (510)230-5340 if you have any questions regarding this visual observation.



Ali Toraby
ATM construction
CA License #522021

EXH. D
P 1-3



EXH. D
P. 2-3



EXH. D, P. 3-3

Finalized 11/13/98 W.D. Murray

Job Site Address	1827 Arlington Blvd EL Cerrito, CA 94530	CITY OF EL CERRITO 10890 SAN PABLO AVENUE • EL CERRITO, CA 94530 BUILDING DIVISION PHONE (510) 215-4360 THIS SECTION FOR OFFICE USE ONLY																																																																			
Property Owner	COATES HOWARD A; BETTY E COATES THOMAS L 235-0940 1827 Arlington Blvd El Cerrito Ca 94530	Appln. Date	05/11/98	Issued Date	05/11/98																																																																
Contractor		By	SUA	By	SUA																																																																
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Amount Paid to Date		0.00																																																																			
Balance Due		285.75																																																																			
I hereby affirm (check one) LICENSED CONTRACTOR'S DECLARATION ☐ I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect. * OWNER * License No. _____ Class _____ Expires 1 / 1 OWNER BUILDER DECLARATION I am exempt from the Contractor's License Law for the following reason (Section 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500). ☐ I, as owner of the property, or my employees with wages as their sole compensation, will do work and the structure is not intended or offered for sale (Section 7044, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.) ☒ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.) ☐ I am exempt under Section _____ Business and Professions Code for this reason _____ WORKER'S COMPENSATION DECLARATIONS (Section 3800 Labor Code) (check one) ☐ I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof. Company _____ Policy No. _____ Expires 11 / 1 ☐ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Law of California. NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked. CONSTRUCTION LENDING AGENCY (Section 3097 Labor Code) A construction lending agency for the performance of the work for which this permit is issued. Lender's Name _____ Lender's Address _____ I certify that I have read this application and state that the above information is correct. I agree to comply to all City ordinances and state laws relating to building construction, and hereby authorize representatives of the City of El Cerrito to enter upon the above-mentioned property for inspection purposes. I also agree to save, indemnify and keep harmless the City and its agents against all liabilities, judgments, costs, and expenses which may in any way accrue against said agency in consequence of the grant of the permit. x <u> Betty J. Coates </u> 5-11-98 SIGNATURE DATE		J O B D E S C R I P T I O N UPSTAIRS BATHROOM REMODEL (REPLACE FIXTURES, LINO FLOOR, PAINT) - WINDOW REPLACEMENT - REAR OF HOUSE, WINDOW ON PORCH AND KITCHEN WINDOW, REPLACE BACK DOOR PROVIDE SMOKE DETECTORS IN EACH SLEEPING ROOM, IN HALLWAY TO BEDROOMS AND ON EACH STORY IF NONE EXISTS. INSPECTIONS CAN BE MADE BY CALLING 215-4360 24 HRS IN ADVANCE. EVERY PERMIT MUST RECEIVE ALL NECESSARY IN-PROGRESS & FINAL INSPECTION. Planning App. _____ Engineering App. _____ Fire Dept. App. _____ "FINALED" APPROVED 5-11-98 STEVEN D. MICHELLE (SEAL) DATE BUILDING OFFICIAL																																																																			

EXH. E. P. 7-8

Finalized 11/13/98 W.D. Murray

Job Site Address	1827 Arlington Blvd El Cerrito, CA 94530	CITY OF EL CERRITO 10890 SAN PABLO AVENUE • EL CERRITO, CA 94530 BUILDING DIVISION PHONE (510) 215-4360 THIS SECTION FOR OFFICE USE ONLY		
Property Owner	COATES HOWARD A; BETTY E COATES THOMAS L 235-0940 1827 Arlington Blvd El Cerrito Ca 94530	Appn Date 05/11/98	Issued Date 05/11/98	
Contractor		By SUA	By SUA	
		Job Type RREM	Permit No 98 0324	
		Occupancy Type	Permit Type B, P,	
Architect/Engineer		Valuation 10000.00	Type of Const	
		Total Sq Ft 0	Parcel Number 505-032-007	
		- P E R M I T F E E S -		
I hereby affirm (check one)		DESCRIPTION	ACC#	FEES
LICENSED CONTRACTOR'S DECLARATION		Plan Check	6013	0.00
☐ I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.		Building Permit	6001	163.52
* OWNER * License No _____ Class _____ Expires / /		Additional Plan Ck	6013	0.00
OWNER BUILDER DECLARATION		Energy Plan Review	6016	0.00
I am exempt from the Contractor's License Law for the following reason (Section 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).		Pub. Works Review	6011	0.00
☐ I am owner of the property, or my employees with wages as their sole compensation, will do work and the structure is not intended or offered for sale (Section 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.		Plan. Dept Review	6010	0.00
☐ I am owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.		Fire Dept Review	2516	0.00
☐ I am exempt under Section _____ Business and Professions Code for this reason: _____		Strong Motion Inst	7002	1.00
WORKER'S COMPENSATION DECLARATIONS (Section 3800 Labor Code) (check one)		Construction Fee	6008	0.00
☐ I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers Compensation Insurance, or a certified copy thereof.		Microfilming Fee	6015	4.00
Company _____		Penalty Fee	6001	0.00
Policy No _____ Expires // /		Plum. Permit Fee	6002	57.23
☐ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Law of California. NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.		Elect. Permit Fee	6003	0.00
CONSTRUCTION LENDING AGENCY (Section 3097 Labor Code)		Mech. Permit Fee	6004	0.00
A construction lending agency for the performance of the work for which this permit is issued.		Site Prmt/Insp Fee	6001	0.00
Lender's Name _____		Issuance Fee	6001	60.00
Lender's Address _____		STMP Fee	1088	0.00
I certify that I have read this application and state that the above information is correct. I agree to comply with all City ordinances and state laws relating to building construction, and hereby authorize representatives of the City of El Cerrito to enter upon the above-mentioned property for inspection purposes. I also agree to save, indemnify and keep harmless the City and its agents against all liabilities, judgments, costs and expenses which may in any way accrue against said agency in consequence of the grant of the permit.		Total	285.75	
x <u>Betty E Coates</u> 5-11-98		Amount Paid to Date	0.00	
SIGNATURE DATE		Balance Due	285.75	
		J O B D E S C R I P T I O N		
		UPSTAIRS BATHROOM REMODEL (REPLACE FIXTURES, LINO FLOOR, PAINT) - WINDOW REPLACEMENT - REAR OF HOUSE, WINDOW ON PORCH AND KITCHEN WINDOW, REPLACE BACK DOOR		
		PROVIDE SMOKE DETECTORS IN EACH SLEEPING ROOM, IN HALLWAY TO BEDROOMS AND ON EACH STORY IF NONE EXISTS.		
		INSPECTIONS CAN BE MADE BY CALLING 215-4360 24 HRS IN ADVANCE. EVERY PERMIT MUST RECEIVE ALL NECESSARY IN-PROGRESS & FINAL INSPECTION.		
		Planning App. _____ Engineering App. _____		
		Fire Dept. App. _____		
		"FINALED"		
		APPROVED BY STEVE D. MICHELLE (C) DATE 5-11-98		
		BUILDING OFFICIAL		

EXH. E. P. 7-8

CITY OF EL CERRITO
10890 SAN PABLO AVENUE

APPLICATION FOR BUILDING PERMIT

BUILDING DIVISION PHONE 235-4767
THIS SECTION FOR OFFICE USE ONLY

LOCATION	Address 1827 ARLINGTON AVE	
	Lot No.	Block
	Subdivision	Parcel No.
OWNER	Name HOWARD A. COATES	
	Address 1827 ARLINGTON AVE Zip 94533	
	City EL CERRILLO	Phone 235-0490
ARCHITECT ENGINEER	Name	
	Address	Zip
	City	Phone
	City Lic. No.	State Lic. No.
SOIL ENG.	Name	
	Address	Zip
	City	Phone
	City Lic. No.	State Lic. No.
CONTRACTOR	Name	
	Address	Zip
	City	Phone
	City Lic. No.	State Lic. No.

Date: 6/6/84	PERMIT NO. C6543
Valuation \$ 900.00	
BUILDING FEE \$ 16.00	
PLAN CHECKING \$ 0	
TOTAL \$ 16.00	
PLAN CHECK FEE REPT. NO. \$	
BALANCE \$	
CONSTRUCTION TAX \$	
POWER POLE \$	
S.M.I.P. \$.50	
PENALTY \$	
TOTAL \$ 16.50	

PLANNING DEPARTMENT		
Zoning		
Side Yards		
Set Back	Rear Yard	Lot Coverage %
Conditions of Approval:		

Conditions Attached _____
Approved: _____

_____ PLANNING COMMISSION

CLASS OF WORK				
New	Alter	Add	Fence	Insulation
Demolish	Repair	Roof	Deck	Solar

Occupancy A B C D E F G H I J P-3 Fire Zone I 2 3

Type of Construction I II III IV V

Floor Area
(1st Floor) _____ (2nd Floor) _____ (3rd Floor) _____ (4th Floor) _____

Garage _____ Decks _____ Access Bldg. _____
No. of Rooms _____ Bedrooms _____ Baths _____

Garage _____		Main Floor _____		Curb at Driveway _____	
Sidewalks to be installed Yes _____ No _____			Plans submitted Yes _____ No _____		

Field Check _____ by _____

REPAIR OF DECK +
STAIRS

CERTIFICATE OF OCCUPANCY MUST BE APPLIED FOR BEFORE FINAL INSPECTION IS APPROVED. SEPARATE PERMITS ARE REQUIRED FOR HEATING, PLUMBING, ELECTRICAL, OR CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY.

SECTION 302-(d) UNIFORM BUILDING CODE

Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 60 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is

Approved by: For P. Hilliard
BUILDING INSPECTOR

EXH. E
P. 6-8

CERTIFICATE OF OCCUPANCY MUST BE APPLIED FOR BEFORE FINAL INSPECTION IS APPROVED. SEPARATE PERMITS ARE REQUIRED FOR HEATING, PLUMBING, ELECTRICAL, OR CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY.

SECTION 302-(d) UNIFORM BUILDING
CODE

Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 60 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. A

Approved by: For P. Hilliard
BUILDING INSPECTOR

LICENSED CONTRACTORS DECLARATION
I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class _____ Lic. Number _____
Contractor _____

OWNER - BUILDING DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractors' License Law (Chapter 9 - commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500):

Q 1. As owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the owner of the property is not the person who does the construction, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale).

1. I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law).

☐ I am exempt under Sec. _____ B.&P.C. for this reason:

Applicant _____ Date _____
WORKERS' COMPENSATION

WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Worker's Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab C.), Policy No. HL 90, Company A.A.A.

☐ Certified copy is filed with the court.

or city _____ department.

Applicant Harold A. County Date 6-6-84

CERTIFICATE OF EXEMPTION FROM WORKERS COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less).

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

Applicant _____ Date _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.)

Lender's Name.

Lender's Address

I hereby agree to save, indemnify and keep harmless the City of El Cerrito and its officers, employees and agents against all liabilities, judgments, costs and expenses which may in any wise accrue against the City in consequence of the granting of this permit or from the use or occupancy of any sidewalk, street or sub-sidewalk, or otherwise by virtue thereof, and will in all things strictly comply with the conditions under which this permit is granted.

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representatives of this city to enter upon the above mentioned property for inspection purposes.

Signed X John A. Coate

CITY OF EL CERRITO
10890 SAN PABLO AVENUE • EL CERRITO, CA 94530

APPLICATION FOR BUILDING PERMIT

BUILDING DIVISION PHONE 235-4767
THIS SECTION FOR OFFICE USE ONLY

LOCATION	Address	1827 Arlington Ave.	DATE	12/18/90	PERMIT NO.	9745
	Parcel No.		VALUATION	\$ 34450		
OWNER	Name	HOWARD COATES	PLAN REVIEW DEPOSIT	\$		
	Address	1827 Arlington Ave 94530	DATE PAID	1 1		
	City	EL CERRITO Phone 235-0490	BUILDING PERMIT FEE	\$	63.00	
ARCHITECT	Name		ADD'L PLAN REVIEW FEE	\$		
	Address		ENERGY REVIEW FEE	\$		
	City		PW PLAN REVIEW FEE	\$		
	City Lic. No.	State Lic. No.	PD PLAN REVIEW FEE	\$		
SOIL ENG.	Name		S.M.I.P. FEE	\$	50	
	Address		CONSTRUCTION FEE	\$		
	City		MICROFILMING FEE	\$	2.00	
	City Lic. No.	State Lic. No.	PENALTY	\$		
CONTRACTOR	Name	AN-Other Termite Co., Inc.	TOTAL DUE	\$	65.50	
	Address	4400 BAYVIEW AVE 94804				
	City	RICHMOND Phone 233-5200				
	City Lic. No.	State Lic. No. PR1219				

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect

License Class _____ Lic. Number _____

Contractor _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractors' License Law (Chapter 9 - commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale).

