



AGENDA

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, March 7, 2017 – 6:00 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, March 7, 2017 – 7:00 p.m.

City Council Chambers for the Consent Calendar

Hillside Conference Room for Commission Interviews

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto
Councilmember Greg Lyman

Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

- 6:00 p.m. ROLL CALL**
CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION
ORAL COMMUNICATIONS FROM THE PUBLIC *(Comments limited to two minutes and to items on the Special City Council meeting agenda only.)*
ANNOUNCEMENT OF CLOSED SESSION
Conference with Labor Negotiators *(Pursuant to Government Code Section 54957.6)*
Agency Designated Representatives: Scott Hanin, City Manager, Glenn Berkheimer, Labor Negotiator, Sky Woodruff, City Attorney and Karen Pinkos, Assistant City Manager/Human Resources Manager
Employee Organizations: Service Employees International Union Local 1021
International Association of Fire Fighters Local 1230
El Cerrito Police Employees Association
El Cerrito Public Safety Management
Unrepresented Employees
ADJOURN SPECIAL CITY COUNCIL SESSION – CLOSED SESSION
- ROLL CALL**
- 7:00 p.m. 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 & City 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. PRESENTATIONS

A. March is American Red Cross Month Proclamation

Approve a proclamation declaring March 2017 as American Red Cross Month in the City of El Cerrito and encouraging all residents to support this organization and its noble humanitarian mission.

B. Environmental Quality Committee Workplan – *Presentation by Howdy Goudey, Environmental Quality Committee Chair.*

Receive a presentation on the Environmental Quality Committee's accomplishments, goals and workplan.

C. Specific Plan Overview – *Presentation by Melanie Mintz, Community Development Director.*

5. ADOPTION OF THE CONSENT CALENDAR – **Item No. 5(A) through 5(C)**

A. Approval of Minutes

Approve the February 21, 2017 Special City Council and Regular City Council and the February 23, 2017 Special City Council meeting minutes.

B. Women's History Month and International Women's Day Proclamation

Approve a proclamation declaring March 2017 as Women's' History Month and March 8, 2017 as International Women's Day in the City of El Cerrito, and encouraging residents to reflect on, honor, and celebrate the history, courage, commitment, accomplishments and contributions of women, not only in El Cerrito but throughout America.

C. Support "Tibetan Action Year"

At the request of Mayor Pro Tem Quinto, adopt a resolution urging China to respect the Tibetan People's right to self-determination, safeguard their human rights and their pristine environment, and to resume dialogue with His Holiness the Dalai Lama and other Tibetan leaders.

6. PUBLIC HEARINGS – *None*

7. POLICY MATTERS

A. Support for Senate Bill 300, The Health Warning Label on Sugar Sweetened Beverages Act

At the request of Mayor Pro Tem Quinto, adopt a resolution endorsing California Senate Bill 300 (Monning), the Health Warning Label on Sugar Sweetened Beverages Act and encouraging other governmental bodies throughout the state to do the same.

8. CITY COUNCIL LOCAL AND 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, March 21, 2017 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/ind-ex.aspx?NID=114>. 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 cmorse@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.

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing March as American Red Cross Month in the City of El Cerrito

WHEREAS, in El Cerrito, we have a long history of helping our neighbors in need. American Red Cross Month is a special time to recognize and thank our heroes – those Red Cross volunteers and donors who give of their time and resources to help community members; and

WHEREAS, these heroes help families find shelter after a home fire. They give blood to help trauma victims and cancer patients. They deliver comfort items to military members in the hospital. They use their lifesaving skills to save someone from a heart attack, drowning or choking. They enable children around the globe to be vaccinated against measles and rubella; and

WHEREAS, the American Red Cross depends on local heroes to deliver help and hope during a disaster. We applaud our heroes here in El Cerrito who give of themselves to assist their neighbors when they need a helping hand; and

WHEREAS, across the country and around the world, the American Red Cross responds to disasters big and small. In fact, every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected. It collects nearly 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches millions lifesaving skills, such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict or migration; and

WHEREAS, in 2016 in Contra Costa County, our volunteers responded to 93 house fires, assisted 182 affected households and taught 281 students fire safety through our Pillowcase Project. We taught First Aid, CPR & AED to 5,832 enrollees and Aquatic & Water Safety to 5,326. Through our Service to the Armed Forces, we held briefings for 235 families of service members; and responded to 97 Emergency Service Cases. And we provided 13,303 Blood Donations. Regionally, the Red Cross provided 27,219 Northern Californians with our lifesaving mobile apps, and accounted for 173,224 volunteer hours teaching safety, donating blood, and responding to wildfires, flooding and other emergencies from Monterey to the Oregon border; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim March 2017 as American Red Cross Month in the City of El Cerrito, and encourages all Americans to support this organization and its noble humanitarian mission.

Dated: March 7, 2017

Janet Abelson, Mayor



Environmental Quality Committee

2017 WORK PLAN

AND

2016 ACCOMPLISHMENTS

Members: Chair Howdy Goudey, Vice-Chair Robert Schaadt, Sean O'Connor, Charles Hargrove, Trina Mackie, Rebecca Milliken, Mark Miner, Paloma Pavel, Renée Solari, Ellen Spitalnik, David Weinstein

MISSION STATEMENT:

The Environmental Quality Committee's **mission** is to educate, inspire, and activate our community to sustainably thrive.

Because the City of El Cerrito recognizes that environmental quality is an important issue that demands immediate and ongoing attention, the Environmental Quality Committee (EQC) was established in 2008 by Resolution 2008-13, as a Council-appointed body of up to 15 El Cerrito residents and business owners. It meets every 2nd Tuesday of the month at 7 PM in City Council Chambers. The enabling resolution identifies the whole City's role and responsibility in reducing environmental impact, as well as demonstrating environmental leadership and affecting cultural change in the way that the City and its citizens relate to the environment.

The EQC **duties and responsibilities**, as stated in its enabling resolution, are:

1. To serve in an advisory capacity to the City Council, staff, other boards, commissions, and committees, and the citizens of the City with regard to environmental quality issues within the City of El Cerrito
2. To recommend programs, policies, and ordinances to the City Council and promote the City's environmental quality efforts
3. Promote and foster public awareness, education, interest and support for environmental quality efforts, foster volunteer opportunities, and educate El Cerrito citizens regarding environmental quality and issues relating to environmental impacts

The EQC **goals** are:

1. Promote community and individual environmental education, action and engagement, including environmental equity/justice
2. Involve learners of all ages
3. Help businesses and residents live in a more sustainable and environmentally friendly fashion
4. Inform and champion the City's environmental policies and ordinances
5. Reduce greenhouse gas emissions to meet and exceed targets of the El Cerrito Climate Action Plan (and propose revised goals, as appropriate)
6. Change material use patterns by encouraging Reduction, Reuse, Recycling and Composting
7. Champion energy/water efficiency, renewable energy generation, and efficient transportation
8. Minimize hazardous chemical use and human/environmental exposure to toxics
9. Protect, expand and steward green spaces with public path/trail connectivity, maintain and restore natural areas with an emphasis on native ecosystems, and encourage a network of human/wildlife friendly green habitat throughout the city
10. Support sustainable water use, healthy creeks, and green infrastructure

The EQC's work is guided by the 2015-2020 El Cerrito Strategic Plan (excerpt below):

Goal F: Foster environmental sustainability citywide

- Be a leader in setting policies and providing innovative programs that promote environmental sustainability.
- Promote environmental education to facilitate behavioral changes by working with the school district and other community groups.
- Implement policies to promote waste diversion (i.e., mandatory commercial recycling and green waste).
- Encourage alternative modes of transportation to the single occupancy vehicle.
- Implement and monitor the City's Climate Action Plan to:
 - Reduce vehicle miles traveled (by creating a well-connected, pedestrian, bicycle and transit-oriented urban forms that will make it easier for residents and visitors to leave their car behind.)
 - Facilitate energy and water efficiency and greater use and generation of clean energy
 - Reduce the amount of waste generated in El Cerrito
 - Make municipal operations more resource efficient and environmentally friendly

HISTORICAL BACKGROUND:

The EQC was established in 2008. Over the eight year history of the EQC, the committee emphasis has occasionally cycled between public education, organizing community volunteer work, and environmental policy, but there has generally been a consistent commitment to all forms of action envisioned for the EQC over time. The committee has also remained a fairly consistent size, with a number of long-serving members. A total of approximately 30 community members have served, and the committee usually maintains between 10-12 members.

FISCAL YEAR 2017-18 WORK PLAN

OBJECTIVE	PROPOSED ACTIVITIES	PRIORITY RANKING	TIMELINE FOR COMPLETION
1. Public Education and Outreach	• Hold at least two film and/or lecture/workshop events (e.g. pollinator friendly landscaping, and PACE financing workshops)	1	• 1 year (ongoing)
	• 100% renewable for 100 th anniversary of El Cerrito Deep Green power enrollment outreach	1	• 1 year
	• Co-sponsor the Hillside Festival and other centennial related hikes and educational events	1	• 1 year (ongoing)
	• Host (or co-sponsor) an EV awareness and education event (likely part of National Drive Electric week in Sept)	1	• 1 year
2. Volunteer work parties	• Hold a Green Team work party every other month (~6/year); diversify work party activities	1	• 1 year (ongoing)
	• Continue partnership with PG&E to restore and monitor habitat on the Moeser power line corridor	1	• 4 mos (ongoing)
	• Hold a volunteer appreciation party	3	• tentative
3. Policy development and advice	• Revision of the environmentally preferred purchase policy	2	• 1-2 years
	• Sub-metering of water/electricity in multi-unit dwellings	3	• 2 years
	• Use of electric vehicles and infrastructure, City operations	2	• 1-2 years
	• Explore a solar access ordinance and net hardscape policy	3	• 2+ years
4. Support of environmental related city programs	• Review/evaluate Climate Action Plan goals and accomplishments; look at electrification opportunities to reduce residential natural gas; potentially update CAP goals; engage budget process	1	• 1 year (ongoing)
	• Participate in data collection and analysis of CAP metrics	2	• 1 year (ongoing)
	• Support acquisition of public open space or public access easements in support of Urban Greening Plan	2	• As opportunities arise
	• Contribute to trash mitigation strategies and bin deployment	1	• 1 year (ongoing)
	• Develop pollinator habitat/connectivity programs policies, work parties and ongoing commitments to stewardship	1	• 1 year (ongoing)
	• Expand stewardship of Hillside Natural Area (invasive plants and fire safety), using available city resources; engage budget process	1	• 1 year (ongoing)