☐ I, as owner, of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law).

☐ I am exempt under Sec. _____ B.&P.C. for this reason _____

Applicant _____ Date _____

WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Worker's Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab C.). Policy No. _____ Company _____

☐ Certified copy is hereby furnished.

☐ Certified copy is filed with the city building inspection department or city department.

Applicant J. Brazil Date 12-18-90

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less).

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

Applicant _____ Date _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.)

Lender's Name _____

Lender's Address _____

I hereby agree to save, indemnify and keep harmless the City of El Cerrito and its officers, employees and agents against all liabilities, judgments, costs and expenses which may in any wise accrue against the City in consequence of the granting of this permit or from the use or occupancy of any sidewalk, street or sub-sidewalk, or otherwise by virtue thereof, and will in all things strictly comply with the conditions under which this permit is granted.

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representatives of this city to enter upon the above mentioned property for inspection purposes.

Signed J. Brazil

PLANNING DEPARTMENT

Conditions of Approval: _____

Approved by: _____

CLASSIFICATION OF WORK

NEW	ADDN.	ALTER	REPAIR	ROOF	FENCE
DECK	POOL	DEMOLISH	SIGN		

Occupancy Group A B E H I M R

Division 1 2 3 4

Construction Type I II III IV V

Floor Area (Living) 1st. Floor _____ sq.ft.

2nd. Floor _____ sq.ft.

3rd. Floor _____ sq.ft.

Total Area _____ sq.ft.

Garage Area _____ sq.ft.

Description of work: X-Termite Repair
per report dated 12-10-90

CERTIFICATE OF OCCUPANCY MUST BE APPLIED FOR BEFORE FINAL INSPECTION IS APPROVED. SEPARATE PERMITS ARE REQUIRED FOR HEATING, PLUMBING, ELECTRICAL, OR CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY.

SECTION 303-(d) UNIFORM BUILDING CODE

All permits issued by the building department shall expire one hundred twenty (120) calendar days from date of issuance if the work is not commenced within the time period. A maximum time allowable for the completion of all work is established in Title 16, Section 16.02.060 of the El Cerrito Municipal Code.

Approved by ford, m. theel/sr

BUILDING INSPECTOR

EXH. E
P 4-8

APPLICATION FOR BUILDING PERMIT

CITY OF EL CERRITO

LOCATION	Address <u>1821 ARLINGTON AVE</u>	Valuation <u>\$ 3000.00</u>	Date: <u>AUGUST 14, 1970</u>	PERMIT NO. <u>A-6190</u>
	Lot No. <u>65</u> Block _____	CLASS OF WORK	Building Fee <u>34.50</u>	
	Subdivision <u>Ant. 1-1-1-1</u>	New ☐ Alter ☒ Add ☐	Plan Checking _____	
OWNER	Name <u>HOWARD A. COATES</u>	Demolish ☐ Repair ☐ Move ☐	Power Pole _____	
	Address <u>1821 ARLINGTON AVE</u>	Fence ☐ Roofing ☐ Stucco ☐	Penalty _____	
	City <u>EL CERRITO</u> Phone <u>235-0490</u>	Occupancy A B C D E F G H <u>I</u> J	TOTAL <u>\$ 34.50</u>	
ARCHITECT/ENGINEER	Name _____	Type of Construction I II III IV <u>V</u>		
	Address _____	Fire Zone 1 2 <u>3</u>		
	City _____ Phone _____	Floor Area Main Bldg. (1st Floor) <u>90# ±</u>		
CONTRACTOR	City Lic. No. _____ State Lic. No. _____	(2nd Floor) _____		
	Name _____	Floor Area Access. Bldg. <u>DECK 174# ±</u>		
	Address _____	Floor Area Decks _____		
PLANNING DEPARTMENT		Plans Submitted? Yes <u>X</u> No _____		
Zoning _____		Field Check <u>NO</u> by _____		
Type of Occupancy _____		No. of Rooms _____		
Area of Lot _____		No. of Baths _____		
Width of Lot _____		No. of Bedrooms _____		
Area of Bldgs. _____		Garage Floor Elevation _____		
No. of Stories _____ Total Height _____		Main Floor Elevation _____		
Set Back _____ Rear Yard _____		Curb Elevation at Driveway _____		
Side Yards _____		Sidewalks to be Installed _____ Yes _____ No <u>X</u>		
No. of Bldgs. on Lot _____		Additional Description of New Work: _____		
Distance Between Bldgs. _____		<u>OUTSIDE - ADD DECK TO EXISTING LANDING</u>		
Land Use Permit _____		<u>INSIDE - ADD ROOM AND BATHROOM</u>		
Conditions of Approval: _____				
Approved: _____				
PLANNING COMMISSION		<u>505-032-00</u>		

CERTIFICATE OF OCCUPANCY MUST BE APPLIED FOR BEFORE FINAL INSPECTION IS APPROVED. SEPARATE PERMITS ARE REQUIRED FOR HEATING, PLUMBING, ELECTRICAL, OR CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY.

We (I) hereby agree to save, indemnify and keep harmless the City of El Cerrito and its officials from and against all liabilities, judgments, costs and expenses which may in any wise accrue against said City and its officials, or either of them in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of El Cerrito.

I hereby certify that I am the applicant for a building permit, and that in the performance of the work for which said permit is issued, I will not employ any person or persons in any manner so as to become subject to the provisions of the Labor Code of the State of California relating to Workmen's Compensation Insurance.

Signed X Howard A. Coates

SECTION 302(d) UNIFORM BUILDING CODE

Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 60 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days.

Approved by [Signature] BUILDING INSPECTOR

OFFICE COPY

EXH. E. 3-8

APPLICATION FOR ELECTRICAL PERMIT
() CITY OF EL CERRITO

Permit No. E-407 Date 3/11 1965

Application is hereby made to do electrical work at:

Street No. 1827 ARLINGTON

Owner/~~Builder~~ COATES

New Addition Rewire

Circuits	<u> </u>	Plugs	<u>1</u>	Transf.	<u> </u>
Meters	<u> </u>	Switches	<u> </u>	Heaters	<u> </u>
Ranges	<u> </u>	Light Opngs.	<u> </u>	Motors	<u> </u>
Dryers	<u> </u>	Fixtures	<u> </u>	Others	<u> </u>

Main Switch Amps. Conduit
Service Cables

SIGNATURE OF CONTRACTOR [Signature]
EL CERRITO ELECTRIC INC.

E. H. E.
P. 1-8

62-55-

EXH. B: P2-8

OFFICE COPY

57-376175



LEFT SIDE
OF SUBJECT



next to THE
subject

EXH. F
P. 13



Right side
of subject

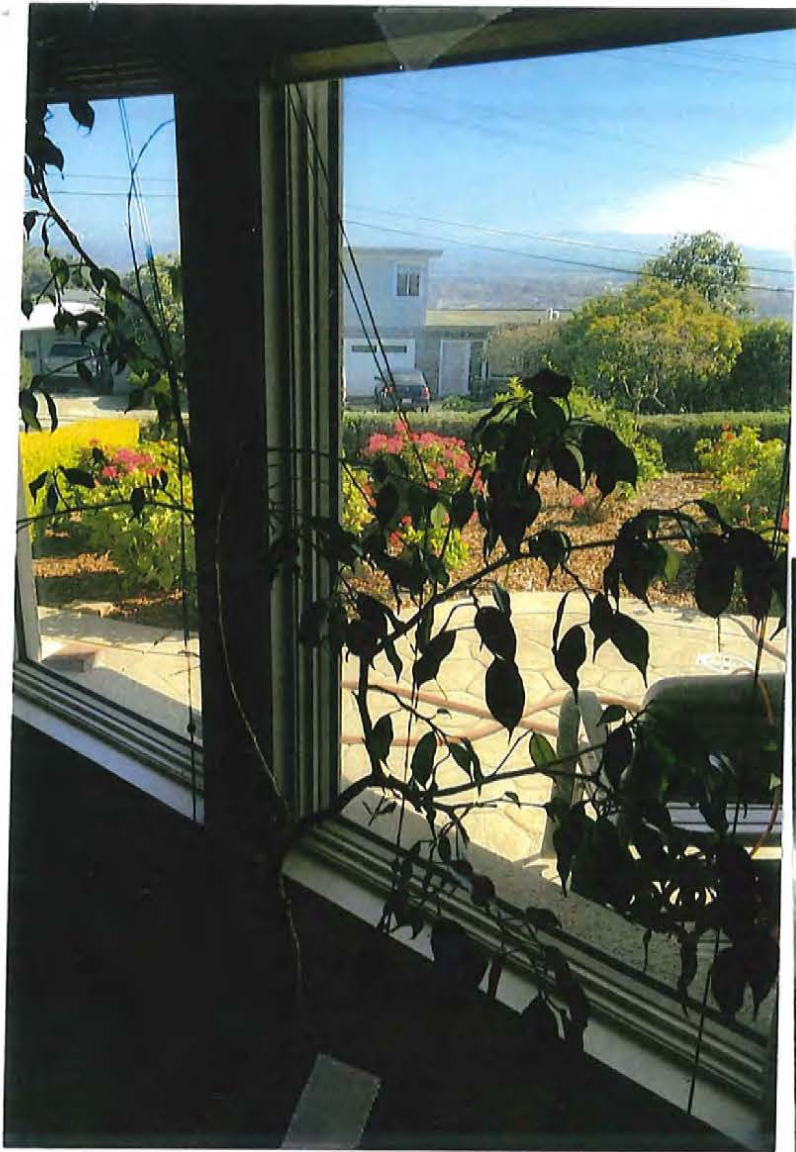


EXH. ~~A~~ F
P. 2-3



Right to the Subject

EXH. IF
P. 3-3



FAMILY ROOMS view
during day



Living Room
~~FAMILY~~ ROOMS view
at night

EXH. G
P. 1-2



Living Room
View

blocked
view

EXH. G
P. 2-2

October 1, 2018

Sean Moss
Planning and Building Division
Community Development Department
10890 San Pablo Ave
El Cerrito, CA 94530

RE: Application No., PL17-0154
1827 Arlington Blvd., El Cerrito, CA

Dear Mr. Moss:

I hereby appeal the Planning Commission's decision on September 19, 2018 to approve the above-referenced application for the following reasons:

A. FINDINGS ARE NOT SUPPORTED BY THE FACTS

Staff's conclusions are misleading and erroneous.

1. Finding # 1 on the Planning Commission Resolution:

- (a) The staff report states that "*some* homes *likely* have lower level similar to the subject property", which suggests staff did not actually investigate or otherwise establish a factual basis for this claim.
- (b) The existing three-story home is NOT COMPATIBLE with the surrounding neighborhood, where most homes are one or two stories. Furthermore, it is also incompatible with MOST, if not ALL other homes in the city of El Cerrito. A 3-story home on the down or upslope of Arlington has never been built since the city was incorporated in 1917.
- (c) The project as proposed WILL "CAUSE A SIGNIFICANT ADVERSE IMPACT on residences.... directly across the street with respect to...view blockage...." My remaining view of the Bay, the Bay Bridge and San Francisco will be obliterated by the proposed addition. See, again, photos of my view attached.
- (d) Prior to/During the Planning Commission hearing, I invited the commissioners to see the view from my front window and provided pictures of the view at the hearing. None of the commissioners accepted my invitation; nor did staff. The staff report states: "Staff was unable to determine the impact to the adjacent property across the street since the house sits considerably above the street"

This statement is ridiculous. As the pictures that I took from my living room and family room (and submitted to the commission) show, the views of the Bay, the bridge and the City from my living room and family room will be completely blocked and, based on my 40 years' experience as a real estate agent in this area, it will lower the value of my property about \$500,000.00.

- (e) The proposed addition causes MORE THAN THE LEAST PRACTICABLE IMPACT on neighbors in terms of views and the proposed detailing, articulation, and other design treatments do not adequately mitigate any bulk created by the additional height. The applicant has not demonstrated that reducing the building height and further development in here back yard would unreasonably burden or limit her by-right development rights.

2. Finding # 2 of the Resolution:

The proposed addition will increase square footage but does NOT REPRESENT A SIGNIFICANT AESTHETIC UPGRADE to the house. The house still will not be compatible with the surrounding neighborhood and will resemble a match box. Applicant has the option to expand into the back of the property and articulate the building to create a significant aesthetic upgrade to the house, still making it an attractive amenity, while not blocking historic neighborhood views.

3. Finding # 4 on the Resolution:

Based on the city and county's record, the existing upper story which is one bedroom and one bath has been built WITHOUT permit in the past, therefore, there are two violations with this addition, a) building the upper story without the permit, b) The height of the existing upper story exceeds the limitation set by city Code and Ordinance which would have required a public hearing at the time. Therefore, this addition should be removed. Now, the owner does not want to even legalize this addition that was built without the permit: he wants to add about 700-1000 square feet to the existing addition with a USE permit. Therefore, if this permit is issued, I am losing a total of 45' wide x 3' height on the view of the surrounding areas, which includes the views of Albany, Emeryville, El Cerrito, San Francisco, the Bay, and the Bay Bridge.

B. STAFF REPORT CONTAINS SUBSTANTIVE ERRORS.

1. The Staff report refers to the existing property as a "two-story" building with a proposed "second story addition", even though the Applicant's plans show the existing structure as three stories. This fact makes the existing and proposed building INCOMPATIBLE with existing neighborhood and other city single-family residential properties.
2. The Staff report identifies unpermitted improvements in the existing home, including a second kitchen, and states that the "existing upper [third] story does not conform with the required main building envelope and *is a legal non-conforming structure in this respect.*"

However, an addition is not "legal nonconforming" unless it was built either without a permit at a time when the city did not require permits for such addition, or, with a valid permit but since the issuance of such permit the zoning ordinance has since been modified or amended to make such improvement nonconforming. Neither of these facts appear to exist.

No permits for the previous second story addition exist within either the City's or the County's records. However, the original home was developed with a permit in 1954 without the addition. Additionally, the previous owner that owned the property between 1957 and 2016 informed me that in the past his contractor tried to complete third story but the neighbors opposed it and the City did not issued any Use permit.

C. CONCLUSION.

It appears the Planning Commission ignored many of the facts they are required to confirm in their findings to approve the application, and had decided to issue the Conditional Use Permit no matter what. It was very obvious from the Planning Commission meeting that the hearing was only a show and formality.

The Commissioners gave me four minutes to express my concerns, they did not even allow me to rebut or challenge the planner or the applicant's statements about the project.

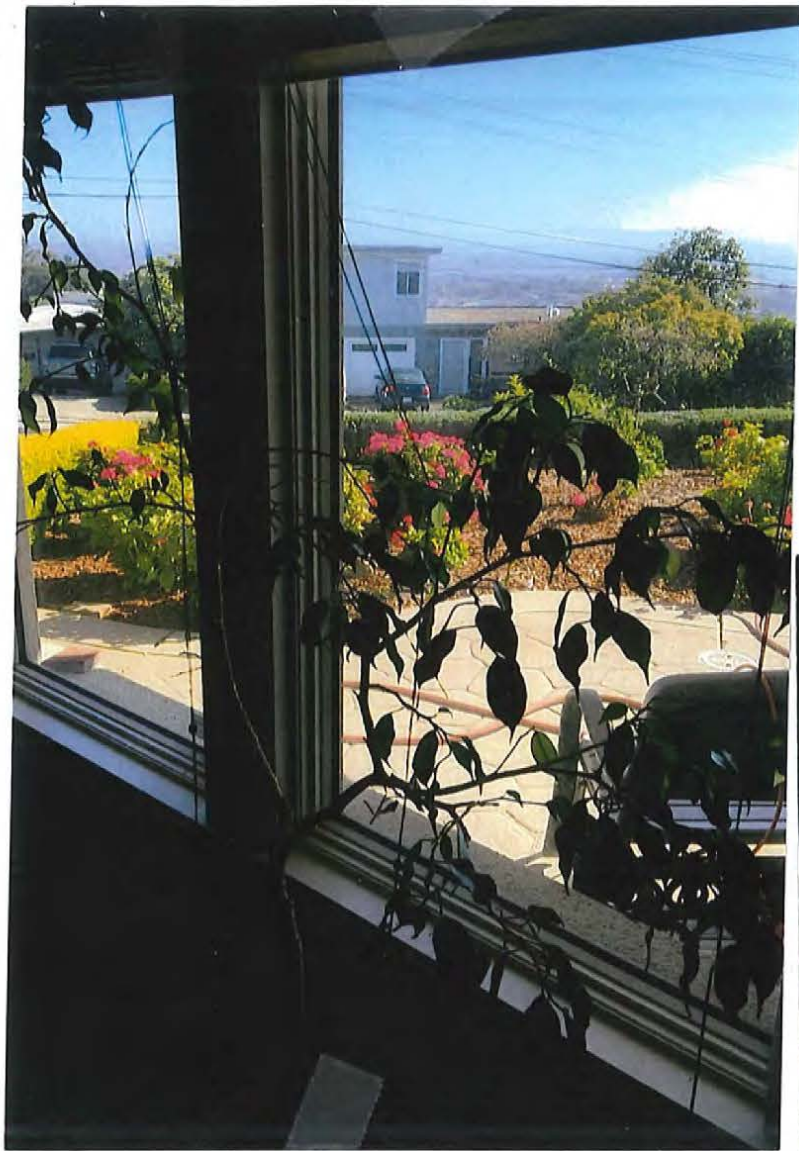
Sean Moss
October 1, 2018
Page 3 of 3

I request that you either remand this back to the Planning Commission for further consideration of my objections—especially to explore other LEAST INCOMPATIBLE AND DISRUPTIVE alternative development strategies and that you conduct a new hearing. Without proper findings, the city and the applicant expose themselves to more claims, liability and delays.

Thank you



Russ Malboubi
1822 Arlington Blvd
El Cerrito, CA 94530



FAMILY ROOMS VIEW
during day

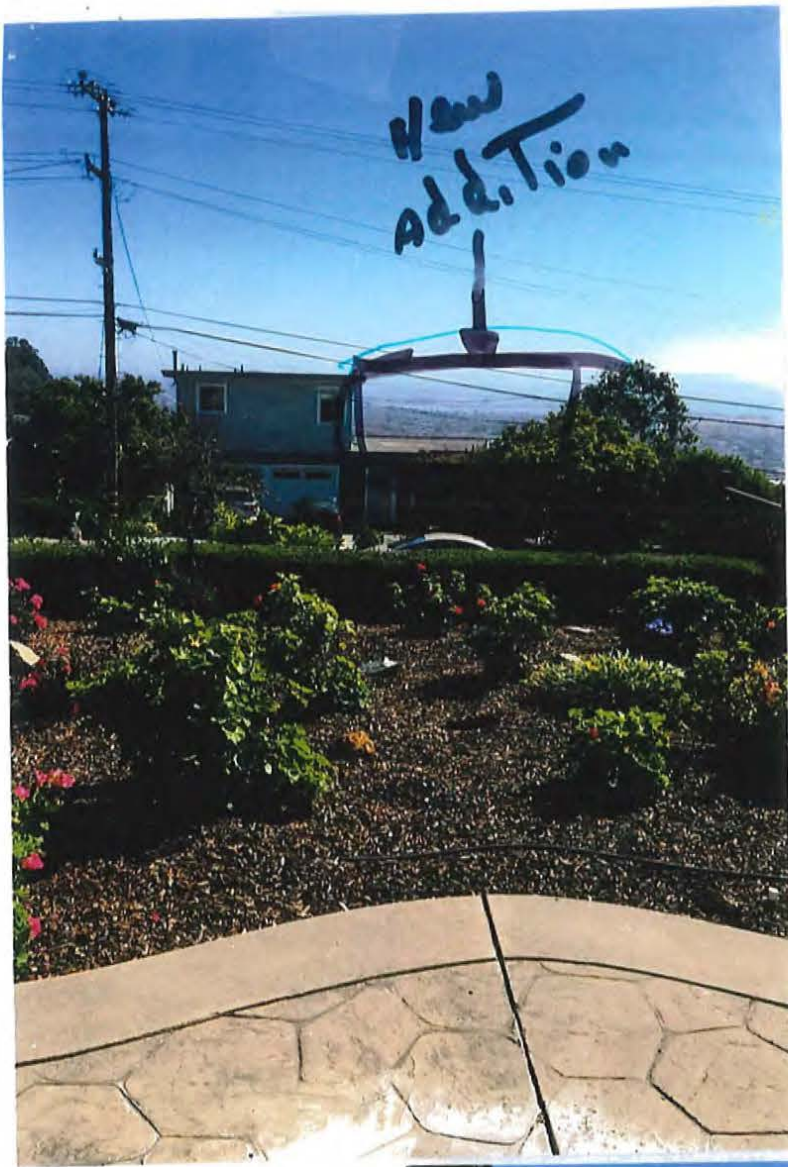


living room
~~FAMILY~~ ROOMS VIEW
at night

EXH. G
P. 1-2



Pic.
from
living
room



Living Room
View

blocked
view

EXH. G
P. 2-2

November 9, 2018

El Cerrito City Council
C/o Sherry M. Kelly, City Clerk
City Hall
10890 San Pablo Ave
El Cerrito, CA 94530

Re: Conditional Use Permit for 1827 Arlington Boulevard - Application No. PL17-0154

Subject: Opposition to Russ Malboubi's Appeal

Dear Council Members:

I write in opposition to Russ Malboubi's ("Appellant") October 1, 2018 appeal of the Planning Commission's ("Commission") September 19, 2018 approval of my application (the "Application") for a Conditional Use Permit (the "CUP"). See Application No. PL17-0154.

I. INTRODUCTION

The CUP Appeal complains that the proposed design does not comply with the Planning Code because the proposed addition will obstruct his view. That complaint has no merit. The design element requiring a CUP is the height-increase of a roof line located on the back of 1827 Arlington that is not visible from Appellant's home. The design elements that will intrude into his view are within the by-right height limit. Therefore, Appellant is not actually complaining about the Commission's approval of the CUP. Instead, he is complaining about the Planning Code's allowable height limits that do not require a CUP. The only way to address those complaints would be to revise the Planning Code.

In a misguided effort to bolster his arguments, Appellant claims the Commission's hearing was "only a show and formality" because he was not given more time to talk. Appeal, § C. Public comments at Commission hearings is normally limited to three minutes. Appellant was given four minutes. He also complains that the Commission's conclusions are "misleading," "erroneous," and "ridiculous." Appeal, §§ A and A(1)(d). None of those criticisms are accurate. The Commission's conclusions are based upon a comprehensive and careful analysis of the relevant facts.

II. THE DESIGN SATISFIES EL CERRITO'S DESIGN REQUIREMENTS

My clients' home is located on a hillside. El Cerrito requires that a Residential Architectural Design ("RAD") Review be completed for such homes. The review process also required that we obtain a CUP for the height increase on a small portion of the roof on the backside of the proposed addition. The Planning Code requires that a CUP be issued if the proposed design and height:

(1) do not have a "significant adverse impact on residence to the side, rear, or directly across the street with respect to solar access, view blockage, and privacy;"

(2) “cause[] the least practicable impact on neighbors in terms of view, privacy and solar access;” and

(3) “provide[] detailing, articulation, and other design treatments that mitigate any bulk created by the addition design.”

Zoning Ordinance §§ 19.06.030(D)(3)(i). The proposed design satisfies those requirements.

The relevant height increase will not have any impact on Appellant’s view. **Exhibit A** hereto is a diagram highlighting the location of the CUP-related design element. It clearly shows that the requested change will not have any impact on the Appellant’s view.

As stated on pages 5, 6 and 7 of the Staff Report:

Staff notes, however, that the front portion of the addition conforms with the main building envelope which is permitted by right. The portion of the addition which requires the additional height is located at the rear of the house;

The project is not expected to have greater impacts to views, solar access, and privacy than it would if it were designed to comply with the by-right height limit. The project is consistent with the existing house and the surrounding single-family residences;

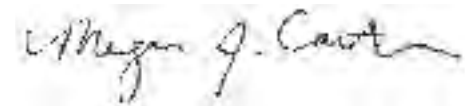
The small area at the rear of the proposed additional that requires an increase in the permitted height will have minimal impact to solar access and view blockage due its small size and location of the structure.

Exhibit B hereto addresses numerous other issues that were raised in the Appeal. I include those points in an exhibit because the above discussion is a succinct, yet comprehensive explanation why the Appeal has no merit. **Exhibit B** provides additional explanations and clarity regarding Appellant’s many misstatements and factual errors.