PRIOR YEAR ACCOMPLISHMENTS

OBJECTIVE	ACTIVITIES SUPPORTING GOAL	STATUS
1. Public Education and Outreach	• Hosted community workshops on home water efficiency/resiliency and solar energy technology and financing • 3rd annual Hillside Festival, co-sponsored with Trail Trekkers • Presented Eco-film “This Changes Everything” • Co-sponsored a National Electric Vehicle day event with Richmond • Tabled at 4th of July and Earth Day • Cool CA program - El Cerrito achieved 11th place (of 22) and earned \$2700; EQC helped program funds for native plant restoration at RERC • Continued MCE deep green outreach (began initiative to promote 100% renewable power for the 100th year celebration in El Cerrito) and provided information/clarification on pricing and fees associated with choosing a CCA provider to the public	Completed and ongoing
2. Volunteer work parties	• Regular Green Team work parties (~6/ year), including trash removal from streets, parks and creeks (participated in Coastal Clean-up day), and weed removal and stewardship of Fairmount rain garden • Coordinated with PG&E to host an Earth day volunteer work party focused on native plant restoration and fire protection maintenance of the power line right of way along Moeser Ave	Completed and ongoing
3. Policy development and advice	• Began researching and pursuing an updated Environmentally Preferred Purchase Policy • Considered BAAQMD refinery emissions regulations and the Plastic bag ban referendum, with position recommendations to Council • Followed CCA PCIA fee issue and proceedings before the CPUC	Completed and ongoing
4. Support of environmental related city programs	• Climate Action Plan follow-up and CCA enrollment outreach • Advice and study of solid waste management issues with staff • Met with City Building Official to better understand and implement environmental related policies through the construction project process	Completed and ongoing

ONGOING PROJECTS

PROJECT	ACTIVITIES
Green Team Work Parties	Coordinate roughly six trash clean-up events each year in various city parks, the Ohlone greenway and city streets. Organize other volunteer work parties focused on weed/invasive plant removal, pollinator habitat restoration/stewardship, tree planting (in collaboration with the Tree Committee) and maintenance/stewardship of the Hillside Natural Area.
Hillside Festival	Assist Trail Trekkers in the production of the annual event celebrating the Hillside Natural Area with many hikes, talks and activities. This year it is part of the centennial celebration, as are other EQC cosponsored hikes and educational events throughout the year.
Climate Action Plan Implementation and progress metrics	Work with new environmental analysts to evaluate successes and opportunities as we further implement the Climate Action Plan. Explore opportunities to reduce residential natural gas use, and promote electrification of home appliances and automobiles as a compliment to 100% renewable electrical power. 100% for the 100 th year of El Cerrito Deep Green power initiative. Outreach to businesses to opt up to 100% renewable power. Recommend 100% renewable energy for municipal accounts. Improve municipal EV infrastructure/readiness and fleet management.
Water efficiency/resiliency	Education and incentives to use greywater and rainwater collection. Potential to outreach to new multifamily developments on water efficiency.
Urban Greening implementation	Volunteer work parties and policy/program development to strengthen pollinator habitat and connectivity. Continue the partnership with PG&E on the Moeser transmission corridor to provide stewardship and monitoring of plant species being managed.
Explore New Areas of Activity	Continue a dialog with the Albany Sustainability Committee about collaboration. Learn about the new Richmond tool lending library and how we might implement an El Cerrito tool lending library in the future. Increase EQC participation regarding environmental related topics in the City budget process.

Environmental Quality Committee

Annual Work Plan – 2017 Presentation to City Council March 7, 2017



Photo M. Miner



Photo D. Weinstein

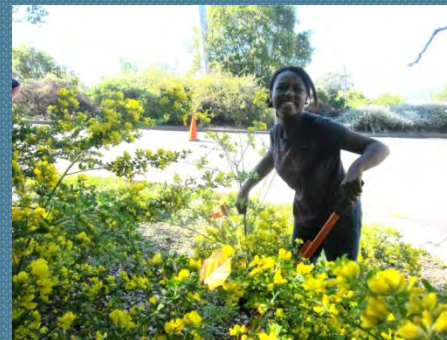


Photo D. Weinstein



Photo TJ Gehling

EQC 101

- ◉ Committee of up to 15 citizens

- Currently 11 sitting on the Committee
- Several longstanding members and steady replacement membership

- ◉ Meet 2nd Tuesday, 7 PM, City Hall

- ◉ Mission:

- To educate, inspire, and activate ourselves and our community to sustainably thrive in harmony with our earth systems

Role of the EQC

- To serve in an advisory capacity to City Council, staff and other committees with regard to environmental quality issues in El Cerrito
- To recommend programs and policies to the City Council
- Foster public awareness, education and interest in the City's environmental quality efforts

EQC Goals

1. Promote environmental action/justice
2. Involve learners of all ages
3. Work with residents and businesses to be more environmentally sustainable
4. Inform and Champion the City's environmental efforts
5. Support GHG emissions reductions (CAP)
6. Reduce waste by encouraging material Reduction, Reuse, Recycling and Composting
7. Champion energy/water efficiency, renewable energy generation, and efficient transportation
8. Minimize hazardous chemical use
9. Support protection and creation of open green space
10. Support healthy creeks, and green infrastructure

Past EQC Accomplishments

● Policies

- Supported policy development and hosted public forums for :
 - Climate Action Plan – 2013
 - Single-Use Plastic Bag and EPS Foam Take Out Container Bans – 2013
 - Community Choice Aggregation – 2014
 - Priority Conservation Areas – 2015
 - Pollinator Safe Community Ordinance – 2015
 - Urban Greening Plan – 2015

● Programs

- Recurring “Green Team” volunteer events
- Recurring Eco-film and lecture events and workshops
- 100% renewable Deep Green electricity enrollment outreach
- Participation in City events
 - Earth Day
 - 4th of July
- Created new events
 - Hillside Festival
 - Music for Madera

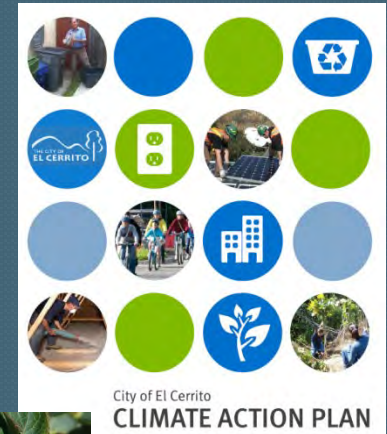


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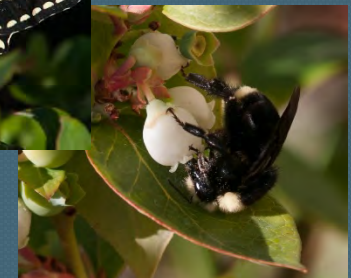
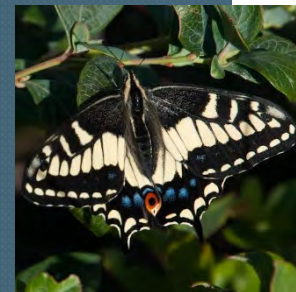


Photo H. Goudey

2016 EQC Accomplishments

● Policies

- Began researching an updated Environmentally Preferred Purchase Policy
- Considered BAAQMD refinery emissions regulations and the Plastic bag ban referendum, with position recommendations to Council
- Followed CCA PCIA fee issue and proceedings before the CPUC

2016 EQC Accomplishments

● Programs

• Climate Action Plan Implementation

- CCE and 100% renewable energy deep green enrollment outreach
- Began 100 for 100 Centennial planning
- Eco-film “*This Changes Everything*”
- Cool CA, 11th place out of 22, earned \$2700

• Lectures/Workshops

- Water efficiency and greywater workshop
- Solar installation/financing workshop

• 3rd Annual Hillside Festival with Trail Trekkers

- Raised money for maintenance and restoration

• Semi-Monthly Green Team Events

- Litter/invasive plant removal

• Met with City Building Official to discuss environmental related aspects of construction projects



Photo TJ Gehling

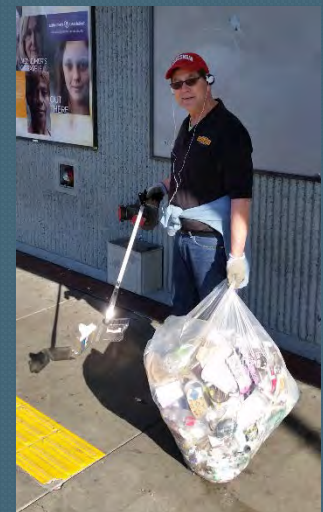


Photo H. Goudey

2017 Work Plan

Green Team Volunteer Events

- Earth Day – Stewardship on Moeser with PG&E (2nd year)
- Regular clean-up events and more stewardship



Public Education and Outreach

- Eco-Film Series: “*After the Flood*” – TBD
- PACE workshop
- Pollinator-Safe and Healthy Garden Workshop
- Electric Vehicles (National Plug-in day)

2017 Work Plan

- Climate Action Implementation
 - 100% renewable power for the 100th anniversary “Deep Green” outreach
 - Review CAP goals and accomplishments
 - Explore opportunities to reduce natural gas use and provide related public outreach



2017 Work Plan

- Implement the Urban Greening Plan
 - Pollinator habitat connectivity
 - On-going stewardship work parties
 - Support acquisition/preservation of open space
 - Work with the City budget process and other opportunities to bring maintenance resources to the Hillside Natural Area
- Hillside Natural Area
 - 4th Annual Hillside Festival – May 21
 - Fundraise for maintenance and restoration
- Trash Mitigation Strategies
 - Beyond Volunteer Clean-Ups

EQC Upcoming Events

- Madera Green Team Broom Pull – March 18th, 10:00am
- Cerrito Creek Green Team Clean up – April 8th, 10:00am
- Earth Day stewardship on PG&E ROW (Moeser) – Apr. 22th
- 3rd Annual Hillside Festival – May 21th, 10:00-5:00pm



Photo TJ Gehling



Photo G. Hill

EQC Calendar of Events

2017 EQC Calendar		
<u>January</u> Cerrito Creek Hike (1/21) Green Team Clean Up (1/14)	<u>February</u> Motorcycle Hill Work Party (2/25)	<u>March</u> <u>Madera</u> Broom Pull (3/18)
<u>April</u> Cerrito Creek Green Team (4/8) Earth Day Celebration (4/22)	<u>May</u> Hillside Natural Area Festival (5/21)	<u>June</u> Green Team Clean Up (6/25) North gateways
<u>July</u> El Cerrito 4 th of July Festival	<u>August</u> Green Team Clean Up	<u>September</u> Coastal Cleanup Day (9/16) EV event for National Plug-in Day
<u>October</u>	<u>November</u> Green Team Clean Up (11/12)	<u>December</u>

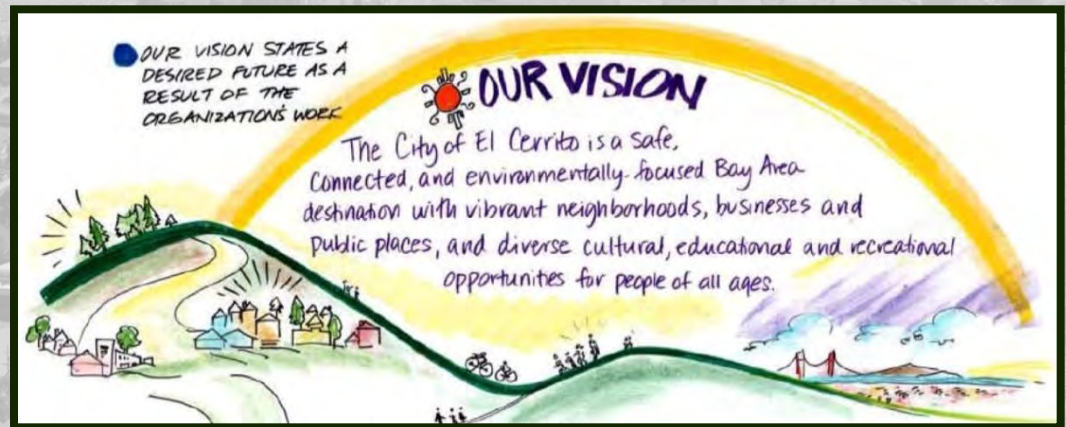




San Pablo Avenue
Specific Plan
City Council Presentation
March 7, 2017

Overview of Tonight's Presentation

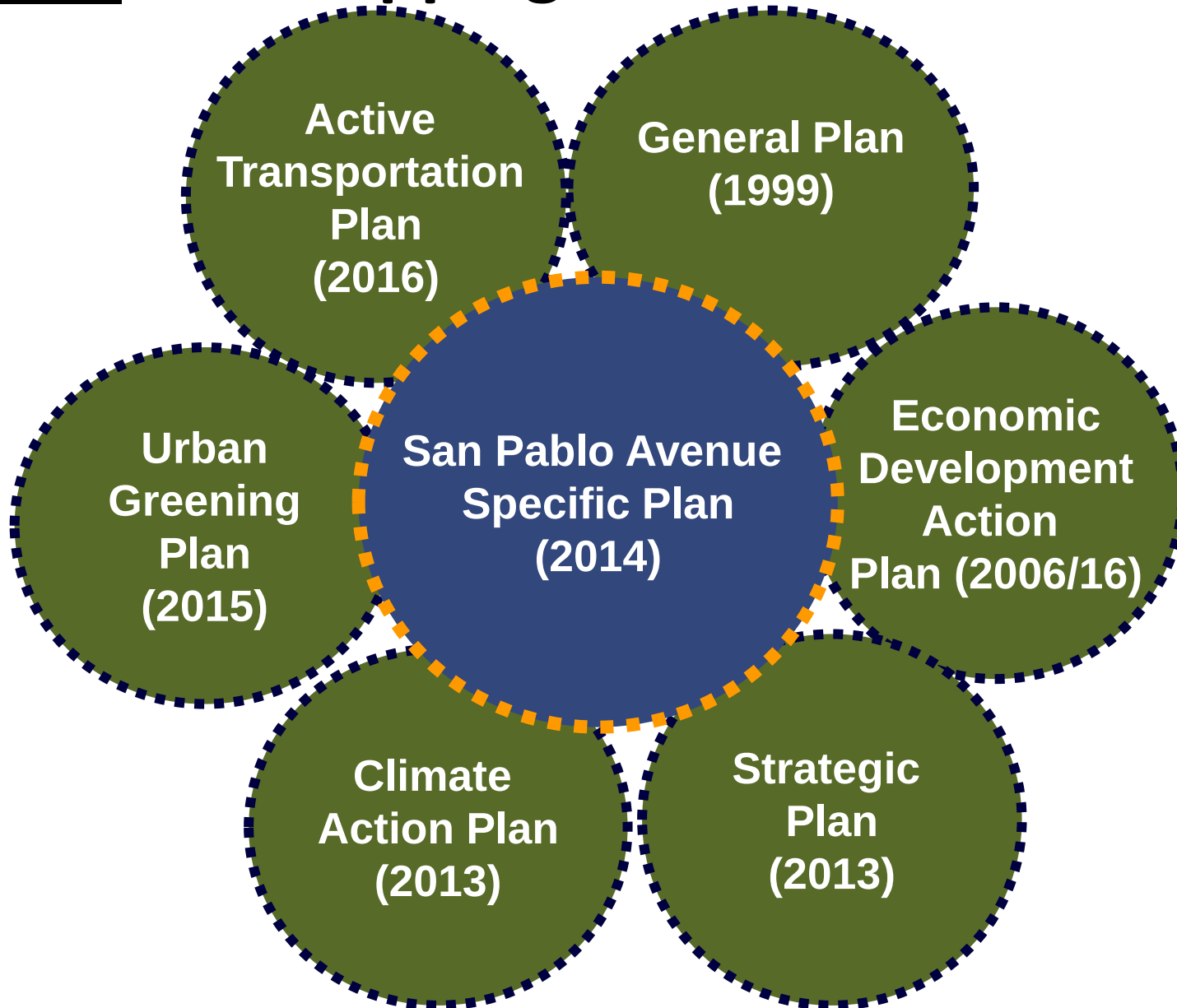
- **What is the San Pablo Avenue Specific Plan?**
 - Origin, Purpose & Process
- **How Does it Work?**
- **Results**
- **Going Forward**
 - Dynamic Document
 - Challenges
 - What's Next?



What is the Specific Plan

- A **framework** (vision and regulations) for transforming the Avenue into a multimodal corridor that functions, not just as a thoroughfare, but as a place that provides a multitude of opportunities for living, working & community life
 1. **A Form Based Code** that allows higher height, reduced parking, flexibility between residential and commercial requirements & clear project review pathways
 2. **Complete Streets Plan** that promotes the creation of a multimodal street through improvements that enhance placemaking, catalyze pedestrian-oriented economic development & reduces GHGs and VMT
 3. **A Programmatic EIR** that analyzes the environmental impact of the entire plan

Origins: Overlapping Goals



General Plan (1999)

Major Issues: Development within SPA corridor is unattractive & not pedestrian friendly; retail is low sales per square footage

Climate Action Plan (2013)

Land Use, Transportation & Community Development

Sustainable Community Goal

1. Encourage more compact, higher density infill development along transportation corridors
2. Increase economic base to create more jobs, encourage greater vitality & more pedestrian friendly economic activity
3. Invest in infrastructure that invites people to walk, bike & take transit more



Strategic Plan (2013)

Goal B: Achieve long-term financial sustainability

- Attract & maximize opportunities for new/expanding businesses

Goal C: Deepen a sense of place & community identity

- Reimagine underdeveloped and underutilized properties through advance planning that encourages investment and/or new development
- Encourage use of alternative modes of transportation

Goal F: Foster environmental sustainability citywide

- Implement CAP by reducing vehicle miles traveled through a well connected bicycle, pedestrian and transit oriented urban form



Economic Development Action Plan (2006/2016)

Create a consistent 2020 vision with a transition to an **urban lifestyle environment** attracting **high-quality** development in key commercial areas

Ohlone Greenway Master Plan (2009) & Urban Greening Plan (2015)

Highlight the importance of creating strategic open spaces to support commercial and create interconnected community



Process

- **San Pablo Avenue Specific Plan I (with the City of Richmond) (2007-11)**
 - Public Meetings & Advisory Group
 - City Council Study Session (March 2011)
 - Return with a Plan more aligned with contemporary land use & transit standards
 - Increase height; decrease parking
 - TOD Economic Feasibility & Parking Studies (November 2011)
 - Concurrent with San Pablo Avenue Streetscape physical improvements (CIP)



Process

- **San Pablo Avenue Specific Plan II (2013-2014)**
 - Form Based Code
 - + Complete Streets & Programmatic EIR
 - Post RDA Dissolution (e.g. market based)
 - Developer/Architect Charrette
 - Public meetings concurrent with Active Transportation and Urban Greening Plans
 - Complete Streets Technical Advisory Group