III. CONCLUSION

None of Appellant’s arguments contradict or undermine the Commission’s findings. The CUP was lawfully issued. Therefore, I respectfully ask that the Commission’s decision be affirmed and the Appeal denied in its entirety.

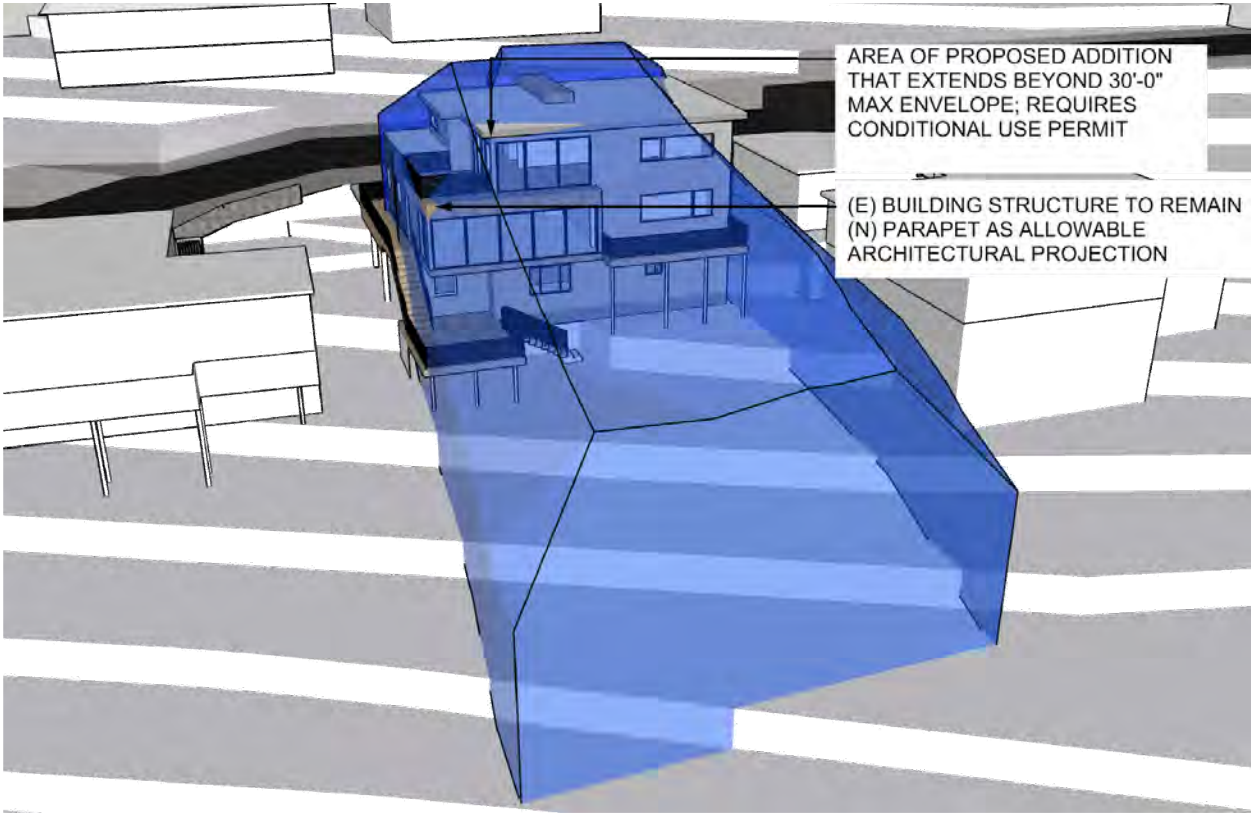
Sincerely,

A handwritten signature in dark ink, appearing to read "Megan J. Carter", is written over a light blue horizontal line.

Megan Carter

Enclosures

EXHIBIT A



PROPOSED DESIGN WITH BASE HEIGHT ENVELOPE

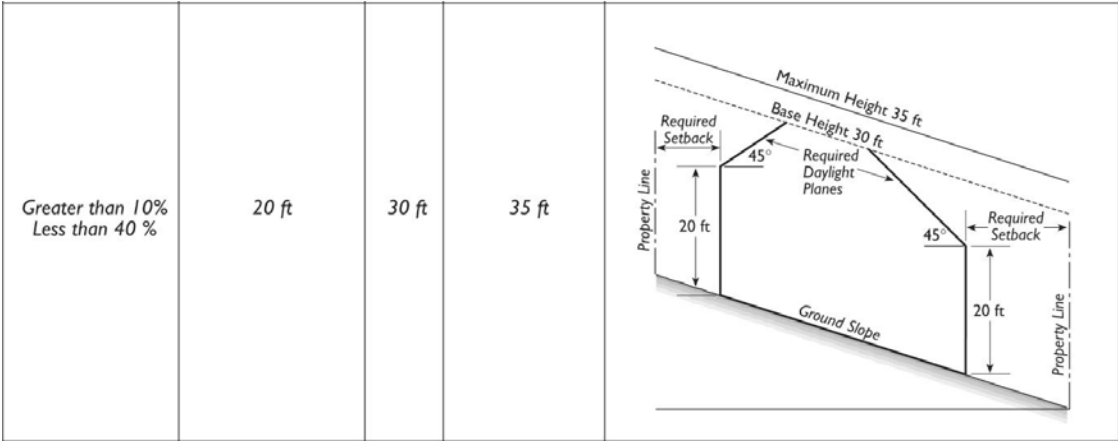
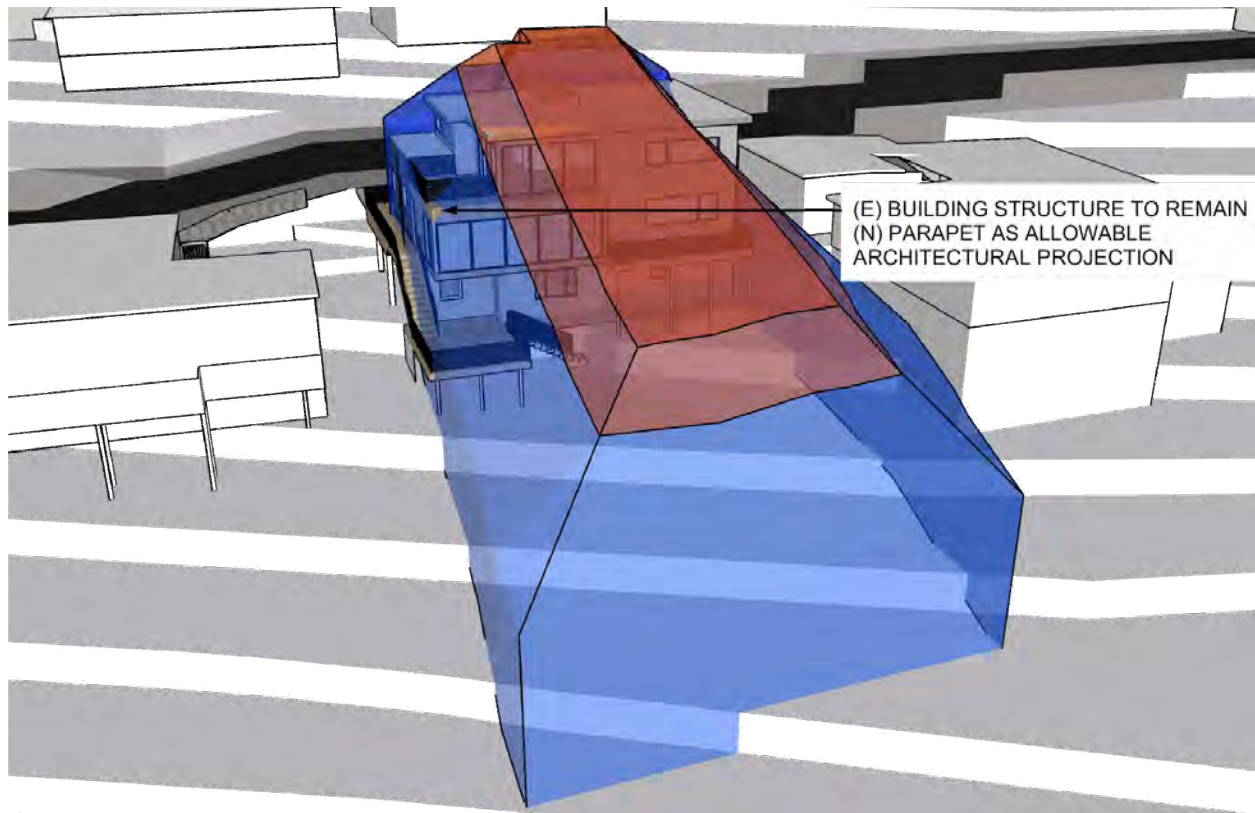
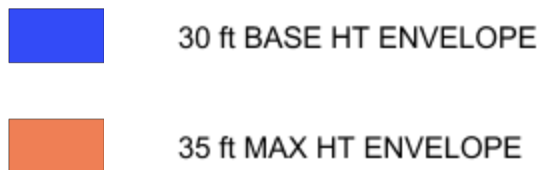
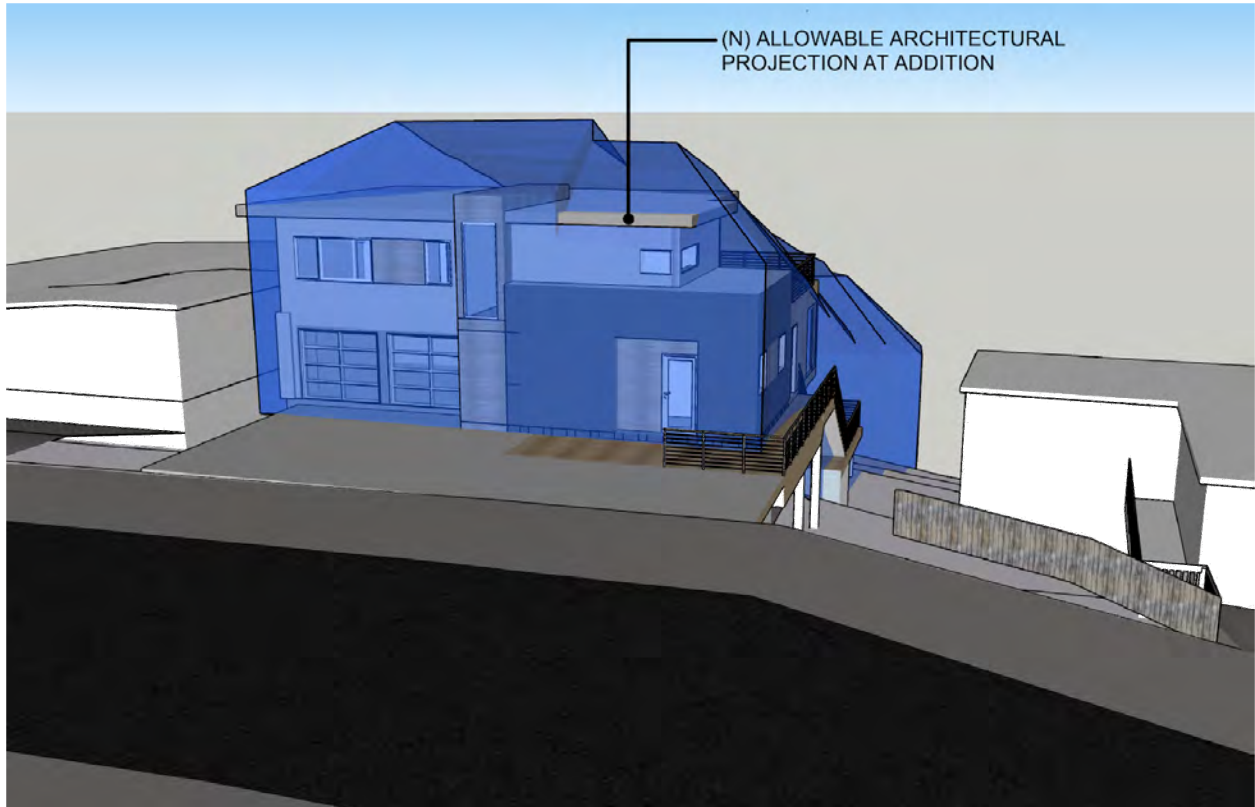


FIGURE 19.06-B: HEIGHT LIMITS AND REQUIRED DAYLIGHT PLANES - RS DISTRICT
FROM RESIDENTIAL ARCHITECTURAL DESIGN (RAD) REVIEW STANDARDS AND PROCESS



PROPOSED DESIGN WITH MAXIMUM HEIGHT ENVELOPE
REQUIRING CONDITIONAL USE PERMIT





PROPOSED DESIGN AT STREET WITHIN THE BASE HEIGHT ENVELOPE

EXHIBIT B

APPELLANT'S CONTENTION NO. 1:

- a. The staff report states that "**some** homes are **likely** have lower level (sic) similar to the subject property", which suggests staff did not actually investigate or otherwise establish a factual basis for this claim.