Key Strategies

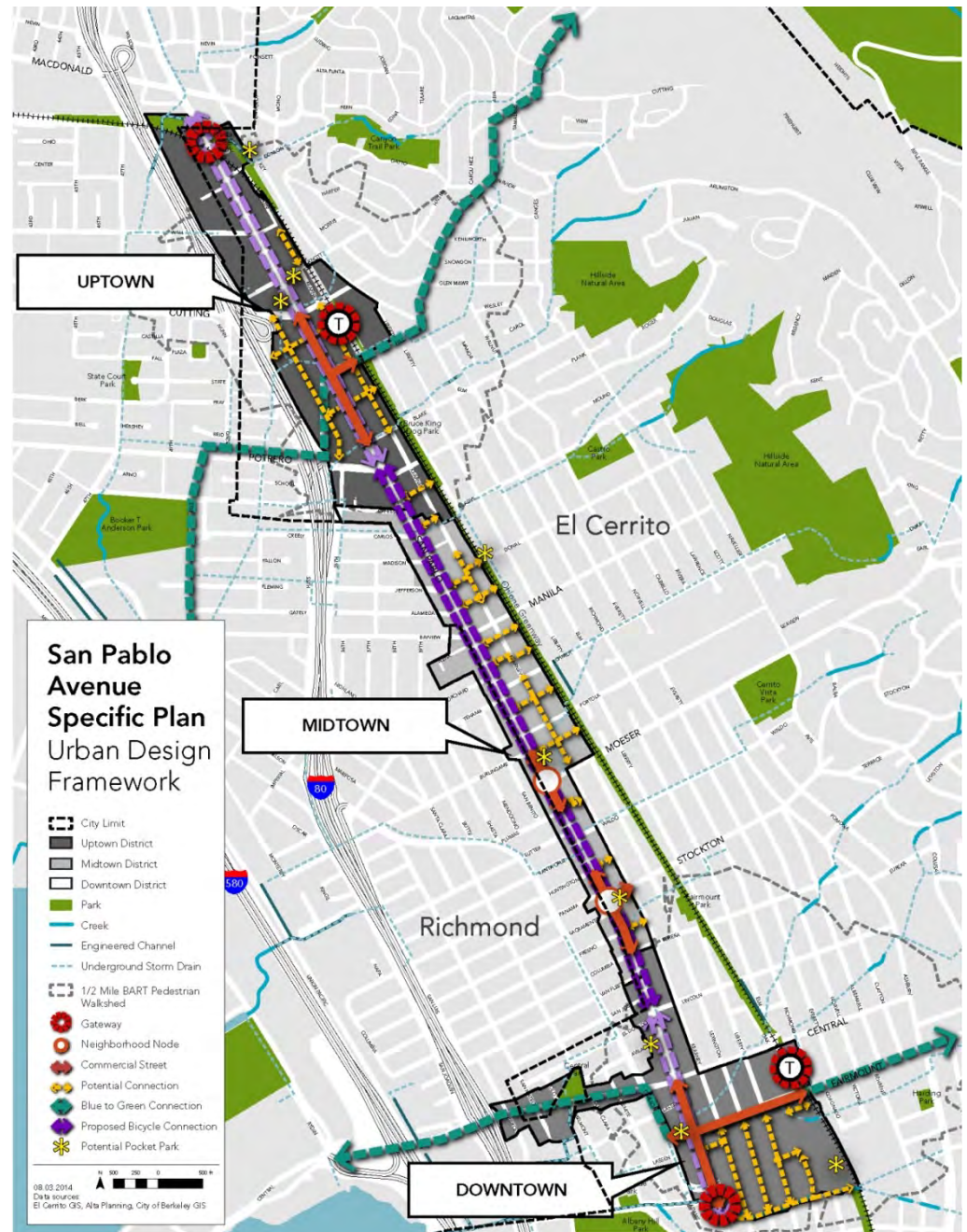
A.Strengthen Sense of Place

B.Ensure Return on Investment (ROI)

C.Encourage Practical & Market Friendly Development

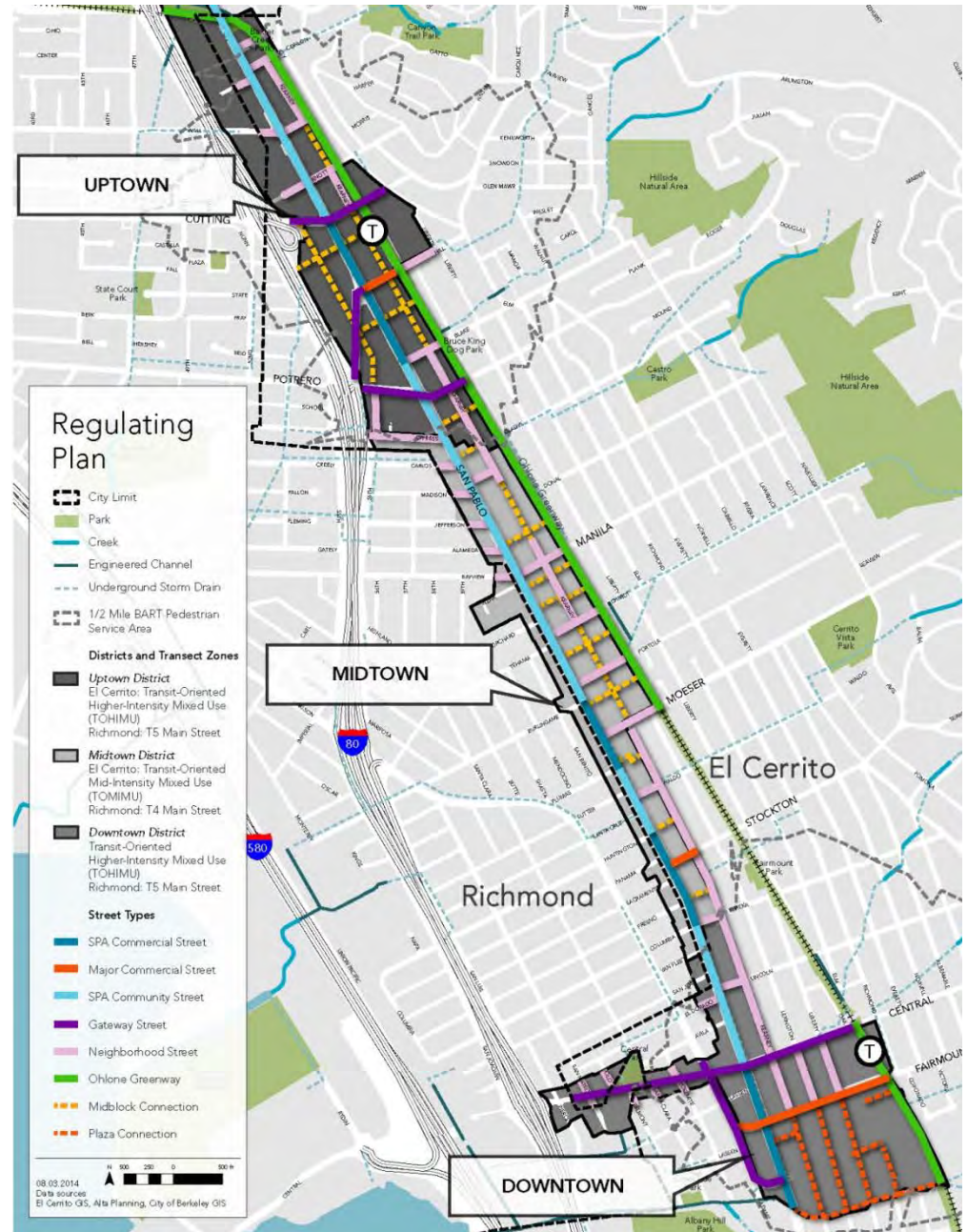
D.Enhance & Humanize the Public Realm

E.Catalyze Mode Shift



Highlights of Plan

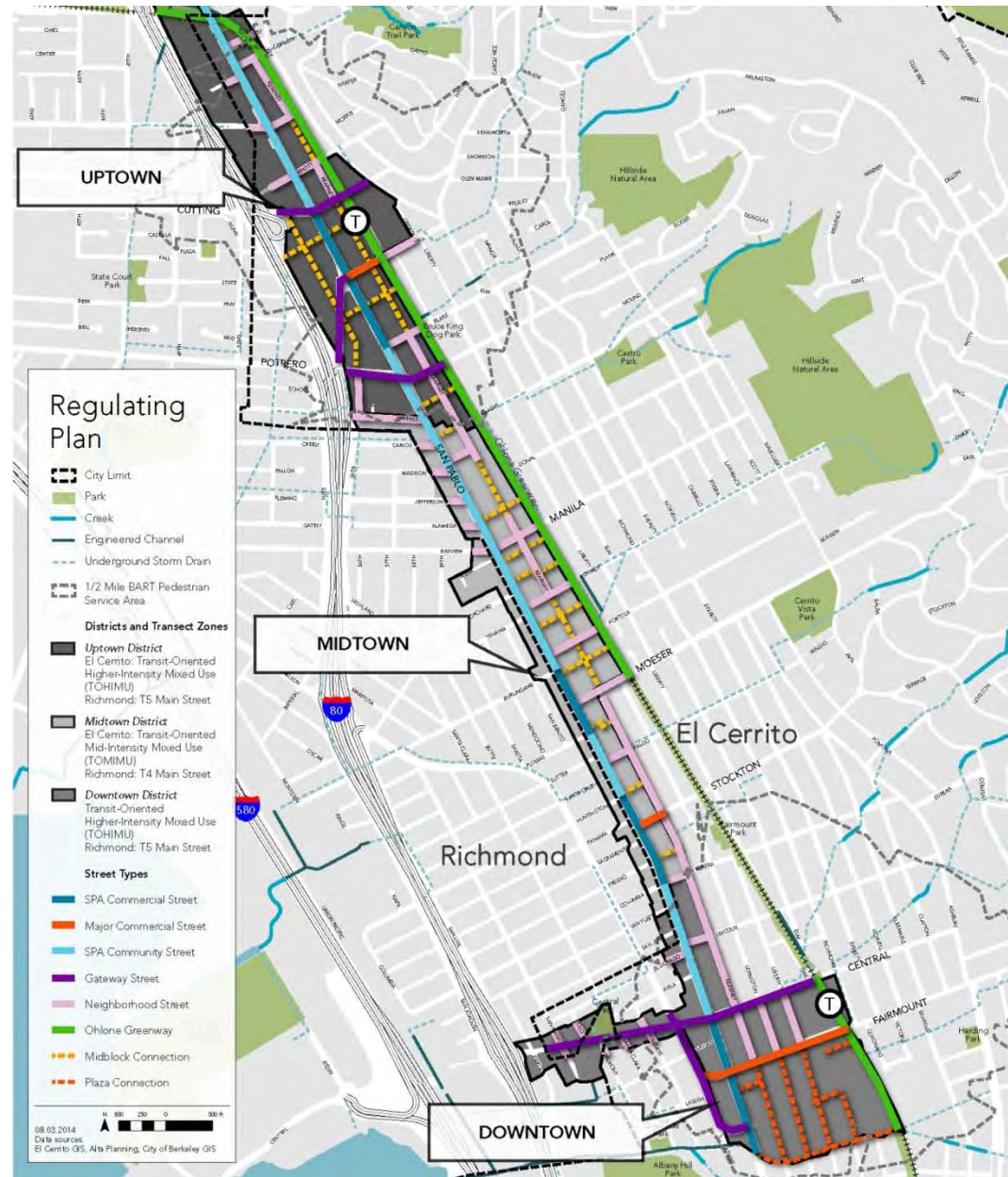
- Form Based Code
 - “A land development regulation that fosters predictable built results and a high-quality public realm by using physical form as the organizing principle” (Form Based Codes Institute)
 - Context-sensitive regulations & design guidelines for parcels within the SPASP