RESPONSE:

While Appellant speculates regarding what was investigated, the statement is accurate. The readily accessible real-estate website zillow.com indicates that several neighboring properties have "partial basements" including 1827 Arlington. This issue has been addressed in the CUP because it requires that my clients' lower-level kitchenette is to be either removed or the space must be permitted as an Accessory Dwelling Unit.

APPELLANT'S CONTENTION NO. 2:

- b. The existing 3-story home is NOT COMPATIBLE with the surrounding neighborhood, where most homes are one or two stories. Furthermore, it is also incompatible with MOST, if not ALL other homes in the city of El Cerrito. A 3-story home on the down or upslope of Arlington has never been built since the city was incorporated in 1917.

RESPONSE:

The Planning Code does not limit the number of stories in a home. The Planning Code contains height limitations. Those limitations are thoroughly discussed in the Staff Report.

The existing home has two stories at the street level. The "third story" is located below ground-level at the rear of home downslope from the street level. The home's "third story" is not viewable from the street.

APPELLANT'S CONTENTION NO. 3:

- c. Project WILL "CAUSE A SIGNIFICANT ADVERSE IMPACT on residences...directly across the street with respect to...view blockage..." My remaining view of the Bay, the Bay Bridge and San Francisco will be obliterated by the proposed addition. See, again, photos of my view attached.

RESPONSE:

As stated in the Staff Report, "[v]iews are not protected by ordinance in El Cerrito (with the exception of when trees grow to block views." P. 5. Moreover, the CUP-related design element does not block Appellant's view. **Exhibit C** contains images that more accurately depict the addition's impact on the views from Appellant's home.

APPELLANT'S CONTENTION NO. 4:

- d. Prior to/ During the Planning Commission hearing, I invited the commissioners to see the view from my front window and provided pictures of the view at the hearing. None of the commissioners accepted my invitation; nor did staff. The staff report states: "Staff was unable to determine the impact to the adjacent property across the street since the house sits considerably above the street."

This statement is ridiculous. As the pictures that I took from my living room and family room (and submitted to the commission) show, the views of the Bay, the bridge and the City from my living room and family room will be completely blocked and, based on my 40 years' experience as a real estate agent in this area, it will lower the value of my property about \$500,000

RESPONSE:

Appellant's complaint regarding the hearing has no merit. The Commission gave Appellate more time to talk than is permitted by the rules. As for his invitation to visit his home, the commissioners and their staff understood that they did not need to complete a site inspection to determine whether it was appropriate to issue the CUP. They understood that the design element at issue with the CUP did not impact Appellant's view. Therefore, the CUP-related design element will not impact on the value of Appellant's home value.

Regardless, the Appeal contains a gross exaggeration of how much the addition will adversely impact his home's value. Zillow.com estimates the value of Appellant's home to be approximately \$1,142,259. It is incredibly difficult to believe that the non-CUP-related design elements will decrease the value of his home by \$500,000 - more than forty percent of its value. On the other hand, the proposed design will very likely increase the value of Appellant's home because it will add value to the neighborhood.

APPELLANT'S CONTENTION NO. 5:

- e. The proposed addition causes MORE THAN THE LEAST PRACTICABLE IMPACT on neighbors in terms of views and the proposed detailing, articulation, and the other design treatments do not adequately mitigate any bulk created by the additional height. The applicant has not demonstrated that reducing the building height and further development in the back yard (sic) would unreasonably burden or limit her by-right development rights.

RESPONSE:

The proposed addition is not at issue with regard to the CUP. I will address these statements because they have no merit. The proposed design improves the home's curb appeal while also adding a much needed third bedroom, full bathroom, and improved air circulation on the main floor. This is important because the home's current façade is not particularly interesting.

It appears Appellant believes that "mitigating bulk" means to reduce the mass of a building. It actually means that one creates visual interest by varying material and architectural details in a manner that mitigates a mass's bulky appearance. The proposed design does exactly that:

"[t]he proposed project represents a significant aesthetic upgrade to the house, making it an attractive amenity." Planning Report, p. 6.

APPELLANT'S CONTENTION NO. 6:

2) Finding #2 of the Resolution:

The proposed addition will increase square footage but does NOT REPRESENT A SIGNIFICANT AESTHETIC UPGRADE to the house. The house still will not be compatible with the surrounding neighborhood and will resemble a match box. Applicant has the option to expand into the back of the property and articulate the building to create a significant aesthetic upgrade to the house, still making it an attractive amenity, while not blocking historic neighborhood views.

RESPONSE:

See Response to Contention No 5.

APPELLANT'S CONTENTION NO. 7:

3) Finding #4 on the Resolution:

Based on the city and county's record, the existing upper story which is one bedroom and one bath has been built WITHOUT permit in the past, therefore, there are two violations with this addition, a) building the upper story without the permit, b) The height of the existing upper story exceeds the limitation set by the city Code and Ordinance which would have required a public hearing at the time. Therefore, this addition should be removed. Now, the owner does not want to even legalize this addition with a USE permit. Therefore, if the permit is issued, I am losing a total of 45' wide x 3' height on the view of the surrounding areas, which includes the views of Albany, Emeryville, El Cerrito, San Francisco, the Bay, and the Bay Bridge.

RESPONSE:

The upper story of 1827 Arlington contains two bedrooms and one bathroom. The Appellant is assuming that a lack in documentation means that something was illegal. While the property records are incomplete, the City previously acknowledged the upper level when it issued permits on that portion of the house. The City has never before found that the upper level was unwarranted and/or required its removal as pre-condition to the issuance of those previous permit.

APPELLANT'S CONTENTION NO. 8:

B. STAFF REPORT CONTAINS SUBSTANTIVE (sic) ERRORS.

1. The staff report refers to the existing property as a “two-story” building with a proposed “second story addition”, even though the Applicant’s plans show the existing structure as three stories.

RESPONSE:

The first line of the Staff Report’s “Background” section states that “[t]he house at 1827 Arlington is an approximately 1,878 square foot, two-bedroom, three-story home.” The report clarifies that “[a]t the street level, the house has a two story appearance. Currently, the upper story of the house sits atop the garage.” See *also* Response to Contention No. 2.

APPELLANT’S CONTENTION NO. 9:

2. The Staff report identifies unpermitted improvements in the existing home, including a second kitchen, and states that the “existing upper [third] story does not conform with the required main building envelope and is *a legal non-conforming structure in this respect.*”

However, an addition is not “legal nonconforming” unless it was built either without a permit at a time when the city did not require permits for such addition, or, with a valid permit but since the issuance of such permit the zoning ordinance has since been modified or amended to make such improvement nonconforming. Neither of these facts appear to exist.

No permits for the previous second story addition exist within the City’s or County’s building records. However, the original home was developed with a permit in 1954 without the addition. Additionally, the previous owner that owned the property between 1957 and 2016 informed me that in the past his contractor tried to complete third story but the neighbors opposed it and the City did not issued (sic) any Use permit.

RESPONSE:

The City’s and County’s records for 1827 Arlington do not include any rejected permit applications. The previous owner’s alleged comments are unsubstantiated hearsay. See *also* Response to Contention No. 7

EXHIBIT C



**VIEW FROM APPELLANT'S LIVING ROOM (APPELLANT'S IMAGE CROPPED)
WITH OUTLINE OF PROPOSED ADDITION**

(TREE CIRCLED BY APPELLANT TO BE TRIMMED OR REMOVED)



VIEW FROM APPELLANT'S LIVING ROOM AT NIGHT (APPELLANT'S IMAGE CROPPED)
WITH OUTLINE OF PROPOSED ADDITION

City of El Cerrito
Planning Division
10890 San Pablo Ave
El Cerrito, CA 94530

To Whom it May Concern,

We, Santiago Cilley and Martina Larralde, residents and owners of 1807 Arlington Blvd, have met with our neighbors, Mat Keil and Natalia Carney, to review their design for an addition and renovation to their home at 1827 Arlington Blvd.

We are in full support of their design.

Sincerely,

Santiago Cilley

Santiago Cilley

Martina Larralde

Martina Larralde

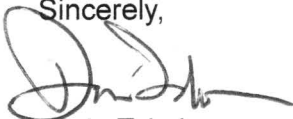
City of El Cerrito
Planning Division
10890 San Pablo Ave
El Cerrito, CA 94530

To Whom it May Concern,

I, Darin Takakura,, residents and owners of 1831 Arlington Blvd, have met with our neighbors, Mat Keil and Natalia Carney, to review their design for an addition and renovation to their home at 1827 Arlington Blvd.

We are in full support of their design.

Sincerely,



Darin Takakura



AGENDA BILL

Agenda Item No. 6(B)

Date: November 20, 2018
To: El Cerrito City Council
From: Maria Sanders, Operations + Environmental Services Manager
Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Proposed Integrated Waste Management Fees and East Bay Sanitary
Garbage & Green Waste Collection and Processing Rates -- Effective
January 1, 2019

ACTION REQUESTED

Staff requests that Council take the following actions:

- 1) Conduct a public hearing and upon conclusion adopt a resolution setting maximum allowable East Bay Sanitary (EBS) garbage and green waste collection and disposal and processing rates, effective January 1, 2019.
- 2) Conduct a public hearing and upon conclusion adopt a resolution setting Integrated Waste Management (IWM) Fees, effective January 1, 2019.

BACKGROUND

Each year the City Council approves the maximum allowable solid waste rates charged to ratepayers in the City of El Cerrito. Solid waste rates consist of three components, which include:

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

The rates and fees for these three components are based on the annual revenue required to run the operations that provide these services. Residential and commercial customers pay these rates on either a per can (based on the size of their garbage

container) or per bin (based on the cubic yards of a weekly service) basis. Industrial customers (those using debris boxes) pay on a per-ton basis.

ANALYSIS

East Bay Sanitary Garbage and Green Waste Collection Rates

EBS sets and charges the rates for garbage and green waste collection based upon maximum rates authorized by the Council, pursuant to City of El Cerrito Municipal Code Chapter 8.12. In 2012, the City and EBS completed a Rate and Operations Review that culminated in Council adopting a Fifth Amendment to the East Bay Sanitary Franchise Agreement (Resolution 2012-89, November 20, 2012). Among other changes, the Amendment resulted in the development of an annual adjustment to EBS's annual rates via a Refuse Rate Index (RRI). The RRI is based upon a proscribed formula in which inflation indices for seven operational cost categories (e.g., fuel and labor) are weighted and calculated to provide an annual percentage adjustment to the revenue requirement. The RRI is lower than the Consumer Price Index (CPI) for the Bay Area.

The Fifth Amendment also established a Revenue Balancing Account, which provides for adjustments in the revenue requirement to account for any difference between the projected rate revenues and the actual rate revenues received in prior calendar years. The Revenue Balancing Account ensures that any over- or under-collection of revenues is captured in future years' rates--meaning that EBS is fairly compensated when revenues are lower than required by the agreement. Conversely, when revenues are higher than required, any over-collection of revenues is used to offset future rate adjustments. Since 2016 the balancing account has shown a surplus and has thus been used to offset rates, including for this current rate setting (as shown in *Table 1, 2019 Revenue Requirements*). This over-collection is primarily a result of revenue coming from debris box orders, which are seasonal and for the most part due to increased demolition and construction activity in the City.

EBS has calculated and proposed a 2019 RRI revenue adjustment of 3.47% over their 2018 revenue requirement. This results in a 2019 revenue requirement of \$4,692,552 for collection operations, an increase of \$157,371, which is offset by \$128,194 in the balancing account, for an overall increase of \$29,177. This increase in the revenue requirement is due primarily to rising fuel and labor costs but is below the San Francisco Bay Area CPI of 4.3% for August 2017 to August 2018. With the assistance of R3 Consulting Group, a consulting firm that specializes in solid waste management, City staff has reviewed the RRI adjustment figures and the proposed 2019 collection revenue requirement and found it accurate, consistent, and reasonable.

The proposed 2019 EBS Collection rates necessary to meet the revenue requirement are included in Attachment 1.