SPASP Form Based Code

Contents

- Administration
- Land Use
- Noticing Requirements
- Application & Approval Procedures
- Development Standards



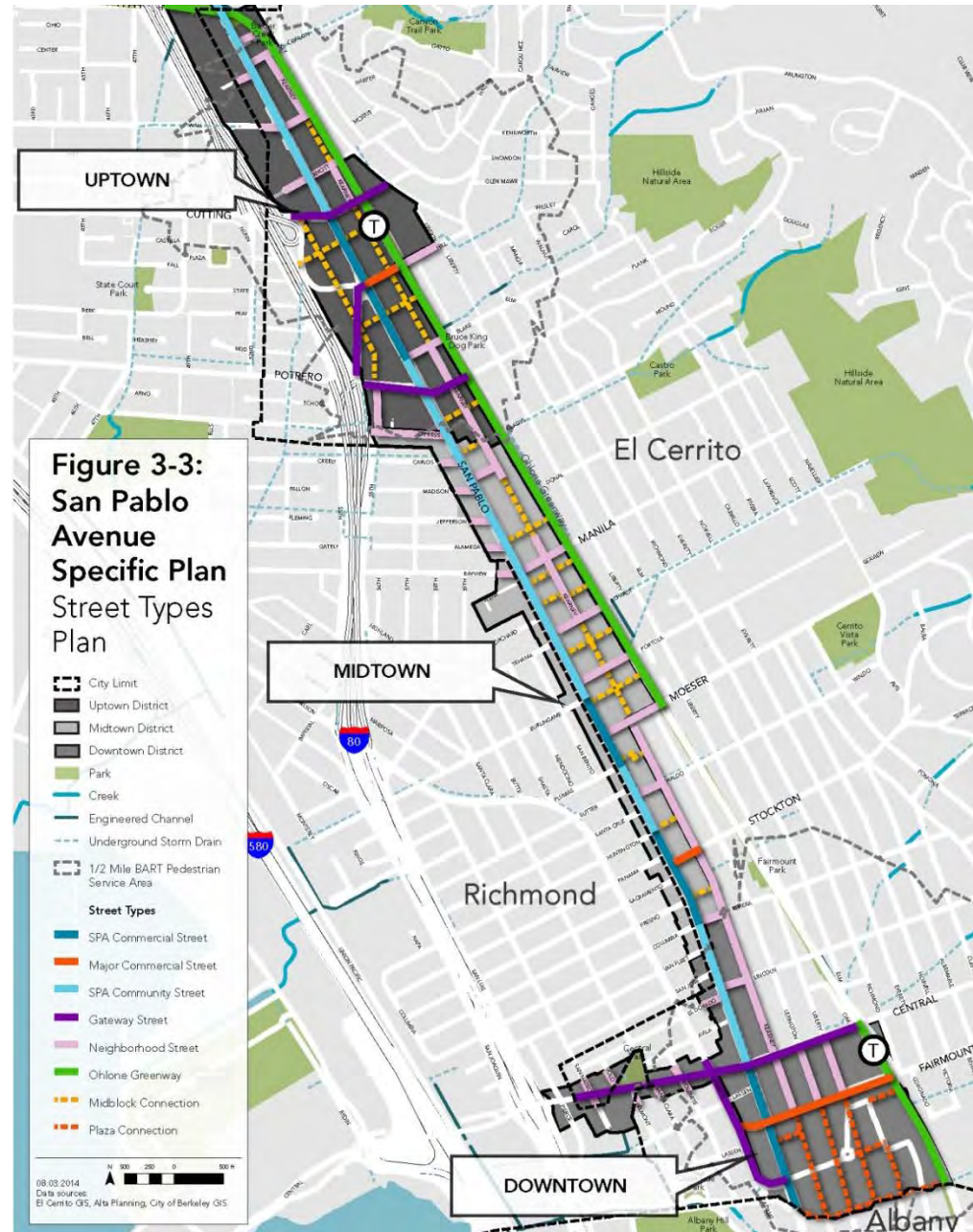
Form Based Code-Development Standards

- **Street Types**

- SPA & Major Commercial Street
- Gateway Street
- Neighborhood Street
- Ohlone Greenway
- Mid Block & Plaza Connection

- **Two Transect Zones**

- Transit Oriented Higher Intensity Mixed Use (TOHIMU)
- Transit Oriented Mid Intensity Mixed Use (TOMIMU)



Form Based- Code/Development Standards

- TOHIMU (Transit Oriented Higher Intensity Mixed Use)
- Intent: Walkable, transit oriented higher intensity area within ½ mile of BART
- Variety of uses: retail, commercial, residential and public uses in Downtown, Theater Block and Uptown
- Up to 65' (85' if project is consistent as an affordable housing project)
- By Street Type



Form Based Code- Development Standards

- TOMIMU (Transit Oriented Mid-Intensity Mixed Use)
- Intent: Walkable, transit friendly medium intensity area along transit lines
- Up to 55' (65' if project is consistent as an affordable housing project)
- Residential ground floor
- Commercial ground floor in “nodes” (SPA Commercial Street Types @ Stockton & Moeser)
- By Street Type



Form Based Code-Parking

- Reduced Parking Requirements
- Parking Changes (Reduction or Increase with Additional Study)
- Unbundled, Tandem, Stacked, Behind Habitable Space
 - Residential: Up to 1/1.5 space/unit
 - 1 short term bicycle per 20 units/1.5 long term spaces per unit
 - Commercial:
 - No off-street parking for less than 3,000 sq ft; Up to 1 space per 1,000/500 sq ft for spaces larger than 3,000 square feet
- Transportation Demand Management (TDM)



- **Open Space Requirements**
 - **Private/Common**: 80 sq ft/unit
 - **Public**: Buildings greater than 25,000 sq ft 25 sq ft/1,000 sq ft of building
 - Open Space In Lieu Payments (in some cases)
- **Other Regulations & Processes**
 - Environmental
 - Solar, EV Charging
 - Context
 - Shadow, Daylight Plane
 - Placemaking
 - Views from Public Places, Shorter Blocks



Highlights of Plan

- Form Based Code Administration: 4 Tiers of Review
- Use Permit May be Required (Administrative or Planning Commission)
- Appeals to Body Above Body of Decision

Tier I	Minor Improvements to Existing Structures	Administrative Design Review*
Tier II	New Construction/Complies Precisely with Standards	Design Review Board Site Plan and Design Review*
Tier III	Major Improvements to Existing Structures	Design Review Board Site Plan and Design Review*
Tier IV	New Construction/Departs from Development Standards of Tier 2	Planning Commission Site Plan and Design Review Board*

* All Projects Require Public Noticing: 300 foot notice + posted on site for 21 days + Meeting Agenda per Municipal Code

Land Use Chart (*hybrid* FBC) FBC Table 3

- Permitted “as of right”
 - e.g. Full service restaurants/no alcohol sales, Live/Work Units, Offices, Multifamily Residential
- Aministrative Use Permit (discretionary review of Zoning Administrator)
 - e.g. Restaurants w/ alcohol sales or outdoor dining areas, Maintenance & Repair Services, Large Format Retail
- Conditional Use Permit (discretionary review of Planning Commission)
 - e.g. Industry-General, Parking Facilities
- Limitations (permitted as of right subject to limitations)
 - Existing uses, location limitations
- Not Permitted (“---”)
 - e.g. New Drive Thrus



Results

- Significantly increased investment & pre-development activity
- Tier 1 (existing businesses/properties): 27
- Residential (Tier 2 & 4)