East Bay Sanitary Post-Collection Rates: Processing and Disposal

The City Council also sets the maximum allowable Post-Collection Rates (Resolution 2013-64) to cover expenses for processing and disposal of waste. Effective January 1, 2014, the City Council approved a Post-Collection Agreement between the City and

Republic Services for processing and disposal services (Resolution 2013-54) through the services and facilities of the Golden Bear Transfer Station, Keller Canyon Landfill, West Contra Costa Sanitary Landfill, and West County Resource Recovery.

Per the methodology set forth in the terms of the Post-Collection Agreement (PCA), Republic Services has calculated and proposed a 2019 Blended Rate of \$102.28 per ton of garbage, green waste, construction and demolition debris and commercial dry waste delivered by EBS to Republic's facilities, or a 3.24% increase over last year's rate. This per ton rate also covers costs to provide Household Hazardous Waste (HHW) disposal services for El Cerrito residents both through their satellite program on Tuesdays at the RERC and through the regional HHW Facility in Richmond. With the assistance of R3 Consulting Group and RecycleMore, the regional agency which oversees the HHW budget and post-collection revenue requirement in West County, City staff has reviewed the proposed 2019 Blended Rate and found them accurate, consistent, and reasonable.

These disposal, processing, and HHW costs are paid by EBS to Republic Services as part of their disposal costs and are included in the rates that EBS collects. Because of the effect of EBS's balancing account, the overall increase in rates when applied on a per can basis averages less than RRI increases for both the collection and post-collection components of the EBS fees. The proposed 2019 EBS Post-Collection rates necessary to meet the revenue requirement are included in Attachment 1.

Integrated Waste Management Fee

In 1990, the City of El Cerrito established IWM Fees to cover integrated waste management services. These services include curbside collection of recyclable materials, operations of the El Cerrito Recycling + Environmental Resource Center (RERC), and other waste collection, reduction, recycling and environmental programs operated by the Department of Public Works, Operations + Environmental Services Division (OESD).

The budget for the IWM Fund is approved as part of the City's budget setting process for each fiscal year, while the IWM fees are approved as part of the solid waste rates on a calendar year basis. Thus, the IWM fees considered as part of tonight's public hearing provide IWM revenue for the last half of Fiscal Year (FY) 2018-19 (January through June) and the first half of Fiscal Year 19-20 (July through December).

As part of the City's Biennial Budget for FY 2018-19 and 2019-20, staff projected a 7.5% increase in IWM fees over both fiscal years to smooth out expected shortfalls in recycling revenues, steeper increases in fuel prices, and the costs of new bins to be supplied as new developments order recycling service in FY 2018-19. As reported during the annual budget process and last year's rate setting, the Chinese government has been placing increasingly tight restrictions on the amount and type of recycled material Chinese manufacturers can accept. Since April of last year, these restrictions have caused dramatic changes in the market for recycled materials. As a result, single-stream curbside recyclables are now commanding little or no revenue, and in some communities a surcharge which is comparable to a disposal fee.

At this time, staff is projecting a need to increase revenue from the 2019 IWM fees an additional 5.18% (for a total of 12.68%) due to the following factors:

- Higher than originally projected shortfalls in revenues from the sale of recyclable materials. At this time, the City's curbside recycling program is receiving no revenue for material delivered to our processor. We are currently working with our processor on amending our contract to build in safeguards for the City to receive value as the market recovers. The RERC is continuing to derive a price for much of the material collected at the RERC, and our staff is proactively looking for additional ways to collect, process, and market high value materials. However, the revenues derived from the RERC are not enough to offset the revenues lost from our curbside programs.
- A 1.7% shortfall of IWM fees collected in 2017 due to a combination of delinquent garbage bill accounts and migration to smaller garbage cans.
- To reverse a negative Unrestricted Fund Balance arising from adjustments that were made during the City's Fiscal Year 2016-17 audit.

In addition, staff is proposing to end the IWM Fee holiday on extra green waste carts in the residential sector and on green waste service in the commercial sector. This is due to the City's increased obligations under AB 1826 (Mandatory Commercial Organics Recycling) and SB 1383 (Short-Lived Climate Pollutants). Both these mandatory organics recycling laws require that compliance be implemented through local governments. With regard to AB 1826, staff is spending more time with businesses providing technical assistance and confirming organics recycling compliance. Although SB 1383, which requires mandatory organics recycling in both the residential and commercial sectors, does not become effective until January 2022, it does include milestones for local governments as early as 2019.

The proposed 2019 IWM Fees necessary to generate \$2,643,655 in IWM Fee revenues are included in Attachment 1.

Overall Changes to the Rates

Overall, the revenue requirement for the entire suite of solid waste services will increase by 4.92%, as shown in the Table 1. When this revenue requirement is translated into the per-can monthly service, solid waste rates for customers in all sectors will increase by more, at an average 5.77% as described below.

Table 1: 2018 Revenue Requirements					
	2018	2019	\$ Change	% Change (Each)	% Change (Overall)
EBS Revenue Requirement	\$ 4,535,182	\$ 4,692,552	\$ 157,371	3.47%	1.95%
EBS Balancing Account	\$ (27,523)	\$ (128,194)	\$ (100,671)	365.76%	-1.25%
IWM Collection & RERC	\$ 2,346,128	\$ 2,643,655	\$ 297,527	12.68%	3.68%
Disposal, Composting, HHW	\$ 1,224,668	\$ 1,268,272	\$ 43,604	3.56%	0.54%

Agenda Item No. 6(B)

Total Revenue Requirement	\$ 8,078,455	\$ 8,476,285	\$ 397,830		4.92%
Migration	Migration to smaller garbage cans and bins				0.85%
Total Rate Increase					5.77%

The extra 0.85% arises from customer migration to smaller cans or bin service with lower rates. All solid waste service is priced based on the garbage can or bin size, regardless of how much a customer's reduction in garbage is shifted to recycling and green waste. While downsizing cans and sending less garbage to the landfill is a testament to the success of El Cerrito's recycling and green waste programs, the fixed costs of providing these services does not similarly decrease and therefore needs to be spread over a greater number of customers who pay less for monthly service. While migration of residential carts from 35-gallon to 20-gallon service is slowing to about 2% a year, migration to less garbage service in the commercial sector is picking up – in part because of the mandatory recycling and organics recycling laws mentioned above. As such, commercial rates are seeing a slightly higher rate increase than residential. These higher rates reflect the higher compliance and capacity burdens placed on the City in working with businesses to ensure compliance, to provide more recycling bins, and to provide more recycling service on the City's commercial routes.

Adoption of the combined fees will result in total monthly cost increases of \$2.10 for 20-gallon customers (43% of cart subscriptions), \$2.50 for 35-gallon customers (51% of cart subscriptions), and \$5.03 for 64-gallon customers (5% of cart subscriptions). Bulk commercial collection rates will increase by an average of 6.18%. The proposed IWM Fees and EBS Collection and Post-Collection Rates are included in Attachment 1 (2019 Garbage, Green Waste and Recycling Rates).

It is important to note that many communities in California are similarly seeing larger than average increases in solid waste rates due to the downturn in recycling markets. Recent solid waste rate increases in Northern California and the Bay Area include Davis at 13.5%, San Rafael at 9.29%, Hercules at 5.71% and San Pablo at 4.93%.

STRATEGIC PLAN CONSIDERATIONS

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

- Goal A: Deliver Exemplary Government Services by maintaining an emphasis on providing excellent customer service.
- Goal F: Foster Environmental Sustainability Citywide (Implement the City's Climate Action Plan, including reducing the amount of waste generated in El Cerrito). Specifically, the proposed rates and fees will support high waste diversion rates.

ENVIRONMENTAL CONSIDERATIONS

Reliable and proper disposal, processing, and diversion of solid waste is necessary to protect the health and welfare of the community and environment. The services being

funded by the proposed 2019 IWM Fees and EBS Collection Rates and Post-Collection Rates not only ensure reliable solid waste collection, they will enable El Cerrito to reduce its environmental impact through strong solid waste diversion and HHW programs, while responding to the dramatic downturn in the recycling markets precipitated by the Chinese "National Sword" policy.

FINANCIAL CONSIDERATIONS

Adopting the combined IWM Fees and EBS Rates as proposed supports the revenue requirements of the entities that provide solid waste services in El Cerrito. Adoption of the proposed IWM Fees will result in higher IWM revenues than projected in the adopted Biennial Budget for FY 2018-19 and 2019-20, in order to overcome shortfalls in recycling revenues due to unprecedented changes in recycling markets, in IWM fees collected in FY 17-18 due to migration and delinquent payment of bills, and in a decrease in the IWM fund's unrestricted fund balance due to audit adjustments.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed. The Notice of Public Hearing for the IWM and EBS fees were publicly posted on November 9, 2018 and published in the November 9 and November 15, 2018 editions of the West County Times.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. 2019 Garbage, Green Waste and Recycling Rates
2. Resolution Fixing and Setting the IWM Fees
3. Resolution Establishing Maximum Allowable Rates for Collection of Garbage and Green Waste

The City of El Cerrito



2019 Solid Waste Collection, Processing and Disposal Rates

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

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

Weekly Collection of Recycling, Green Waste, and Garbage						
<i>Monthly Cost based on garbage container size</i>						
Container Size	Collection	Post-Collection	IWM Fee	2019 Total Monthly Cost	2018 Total Monthly Cost	\$ Change in Monthly Cost
20 Gallon Cart	\$ 19.61	\$ 4.40	\$ 13.62	\$ 37.64	\$ 35.54	\$ 2.10
35 Gallon Cart	\$ 27.03	\$ 7.71	\$ 14.89	\$ 49.63	\$ 47.14	\$ 2.50
64 Gallon Cart	\$ 55.04	\$ 15.42	\$ 29.18	\$ 99.64	\$ 94.61	\$ 5.03
Weekly Collection of Additional Green Waste Containers (one 64 gallon container serviced weekly included in above rates)						
<i>Monthly Cost based on size of additional green waste container(s)</i>						
Container Size	Collection	Post-Collection	IWM Fee	2019 Total Monthly Cost	2018 Total Monthly Cost	\$ Change in Monthly Cost
35 Gallon Cart	\$ 28.00	Included	\$ 1.50	\$ 29.50	\$ 28.00	\$ 1.50
64 Gallon Cart	\$ 54.00	Included	\$ 3.00	\$ 57.00	\$ 54.00	\$ 3.00

Integrated Waste Management (IWM) Fee: The IWM Fee covers curbside recycling collection for El Cerrito residents and businesses and supports the daily operations of the El Cerrito Recycling Center. The Fee is set and assessed on each trash and extra greenwaste container collected by East Bay Sanitary Company, based on trash container size.

2019 Solid Waste Collection, Processing and Disposal Rates

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

Commercial Solid Waste Services include collection of recycling (grey), green waste (green), garbage (blue) and most services at the El Cerrito Recycling + Environmental Resource Center. Additional recycling carts are available at no extra cost.

Once Weekly Collection of Garbage						
<i>Monthly Cost based on garbage container size.</i>						
Container Size	Collection	Post-Collection	IWM Fee	2019 Total Monthly Cost	2018 Total Monthly Cost	\$ Change in Monthly Cost
20 Gallon Cart	\$ 19.61	\$ 4.40	\$ 13.62	\$ 37.64	\$ 35.54	\$ 2.10
35 Gallon Cart	\$ 27.03	\$ 7.71	\$ 14.89	\$ 49.63	\$ 47.14	\$ 2.50
64 Gallon Cart	\$ 55.04	\$ 15.42	\$ 29.18	\$ 99.64	\$ 94.61	\$ 5.03
One Cubic Yard	\$ 188.71	\$ 44.60	\$ 105.24	\$ 338.54	\$ 319.07	\$ 19.47
Two Cubic Yards	\$ 361.19	\$ 89.19	\$ 210.47	\$ 660.86	\$ 621.91	\$ 38.95
One Cubic Yard (Green Waste)	\$ 179.71	\$ 44.60	\$ 24.18	\$ 248.49	NA	NA
Multiple Weekly Collections of Garbage						
<i>Monthly Cost based on garbage container size and number of pickups per week.</i>						
Container Size	Pickups per week					
	1	2	3	4	5	6
20 Gallon Cart	\$ 37.64	\$ 75.27	\$ 112.91	\$ 150.54	\$ 188.18	\$ 225.81
35 Gallon Cart	\$ 49.63	\$ 99.27	\$ 148.90	\$ 198.53	\$ 248.17	\$ 297.80
64 Gallon Cart	\$ 99.64	\$ 199.28	\$ 298.92	\$ 398.56	\$ 498.20	\$ 597.84
One Cubic Yard	\$ 338.54	\$ 606.02	\$ 892.97	\$ 1,179.93	\$ 1,466.88	\$ 1,753.83
Two Cubic Yards	\$ 621.91	\$ 1,195.81	\$ 1,769.72	\$ 2,343.63	\$ 2,917.53	\$ 3,491.44
Green Waste Collection						
<i>Monthly Cost based on green waste container size and number of pickups per week.</i>						
Container Size	Pickups per week					
	1	2	3	4	5	
35 Gallon Cart	\$ 29.50	\$ 59.00	\$ 88.50	\$ 118.00	\$ 147.50	
64 Gallon Cart	\$ 57.00	\$ 114.00	\$ 171.00	\$ 228.00	\$ 285.00	
One Cubic Yard	\$ 248.49	\$ 496.98	\$ 745.47	\$ 993.96	\$ 1,242.45	
On-Call Bulk Collection (Debris Boxes and Compactors)						
<i>Rates listed are per pickup, and are not inclusive of all charges for these services. Please call East Bay Sanitary for complete rates and fees at 510-237-4321.</i>						
Container Type	Collection	Post-Collection	IWM Fee	Total		
Compacted Rates (per yard)	\$ 72.28	\$ 20.58	\$ 24.29	\$ 117.14		
Roll-off (Debris Box)	Market Rate (per load)	Market Rate (per ton)	\$80.00 (per load)	Varies - Call East Bay Sanitary at 510-237-4321 for price quote.		

Integrated Waste Management (IWM) Fee: The IWM Fee covers curbside recycling collection for El Cerrito residents and businesses and supports the daily operations of the El Cerrito Recycling Center. The Fee is set and assessed on each trash and greenwaste container collected by East Bay Sanitary Company, based on trash container size.

RESOLUTION 2018-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ESTABLISHING
MAXIMUM ALLOWABLE RATES FOR THE COLLECTION OF GARBAGE AND GREEN
WASTE EFFECTIVE JANUARY 1, 2019

WHEREAS, the City of El Cerrito and East Bay Sanitary Company ("the Company") have entered into that certain Franchise Agreement dated September 2, 1997 (as amended, the "Franchise Agreement"); and

WHEREAS, the Company has submitted a request for rate increases to be effective January 1, 2019, and such increases were calculated pursuant to the methodology established in the Fifth Amendment to the Franchise Agreement, dated December 14, 2012; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the maximum monthly rates, unless otherwise noted, that East Bay Sanitary Company may charge, effective January 1, 2019 are as follows:

Garbage Container Size	EBS Collection Rate (\$)	Post-Collection Rate (\$)
20 Gallon Cart	19.61	4.40
35 Gallon Cart	27.03	7.71
64 Gallon Cart	55.04	15.42
One Cubic Yard	188.71	44.60
Two Cubic Yards	361.19	88.19
35 Gallon Green Waste	28.00	0.00
64 Gallon Green Waste	54.00	0.00
One Cubic Yard (Green Waste)	179.71	44.60
Compacted Rates (per yard)	72.28	20.58
Roll-off (per ton)	NA – Market Rate	NA – Market Rate

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

I CERTIFY that at a regular meeting on November 20, 2018 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, 2018.

Sherry Kelly, Acting City Clerk

APPROVED:

Gabriel Quinto, Mayor

RESOLUTION 2018-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO FIXING AND SETTING THE INTEGRATED WASTE MANAGEMENT FEES EFFECTIVE JANUARY 1, 2019

WHEREAS, the City of El Cerrito has established Integrated Waste Management Fees (IWM Fees) for Integrated Waste Management Services provided by the Department of Public Works including operation of the El Cerrito Recycling + Environmental Resource Center, curbside collection of recyclable materials, and other waste collection, reduction, recycling and related environmental programs; and

WHEREAS, the City Council of the City of El Cerrito sets and charges the IWM Fees, and the Fees are collected by East Bay Sanitary Company as part of the garbage bills and transferred in whole to the City of El Cerrito's Integrated Waste Management fund; and

WHEREAS, the City has reviewed and considered financial information as a part of the regular budget process as well as more recent financial information to determine whether increases to IWM Fee revenues are warranted and justified; and

WHEREAS, the City Council intends to adopt IWM Fees to be effective January 1, 2019, thus keeping the Department of Public Works Integrated Waste Management functions as an on-going concern.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Cerrito that the rates for each IWM service shall be as follows, effective January 1, 2019:

Garbage Container Size	IWM Fee
20 Gallon Cart (per mo.)	\$ 13.62
35 Gallon Cart (per mo.)	14.89
64 Gallon Cart (per mo.)	29.18
One Cubic Yard (per mo.)	105.24
Two Cubic Yards (per mo.)	210.47
35 Gallon Green Waste (per mo.)	1.50
64 Gallon Green Waste (per mo.)	3.00
One Cubic Yard (Green Waste)	24.18
Compacted (per yard)	24.29
Roll-off (per load)	80.00

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

I CERTIFY that at a regular meeting on November 20, 2018 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, 2018.

Sherry Kelly, Acting City Clerk

APPROVED:

Gabriel Quinto, Mayor



AGENDA BILL

Agenda Item No. 7(A)

Date: November 20, 2018
To: El Cerrito City Council
From: City Council Ad Hoc Committee for City Manager Contract
Subject: City Manager Employment Agreement

ACTION REQUESTED

Adopt resolution approving an employment agreement between the City of El Cerrito and Karen Pinkos to be the new City Manager.

BACKGROUND

In June of this year, Scott Hanin, the current City Manager, announced his retirement, to be effective at the end of the calendar year. The City Council decided to interview Karen Pinkos, the current Assistant City Manager, to succeed Mr. Hanin as City Manager. Ms. Pinkos has worked for the City for 17 years, starting as Assistant to the City Manager and subsequently being promoted to Assistant City Manager. In addition to leading numerous initiatives in the City, during her time as Assistant City Manager, she has acted as head of the Community Development Department and Human Resources. She was elected to be the President of the International City/County Management Association (ICMA)—the first assistant city manager ever to be elected to the position.

After the interview and deliberations, the City Council offered the position to Ms. Pinkos, and she accepted. The City Council appointed Mayor Quinto and Councilmember Lyman to serve as an ad hoc committee to meet with Ms. Pinkos to negotiate an employment agreement.

The Ad Hoc Committee worked with the City Attorney to review current salary information for El Cerrito executive employees and for city managers in comparable cities. They also reviewed the current City Manager Employment Agreement and sample agreements from other jurisdictions. The Ad Hoc Committee and Ms. Pinkos met multiple times to discuss compensation and other terms of employment.

On the basis of the City Council's direction and the negotiation process, the Ad Hoc Committee recommends approving the attached employment agreement between the City and Ms. Pinkos.

ANALYSIS

The Ad Hoc Committee's recommendation is to provide Ms. Pinkos starting base pay of \$19,166.67 monthly. That amount is approximately 5.0% more than the current monthly salary of the highest paid department head and approximately 6.5% less than the salary of the current City Manager. It is also at the lower end of the range of base pay for city managers within Contra Costa County and among comparable cities that were included in the Ad Hoc Committee's review. The proposed base pay is consistent with the City

Agenda Item No. 7(A)

Council's opinion of Ms. Pinkos's work and experience as Assistant City Manager. Under the proposed agreement, Ms. Pinkos would be eligible for annual cost-of-living adjustments in line with all other management employees and for performance-based adjustments of up to 4%, dependent on City Council evaluations of her work.

Ms. Pinkos would otherwise receive the same compensation and benefits as other management employees, as established by City Council resolutions, or as provided for in previous City Manager employment agreements.

The proposed agreement with Ms. Pinkos is attached to this staff report and made available to the public consistent with California law.

FINANCIAL CONSIDERATIONS

No changes to the current fiscal year budget are required for the proposed employment agreement with Ms. Pinkos.

LEGAL CONSIDERATIONS

The City Attorney prepared the employment agreement and has reviewed this report.

Reviewed by:



Gabriel Quino, Mayor

Attachments:

1. Resolution approving City Manager Employment Agreement
2. City Manager Employment Agreement

3077762.1

RESOLUTION 2018–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING AN EMPLOYMENT AGREEMENT WITH KAREN PINKOS TO SERVE AS CITY MANAGER

WHEREAS, in June 2018, Scott Hanin announced his retirement as City Manager, to be effective at the end of the calendar year; and

WHEREAS, the City Council determined to interview Karen Pinkos, the current Assistant City Manager, for the position of City Manager. After an interview with Ms. Pinkos, the City Council offered her the position, and she accepted; and

WHEREAS, the City Council appointed an Ad Hoc Committee of Mayor Quinto and Councilmember Lyman to meet with Ms. Pinkos to negotiate an employment agreement. The Ad Hoc Committee evaluated executive compensation within the City and compensation of city managers in Contra Costa County and comparable cities. It also considered the City Council's opinion of Ms. Pinkos's work and experience as Assistant City Manager. As a result of those factors and contract negotiations, the Ad Hoc Committee recommended a City Manager Employment Agreement to the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it approves the City Manager Employment Agreement between the City and Karen Pinkos, attached as Exhibit A.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the Mayor to execute the agreement.

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

I CERTIFY that at a regular meeting on November 20, 2018, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on _____, 2018.

Sherry Kelly, Acting City Clerk

APPROVED:

Gabriel Quinto, Mayor

3077761.1

**CITY OF EL CERRITO
EMPLOYMENT AGREEMENT
KAREN PINKOS**

INTRODUCTION

This Employment Agreement (this “**Agreement**”) is made and entered into this ___ day of ____, 2018, by and between the **CITY OF EL CERRITO**, a municipal corporation, (“**Employer**” or “**City**”) and **KAREN PINKOS**, an individual (“**Employee**” or “**City Manager**” or “**Pinkos**”). City and Pinkos may be referred to in this Agreement individually as a “**Party**” or collectively as the “**Parties**.” The Parties agree as follows:

SECTION 1 EMPLOYMENT AND TERM

- A. City agrees to employ Pinkos as City Manager of the City, and Pinkos agrees to accept such employment.
- B. The term of this Agreement shall be through December 31, 2021.

SECTION 2 DUTIES AND AUTHORITY

Pinkos agrees to perform the functions and duties of the City Manager specified in the El Cerrito Charter, the El Cerrito Municipal Code, and the California Government Code, and to perform other legally permissible and proper duties and functions.

SECTION 3 COMPENSATION

- A. Base Salary: Employer agrees to pay Employee a monthly Base Salary of \$19,166.67. Employee’s Base Salary shall be increased annually by the same cost of living factor as is applied to the base salary of the unrepresented management employees, effective the first pay period of each July.
- B. Upon satisfactory performance, to be determined by the City Council, effective the first pay period in January 2020, Employee’s Base Salary may be increased by up to 4%.
- C. Upon satisfactory performance, to be determined by the City Council, effective the first pay period in January 2021, Employee’s Base Salary may be increased by up to 4%.
- D. The City Council’s determination of satisfactory performance and related adjustments of Employee’s Base Salary, if any, shall be made as part of an annual performance evaluation, including but not limited to an assessment of Employee’s achievement of any goals or performance objectives.

**SECTION 4 HEALTH, LONG TERM DISABILITY AND LIFE INSURANCE
BENEFITS**

Employer agrees to provide health, vision, dental, long term disability and comprehensive medical insurance coverage for Employee and her dependents equal to that which is provided to all other unrepresented management employees of the City, as established by resolution of the City Council. Employer's contribution toward the premiums for said coverage shall be equal to that which Employer contributes to other unrepresented management employees.

**SECTION 5 VACATION, SICK, BEREAVEMENT, AND
MANAGEMENT/EXECUTIVE LEAVE AND HOLIDAYS**

The parties recognize the importance of taking regular time off. Accordingly, Employee is encouraged to take regular vacations and to utilize her management/executive leave on an annual basis.

- A. Employee shall accrue sick leave on the same basis and at the same rate as provided to management employees, as established by resolution of the City Council. Upon assuming office, Employee shall be allowed to retain all the sick leave that she had previously accrued in her employment with Employer. Employee is permitted to use sick leave in connection with the birth or adoption of a child, as well as for other sick leave eligible uses (i.e., serious illness or medical condition of the employee; serious illness or medical condition of a family member who requires the employee's assistance).
- B. Employee shall accrue vacation leave on the same basis and at the same rate as provided to management employees, as established by resolution of the City Council. Upon assuming office, Employee shall be allowed to retain all the vacation leave that she had previously accrued in her employment with Employer.
- C. Employee shall on July 1 of each calendar year be credited with 75 hours of executive/administrative leave. Upon assuming office, Employee will be credited with 37.5 hours of executive/administrative leave or may retain all executive/administrative leave that she had previously accrued in her employment with Employer, whichever is greater. In the event of termination or resignation from employment, Employee shall be entitled to compensation for one hundred percent of accumulated and unused administrative leave days, up to the maximum that may be accumulated.
- D. In the event Employee's employment is terminated, either voluntarily or involuntarily, Employee shall be compensated for all accrued vacation, sick, and holiday leave at Employee's then-current monthly salary rate, in accordance with the policy established by City Council resolution for management employees. Alternatively, if allowed by CalPERS, Employee may apply those accrued leave balances toward service credit for retirement purposes.
- E. Employee shall receive the same paid holidays, floating holidays, and birthday holiday and shall be entitled to the same bereavement leave as management employees, as established by resolution of the City Council.