Under Construction

- 100 new market rate
- 81 below market rate

Approved

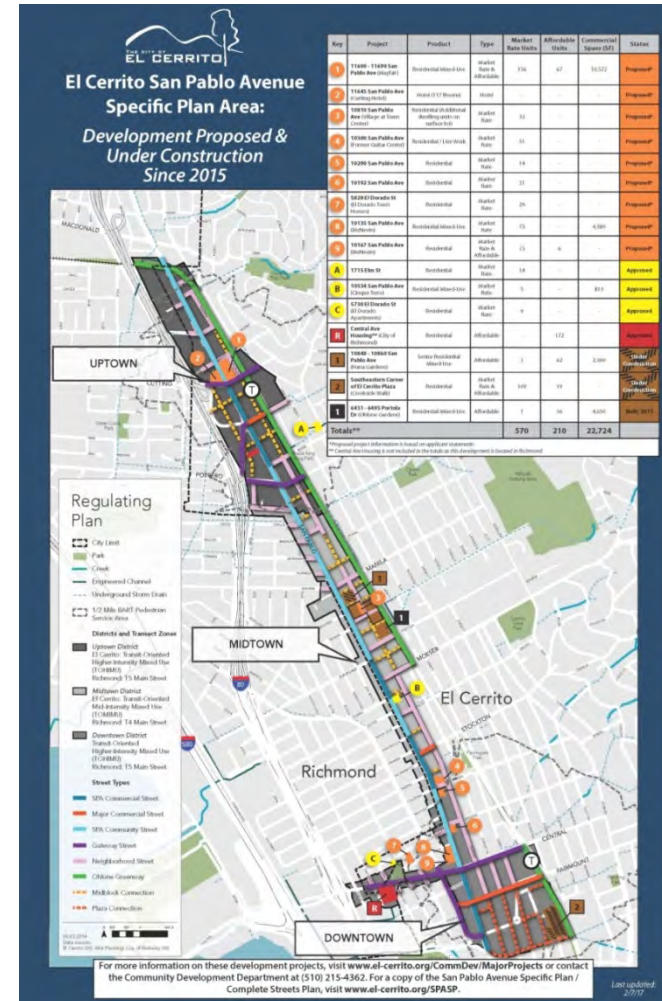
- 5 new market rate

Proposed

- 431 new market rate
- 73 below market rate

- Commercial (Tier 2 & 4)
 - 14,961 sq ft new commercial

- Additional potential projects in the “pipeline”
- Positive feedback from developers/brokers



Updated Development Map @

www.el-cerrito.org/CommDev/MajorProjects

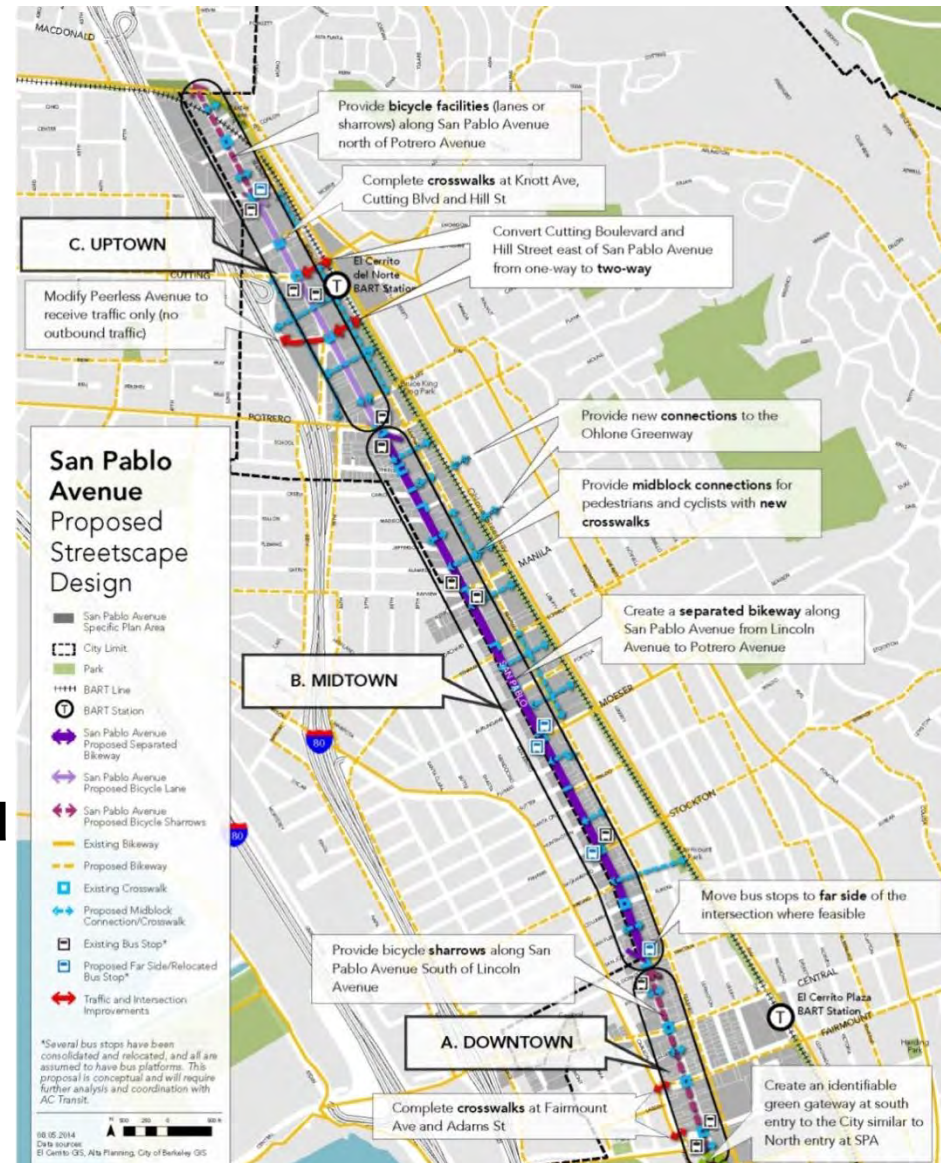
Complete Streets Plan Overview

- **Works** with Form-Based Code
- **Encourages mode shift** towards transit, pedestrians and bicyclists
- **Builds on recent investments** in streetscape infrastructure
- Design a **balanced and comfortable streetscape environment**
- **Welcome and accommodate** users with a range of needs



Multi-Modal Improvements

- Identifies transit, pedestrian & bicycle infrastructure improvements throughout the corridor
- Establishes multi-modal performance measures
- Addresses worst vehicle congestion around Del Norte
- Along with Form Based Code, **calls for robust Transportation Demand Strategies** (such as EcoPass Program) to encourage transit use



Complete Streets Plan Coordination

- **Technical Advisory Group:**
Regular coordination with AC Transit, Caltrans, El Cerrito Police and Fire Departments, BART, East Bay Bicycle Coalition, City of Richmond, City of Albany, Contra Costa Public Health
- **Integration with WCCTAC Action Plan:** Coordination with multi-modal policies being considered by WCCTAC
- **Comply** with state and regional Complete Streets policies



Key Design Features

Overarching:

- Maintain travel lanes & on-street parking in majority of locations
- Widen sidewalk for clear pedestrian path
- Add more crosswalks & pedestrian refuge area
- Provide far-side bus platforms

Uptown:

- Convert Cutting to two-way
- Eliminate second left-turn lanes on San Pablo Ave
- Modify Hill/Eastshore
- New crosswalks at Cutting, Hill & Knott
- Provide bike lanes; consider sharrows in some sections

Mid-Town:

- Add buffered bike lanes

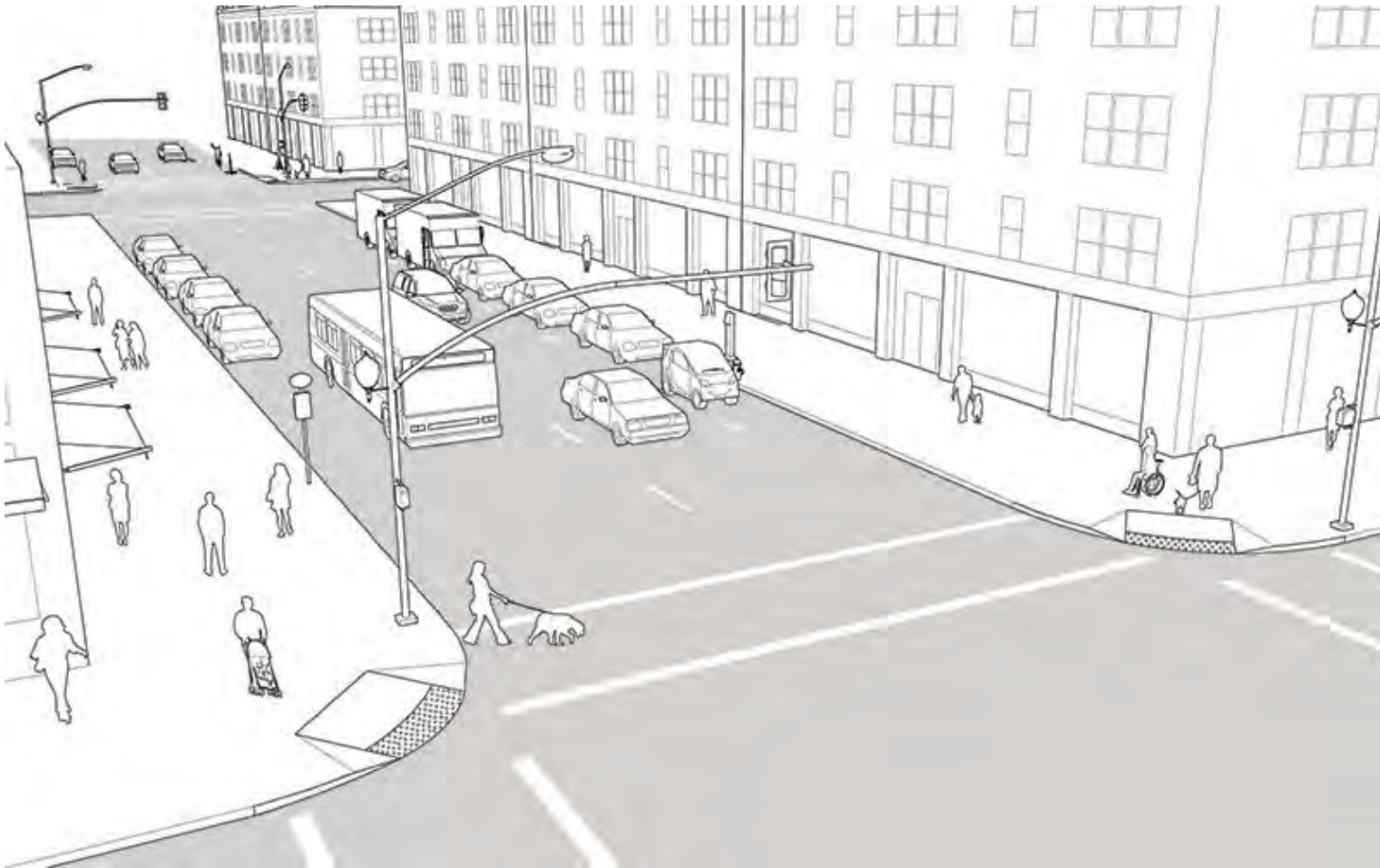
Downtown:

- Consider bike sharrows



Why Move to Multi-Modal LOS?