SECTION 6 AUTOMOBILE ALLOWANCE

Employee shall be provided a monthly automobile allowance of \$350 in exchange for making a vehicle available for the City Manager's own use and for City-related business and/or functions during, before, and after normal work hours. By the City Manager making the City Manager's personal automobile available for use, the City Manager is not precluded from using City vehicles for City business during, before, and after the normal workday on occasion, when appropriate.

SECTION 7 RETIREMENT

- A. Employer agrees to enroll Employee into the California Public Employees Retirement System (“**CalPERS**”) in accordance with applicable CalPERS law and the City’s contract with CalPERS.
- B. Under Government Code Section 20636(c), the City has elected to report the value of employer-paid member contributions (“**EPMC**”) to CalPERS as additional compensation.
- C. For the purposes of reporting to CalPERS reporting, to the extent permitted by CalPERS, the City shall incorporate into the reported base pay as compensation earnable all payments to the City Manager for the following: Base Salary, pay for performance, incentive payments, cafeteria plan contributions, City-paid employee portion of payments to CalPERS, and deferred compensation.

SECTION 8 GENERAL BUSINESS EXPENSES.

- A. Employer appreciates the importance of Employee’s participation and leadership in leading professional organizations. In its discretion, Employer shall budget for and pay travel and subsistence expenses of Employee for professional and official travel, meetings, courses, institutes and seminars to continue her professional development and to adequately pursue necessary official and other functions on behalf of Employer, including but not limited to, the annual conference of the League of California Cities, the International City/County Management Association (“**ICMA**”), California City Management Foundation, and such other regional, state, and local governmental groups and committees. The City acknowledges that during the first year of this Agreement Pinkos will serve as President of ICMA. The City supports Pinkos’s contribution to her profession through her service to ICMA and acknowledges the benefits to the City.
- B. Employer acknowledges the value of having Employee, at Employer’s discretion, participate and be directly involved in local or regional clubs, associations and organizations necessary and desirable for Employee’s continued professional participation, growth and advancement, and for the good of Employer. Accordingly, Employer shall pay for the reasonable membership fees and/or dues to enable Employee to become an active member in local civic clubs or organizations.
- C.. The City shall pay the premium on any bond that Employee is required to provide pursuant to California law and the El Cerrito Municipal Code.

SECTION 9 TERMINATION AND NON-RENEWAL OF AGREEMENT

- A. Employee is an at-will employee who shall serve at the pleasure of the City Council. The City Council may terminate Employee's employment at any time, subject to any restrictions in the City Charter, with or without cause. Nothing in this Agreement is intended to, or does, confer upon Employee any right to any property interest in continued employment or any due process rights of any kind.
- B. For the purpose of this Agreement, termination shall occur when the majority of the governing body votes to terminate the Employee at a duly authorized closed or open meeting.
- C. Employee's employment shall not be terminated during the 90-day period preceding or following any City election for membership on the City Council; during the 90-day period following the appointment of incumbent members of the City Council in lieu of an election; or during the 90-day period following any change in membership of the City Council.

SECTION 10 SEVERANCE

- A. Employee shall be entitled to severance pay of a lump sum payment equal to twelve (12) months' Base Salary in the event that City either terminates Employee's employment without cause or provides notice of nonrenewal of this Agreement, consistent with the provisions of Section 9. In the event that the Parties mutually agree that Employee will thereafter continue employment as City Manager, the severance payment to Employee shall be reduced as provided for in Section 9. The severance under this Agreement shall be subject to the restrictions set forth in Government Code section 53260. Said payment of severance pay shall be conditioned upon Employee signing a waiver and release agreement forever releasing and waiving any and all claims against the City in a form acceptable to the City. Employee shall receive the severance payment in a lump sum payment minus all applicable deductions fifteen (15) business days after execution of the waiver and release agreement. Employee shall not receive any severance payments if she resigns, is terminated for cause, or if a waiver and release agreement is not executed by the parties.
- B. In the event City terminates Employee's employment without cause, Employer shall extend to Employee the right to continue health insurance as may be required by and pursuant to the terms and conditions of the Consolidated Omnibus Budget Reconciliation Act of 1986 ("**COBRA**"). Employer agrees to pay Employee's COBRA coverage for the same number of months for which the Employee is entitled to severance pay under this Section, or until the Employee either secures full-time employment or obtains other health insurance, whichever of these three events first occurs. Employee shall notify Employer within five days of securing new full-time employment or insurance.
- C. This Section does not confer any property rights on Employee, as she remains an at-will employee. If Employer terminates Employee's employment for cause (also terminating this Agreement), Employee shall not be entitled to any additional compensation or

payment, including severance, but shall be entitled only to accrued base salary and vacation pay, and any other accrued and unused benefit allowances according to their terms. The phrase “termination for cause” only pertains to Employee’s eligibility for severance as described in this Section. A “termination for cause” for purposes of severance includes only the following:

1. Conviction of, or plea of guilty or nolo contendere to, any crime or offense (other than minor traffic violations or similar offenses) which is likely to have a material adverse impact on the City or on the Employee’s reputation.
 2. Proven failure of the Employee to observe or perform any of her duties and obligations, if that failure continues for a period of thirty (30) business days from the date of receipt of notice from the City Council specifying the acts or omissions deemed to amount to that failure.
 3. Conviction of any crime involving an “abuse of office or position,” as that term is defined in Government Code Section 53243.4.
 4. Repeated failure to carry out a directive or directives of the City Council made by the City Council as a body at a Brown Act compliant meeting.
 5. Any grossly negligent action or inaction by Employee that materially and adversely: (a) impedes or disrupts the operations of City or its organizational units; (b) is detrimental to employees or public safety; or (c) violates City’s properly-established rules or procedures.
 6. Repeated and protracted unexcused absences from the City Manager’s office and duties.
- D. Pursuant to Government Code section 53243.2, any cash settlement related to the termination of this Agreement received by Employee from Employer shall be fully reimbursed to City if Employee is convicted of a crime involving an abuse of her office or position as defined in California Government Code section 53243.4.
- E. In the event City terminates City Manager for cause, City and City Manager agree that neither Party shall make any written or oral statements to members of the public or the press concerning City Manager's termination except in the form of a joint press release which is mutually agreeable to both Parties. The joint press release shall not contain any text or information that would be disparaging to either Party. Additionally, either Party may verbally repeat the substance of any such press release in response to inquiries by members of the press or public.

SECTION 11 RESIGNATION AND RETIREMENT

- A. In the event that Employee voluntarily resigns her position with Employer or retires from her position, Employee shall provide a minimum of ninety (90) days’ advance written notice unless the parties agree otherwise.

- B. In the event that the City Council, by majority vote in open or closed session, asks Employee to resign, Employee shall be entitled to resign and still receive the severance benefits provided in Section 10 above.

SECTION 12 PERFORMANCE EVALUATION

Annual performance evaluations are an important way for the City Council and the City Manager to ensure effective communications about expectations and performance. City Council and Employee shall meet at least annually before the end of each calendar year but no later than the succeeding January, unless the parties agree to a different schedule. The City Council, in consultation with the Employee, may define goals and performance objective for the position of City Manager as the City Council determines are necessary for the proper operation of the City. If either City Council or the City Manager requests it, a professional facilitator may be hired to assist in the performance evaluation process. The City Council and Employee may establish a relative priority among the goals and performance objectives. The City Council may consider the goals and performance objectives in making compensation decisions for Employee, taking into account available time, annual operating budgets, and appropriations.

SECTION 13 HOURS OF WORK

It is recognized that Employee must devote a great deal of time outside the normal office hours on business for Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

SECTION 14 OUTSIDE ACTIVITIES

- A. The employment provided for by this Agreement shall be the Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to Employer and the community, Employee may elect, with the prior written approval of the Mayor, and written notification to the full City Council, to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with nor a conflict of interest with her responsibilities under this Agreement.
- B. The Parties acknowledge that Pinkos is a member of ICMA. The Parties mutually desire that Pinkos be subject to and comply with the ICMA Code of Ethics. A copy of the current version of the ICMA Code of Ethics is attached to this Agreement as **Attachment A**. The City and the City Council agree that neither the City Council nor any of its members will give Pinkos any order, direction, or request that would require her to violate the ICMA Code of Ethics, as they exist as of the Effective Date of this Agreement or as they may be amended in the future.

SECTION 15 INDEMNIFICATION

City shall defend, hold harmless, and indemnify Employee, using legal counsel of City's choosing, in any action or proceeding alleging an act or omission within the scope of Employee's employment. The defense provided by City under this section shall extend until a final determination of all issues in the action or proceeding. In the event that there is a conflict of

interest between City and Employee, such that independent counsel is required for Employee, Employee may engage her own legal counsel, and City shall indemnify Employee, including direct payment of all reasonable fees and costs of Employee's legal counsel. Notwithstanding anything to the contrary in this Agreement, in accordance with California Government Code section 825(a), Employer reserves the right to not pay any judgment, compromise, or settlement subject to that section if it is established that the action or proceeding arose out of an act or omission that did not occur within the scope of Employee's employment pursuant to this Agreement. Further, notwithstanding anything to the contrary in this Agreement, Employer reserves the right to refuse to provide for the defense of Employee for the reasons set forth in California Government Code section 995.2 or other applicable provisions of law. Any City funds provided for the legal criminal defense of Employee shall be fully reimbursed in accordance with California Government Code section 53243.1 if Employee is convicted of a crime involving an abuse of her office or position as defined in California Government Code section 53243.4.

SECTION 16 ABUSE OF OFFICE

Government Code sections 53243, 53243.1, 53243.2, and 53243.3 are incorporated by this reference as if fully set forth herein.

SECTION 17 OTHER TERMS AND CONDITIONS OF EMPLOYMENT

Employer, only upon agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the El Cerrito Charter or any other law.

SECTION 18 NOTICES

Any notice to either Party shall be in writing and given by delivering the same to such Party in person; by sending the same by registered mail, return receipt requested, with postage prepaid; or by email, to the following addresses:

EMPLOYER: City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
ATTN:
Email:

EMPLOYEE: Karen Pinkos
[TO BE FILLED IN BUT REDACTED IN PUBLIC VERSION]

Either Party may change its mailing address at any time by giving 10 days' written notice to the other party. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the United States Postal Service. Notice by email transmission shall be deemed given upon verification of receipt if received before 5:00 p.m. on a regular business day or else on the next business day.

SECTION 19 GENERAL PROVISIONS

- A. Integration. This Agreement sets forth and establishes the entire understanding between Employer and Employee relating to the employment of Employee by Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provisions of this Agreement during the life of this Agreement. Such amendments shall be incorporated and made a part of this Agreement.
- B. Binding Effect. This Agreement shall be binding on Employer and Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.
- C. Effective Date. This Agreement shall become effective on December 25, 2018, upon the retirement of the current City Manager (the “**Effective Date**”).
- D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties.
- E. Survivability. Any provision of this Agreement that imposes an obligation after termination or expiration of this Agreement shall survive such termination or expiration and be binding on the Parties.
- F. Amendments. This Agreement may be amended at any time by mutual agreement of the City and Pinkos. An amendment shall not constitute termination of Pinkos or of this Agreement. Any amendments must be in writing and approved by the City Council.

IN WITNESS WHEREOF the CITY OF EL CERRITO, a municipal corporation, has authorized the execution of this Agreement in duplicate by its Mayor and attestation by its City Clerk under authority of Resolution _____ adopted by the Council of the City of EL CERRITO on the ____ day of _____, 2018, and EMPLOYEE has caused this Agreement to be duly executed.

CITY OF EL CERRITO,
a municipal corporation

EMPLOYEE

By: [NAME], Mayor

By: Karen Pinkos

ATTEST:

By: Sherry Kelly, Acting City Clerk

APPROVED AS TO FORM:

By: Sky Woodruff, City Attorney

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