Traditional Goal: Maintain Auto LOS



Source: NACTO Urban Streets Design Guide

Why Move to Multi-Modal LOS?

New Goal: Balance Service to All Modes



Source: NACTO Urban Streets Design Guide

Multimodal LOS Summary

- **Improve transit** conditions to a **High** level-of-service, with the largest change in Uptown and Downtown
- **Improve the pedestrian environment** to a **High** level-of-service throughout the corridor
- **Improve the bicycle environment**, especially in Midtown
- **Maintain acceptable auto level-of-service**



Complete Streets

Implementation

- Design Guidance for Private & Public Improvements
- Incremental
- Funding
 - Developers
 - Grants
 - City



Programmatic EIR

- Allowed by CEQA for evaluating impacts of a long-term plan
- Informs decision makers & the public
- Identifies mitigations that will be applied to future individual projects
- Streamlines future CEQA review
- Allows for site-specific analysis



Programmatic EIR evaluates...

- Aesthetics and Visual Resources
- Air Quality
- Biological Resources
- Cultural and Historic Resources
- Geology and Soils
- GHGs and Global Climate Change
- Hazards & Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation and Circulation
- Utilities and Service Systems
- Project Consistency with Local and Regional Plans
- Alternatives to the Proposed Project

Programmatic EIR

- Identifies significant impacts
- Prescribes mitigations to reduce most impacts to less-than-significant levels
- Impacts that cannot be completely mitigated covered by Statement of Overriding Consideration pursuant to CEQA

Programmatic EIR by the numbers

SPASP Programmatic Environmental Impact Report included evaluation of:

- 1,706 new dwelling units
- 243,112 net new square feet of commercial floor area
- Horizon year 2040

San Pablo Avenue Specific Plan

Going Forward

- Dynamic Document
 - Small Fixes
 - Implementing Policy
 - Development Impact Fees, Open Space in Lieu Payments etc.



San Pablo Avenue Specific Plan

Going Forward

Issues

- Sanitary Sewer Capacity
- Parking and Transportation Management
- Affordable Housing Strategy

Challenges

- Continue to Attract Private/Non Profit Investment and Economic Development
- Assuring High Quality/Quality of Life for Existing & Future Residents
- Build Trust with Residents & Development/Business Community

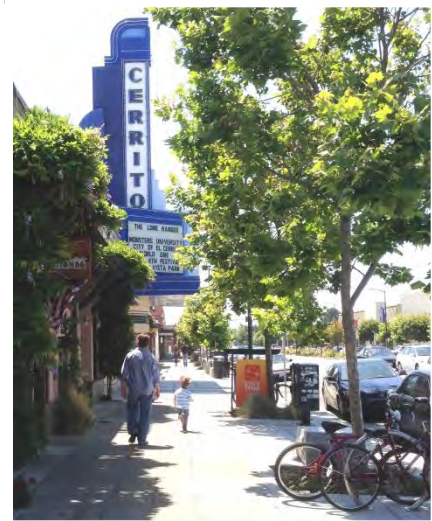


San Pablo Avenue Specific Plan

What's Next?

- Complete Grant-Funded PDA Implementation Plans
- Process Applications
- Attract New Businesses
- Fund/Build Complete Streets
- Specific Plan III/New EIR?





San Pablo Avenue
Specific Plan
City Council Presentation

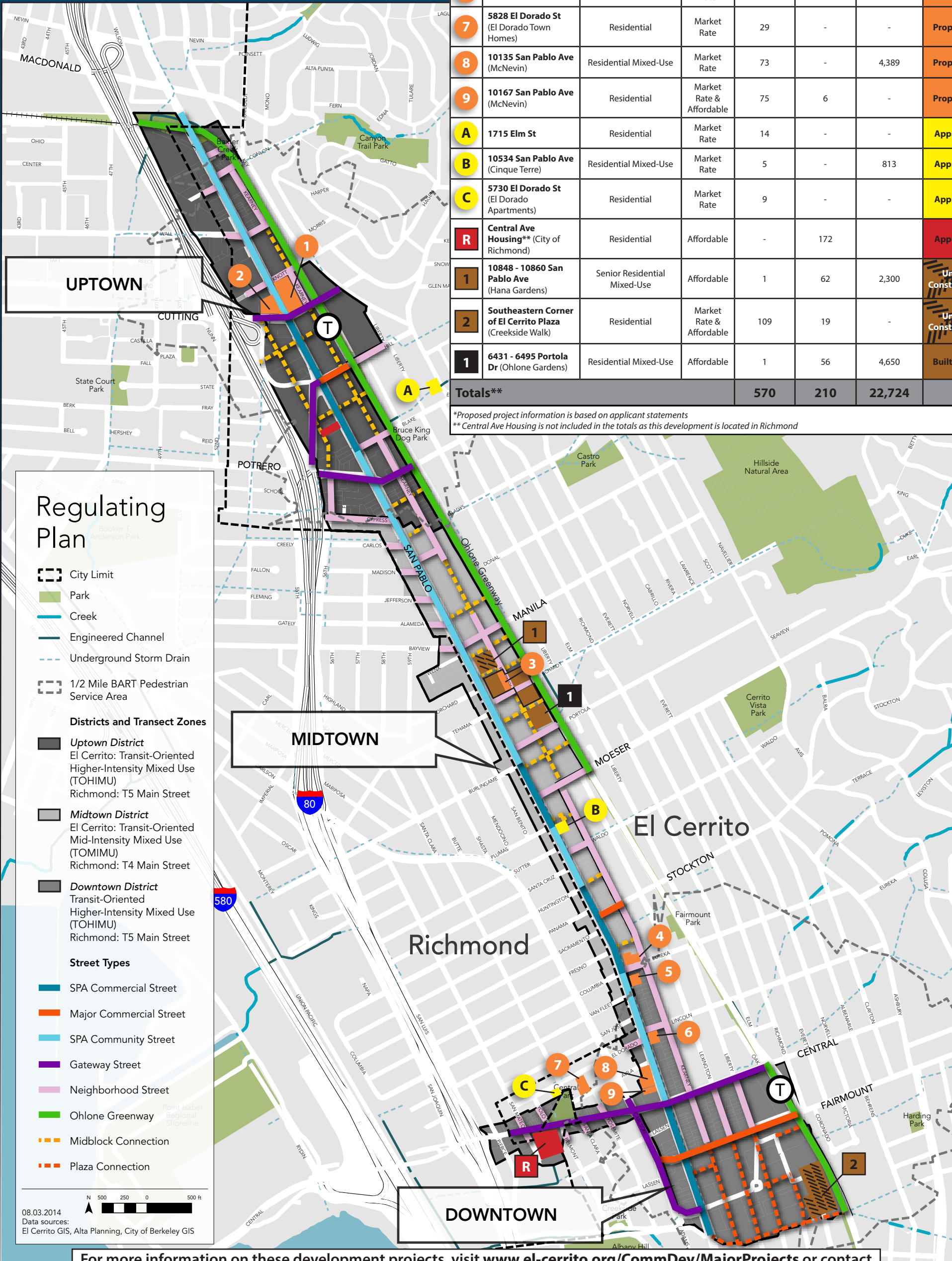
QUESTIONS?



El Cerrito San Pablo Avenue
Specific Plan Area:
Development Proposed &
Under Construction
Since 2015

Key	Project	Product	Type	Market Rate Units	Affordable Units	Commercial Space (SF)	Status
1	11600 - 11690 San Pablo Ave (Mayfair)	Residential Mixed-Use	Market Rate & Affordable	156	67	10,572	Proposed*
2	11645 San Pablo Ave (Cutting Hotel)	Hotel (117 Rooms)	Hotel	-	-	-	Proposed*
3	10810 San Pablo Ave (Village at Town Center)	Residential (Additional dwelling units on surface lot)	Market Rate	32	-	-	Proposed*
4	10300 San Pablo Ave (Former Guitar Center)	Residential / Live Work	Market Rate	31	-	-	Proposed*
5	10290 San Pablo Ave	Residential	Market Rate	14	-	-	Proposed*
6	10192 San Pablo Ave	Residential	Market Rate	21	-	-	Proposed*
7	5828 El Dorado St (El Dorado Town Homes)	Residential	Market Rate	29	-	-	Proposed*
8	10135 San Pablo Ave (McNevin)	Residential Mixed-Use	Market Rate	73	-	4,389	Proposed*
9	10167 San Pablo Ave (McNevin)	Residential	Market Rate & Affordable	75	6	-	Proposed*
A	1715 Elm St	Residential	Market Rate	14	-	-	Approved
B	10534 San Pablo Ave (Cinque Terre)	Residential Mixed-Use	Market Rate	5	-	813	Approved
C	5730 El Dorado St (El Dorado Apartments)	Residential	Market Rate	9	-	-	Approved
R	Central Ave Housing** (City of Richmond)	Residential	Affordable	-	172	-	Approved
1	10848 - 10860 San Pablo Ave (Hana Gardens)	Senior Residential Mixed-Use	Affordable	1	62	2,300	Under Construction
2	Southeastern Corner of El Cerrito Plaza (Creekside Walk)	Residential	Market Rate & Affordable	109	19	-	Under Construction
1	6431 - 6495 Portola Dr (Ohlone Gardens)	Residential Mixed-Use	Affordable	1	56	4,650	Built; 2015
Totals**				570	210	22,724	

*Proposed project information is based on applicant statements
** Central Ave Housing is not included in the totals as this development is located in Richmond



For more information on these development projects, visit www.el-cerrito.org/CommDev/MajorProjects or contact the Community Development Department at (510) 215-4362. For a copy of the San Pablo Avenue Specific Plan / Complete Streets Plan, visit www.el-cerrito.org/SPASP.

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, February 21, 2017 – 6:00 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, February 21, 2017 – 7:00 p.m.
City Council Chambers for the Consent Calendar
Hillside Conference Room for Commission Interviews

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

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto
Councilmember Greg Lyman

Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

6:00 p.m. ROLL CALL

Present: Councilmembers Fadelli, Lyman and Mayor Pro Tem Quinto.

Absent: Councilmember Pardue-Okimoto and Mayor Abelson.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pro Tem Quinto convened the special City Council meeting at 6:00 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, stated that he attended a Crime Prevention Committee meeting and that more people need to become involved in committees.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions.

Action: Four interviews completed.

ADJOURNED SPECIAL CITY COUNCIL SESSION MEETING at 7:00 p.m.

ROLL CALL

Present: Councilmembers Fadelli, Lyman, Mayor Pro Tem Quinto and Mayor Abelson (arrived 7:37 p.m.)

Absent: Councilmember Pardue-Okimoto.

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

Mayor Pro Tem Quinto convened the regular City Council meeting at 7:02 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Councilmember Fadelli.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Fadelli reported that he attended a recent Tree Committee meeting and also attended a Marin Clean Energy Board meeting with Councilmember Lyman last week.

Councilmember Lyman recognized the Ah-Lan Dance Center who held performances at El Cerrito High School over the weekend. The choreography was impressive and the traditional Chinese dance was beautiful.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, distributed Contra Costa Theatre flyers for the “Well” performances. Mr. Hindler said he reached out to Richmond community regarding the Massage Ordinance and they were not thrilled about the ordinance. His neighborhood association voted against the proposed West County jail expansion. Mr. Hindler also spoke in support of the EC Stars program and said that the City needs more people to join committees.

Judith Tannenbaum, El Cerrito, stated that Contra Costa Sherriff Livingston wants to expand the West County Jail and cooperates with the U.S. Immigration and Customs Enforcement (ICE). The Contra Costa Board of Supervisors recently voted 4-1 to approve funds for the expansion. Supervisor Gioia voted against the item and wrote an op-ed piece that explains why he is opposed to the facility. Ms. Tannenbaum said it is likely that the Richmond City Council will vote to write a letter to the Board of State and Community Corrections (BSCC) opposing the West County jail expansion and urged the City Council to send a letter opposing the jail as well. Assemblymember Thurmond is also opposed to the jail expansion.

4. PRESENTATION – None

5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5(A) through 5(E)

Moved, seconded (Lyman/Fadelli; Ayes – Councilmembers Fadelli, Lyman and Mayor Pro Tem Quinto; Noes – None; Abstain – None; Absent – Councilmember Pardue-Okimoto and Mayor Abelson) and carried unanimously to approve the Consent Calendar Item Nos. 5A through 5E in one motion as indicated below.

A. Approval of Minutes

Approve the February 7, 2017 Special City Council Closed Session and Regular City Council meeting minutes.

Action: Approved minutes.

B. Amendment of El Cerrito Municipal Code Chapter 8.10 – “Massage Establishments”

Adopt an ordinance amending El Cerrito Municipal Code Chapter 8.10 “Massage Establishments” by repealing it in its entirety and replacing it by adding and adopting El Cerrito Municipal Code Chapter 8.10 “Massage Businesses” including a modification to the ordinance introduced on January 17, 2017 to allow affected businesses to close at 10:00 p.m. (*Vote on February 7, 2017: Unanimous*)

Action: Adopted Ordinance No. 2017–01.

C. Housing Related Parks Program Grant for Fairmont Park

Adopt a resolution authorizing submission of an application for state funding through the Department of Housing and Community Development’s a Housing Related Parks (HRP) Program Grant in an amount not to exceed \$230,000 to provide additional

funding for the Fairmont Park Improvements Project.

Action: Adopted Resolution No. 2017–08.

D. Amendment of West Coast Code Consultants Agreement

Adopt a resolution authorizing the City Manager to amend the professional services agreement between the City of El Cerrito and West Coast Code Consultants (WC-3) in an amount not to exceed \$75,000 bringing the total contract to an amount not to exceed \$100,000 and to extend the term of the agreement through December 31, 2017.

Action: Adopted Resolution No. 2017–09.

E. Economic Development Committee Appointment

Approve and Economic Development Committee recommendation appointing Laura Maurer to the Economic Development Committee, effective February 21, 2017.

Action: Approved recommendation. Appointed Laura Maurer.

6. RESUME COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

Action: Conducted five interviews.

7. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:37 p.m.

SUPPLEMENTAL COMMUNICATIONS

1. Flyer “WELL” Contra Costa Theatre production – *Submitted by Cordell Hinder, Richmond.*
2. “Commentary: Contra Costa needs more prevention, not more jail cells” by John Gioia, Jane Fischberg and Claudia Jimenez – *Submitted by Judith Tannenbaum, El Cerrito.*

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Thursday, February 23, 2017 – 6:00 p.m.
Hillside Conference Room

This meeting will not be televised

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

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto
Councilmember Greg Lyman

Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

6:00 p.m. ROLL CALL

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

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the Special City Council meeting at 6:06 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

Action: Conducted twelve interviews.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 9:55 p.m.

EL CERRITO CITY COUNCIL PROCLAMATION
Designating the Month of March as “Women’s History Month”
and March 8, 2017 as “International Women’s Day”

WHEREAS, Women of every race, class, and ethnic background have made historic contributions to the growth and strength of the United States, the state of California, and the City of El Cerrito in countless recorded and unrecorded ways and women have played and continued to play a critical economic, cultural, and social role in every sphere of the life of our nation and in the City of El Cerrito by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS, Women have played a unique role throughout our history by providing the majority of the volunteer labor force; and women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in the United States and throughout the Bay Area; and

WHEREAS, Women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and the peace movement, to create a more fair and just society for all; and

WHEREAS, locally, women have played a key role in the City of El Cerrito’s history as leaders in the community, in our schools and universities, and at City Hall; and the City proudly recognizes the importance of issues affecting women and girls and supports further sustainable change in their well-being and advancement; and

WHEREAS, International Women’s Day is celebrated globally on March 8th and addresses the social, economic, and political barriers still facing women and girls while celebrating their achievements and the progress that have been made in support of women’s equality.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim March 2017 as Women’s History Month and March 8, 2017 as International Women’s Day in the City of El Cerrito, and encourages residents to reflect on, honor, and celebrate the history, courage, commitment, accomplishments, and contributions of women, not only in El Cerrito but throughout America.

Dated: March 7, 2017

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(C)

Date: March 7, 2017
To: El Cerrito City Council
From: Mayor Pro Tem Quinto
Subject: Support Tibetan Action Year

ACTION REQUESTED

Adopt a resolution urging China to respect the Tibetan People's right to self-determination, safeguard their human rights and their pristine environment, and to resume dialogue with His Holiness the Dalai Lama and other Tibetan leaders.

BACKGROUND

The year 2017 has been dedicated by the Tibetan community around the world as "Tibet Action Year" to remind the public about the ongoing plight of Tibet so that the just cause of Tibet is not forgotten. On July 2016, The New York Times reported that the Chinese government ordered largescale demolitions of monks' and nuns' homes at one of the world's largest monastic institutions, Larung Gar in eastern Tibet. Because of China's draconian policies, over 145 Tibetans have self-immolated to protest against it and call for the return of His Holiness the Dalai Lama.

The recent human rights abuses in Tibet are another example of the continued violent suppression of the movement for democracy in Tibet. It is also one aspect of China's continued serious contravention of the Tibetan people's right to religious and cultural freedoms.

It is important that the City of El Cerrito oppose the Chinese government's campaign of violent suppression and stand up for human rights and democracy in Tibet.

Attachment:

1. Resolution

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO URGING THE CHINESE GOVERNMENT TO END ITS VIOLENT SUPPRESSION OF PEACEFUL DEMONSTRATIONS IN TIBET

WHEREAS, Chinese officials have begun demolishing many of the monastic homes, most notably in Larung Gar, in the county of Sertar, in another attempt to shape and control Tibetan culture and religious life; and

WHEREAS, Larung Gar in Sertar has become increasingly prominent in both Tibet and China in recent years as a vital center for the study, practice and promotion of Buddhist teachings otherwise difficult to access or nonexistent in regular monasteries and nunneries due to restrictions put in place by the Chinese government; and

WHEREAS, several exile Tibetan groups have said local authorities distributed an order in June to reduce the number of monks and nuns by half to 5,000 where Government teams previously evicted thousands of monks in 2001, but the site has swelled significantly in the years since; and

WHEREAS, Human Rights Watch issued a statement demanding that China suspend plans to demolish buildings at Larung Gar and over 145 Tibetans have self-immolated to protest against it and call for the return of His Holiness the Dalai Lama.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby urges the government of the People's Republic of China to respect Tibetan People's right to self-determination.

BE IT FURTHER RESOLVED that that 2017 be dedicated as "Tibet Action Year" to remind all about the ongoing plight of Tibet so that the just cause of Tibet is not forgotten.

BE IT FURTHER RESOLVED that the City Council urges the People's Republic of China to peacefully resolve the conflict in Tibet and respond positively to His Holiness the Dalai Lama's call for dialogue.

I CERTIFY that at a regular meeting on March 7, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO IN SUPPORT OF SB 300 (MONNING) THE HEALTH WARNING LABEL ON SUGAR-SWEETENED BEVERAGES ACT

WHEREAS, one third of all children and nearly half of African American and Latino children in California will develop type two diabetes during their lifetime; and

WHEREAS, the consequences of type-two diabetes include: a shortened lifespan and an increased risk of heart attack, stroke, blindness, kidney disease, and limb amputation; and

WHEREAS, type two diabetes is a preventable disease; and

WHEREAS, the excess sugar intake from sugar sweetened beverages is one of the main factors driving the type-two diabetes epidemic; and

WHEREAS, liquid sugar in the form of sugar-sweetened beverages is far more harmful than consuming the same amount of sugar in food because of the rapid absorption of the sugar; and

WHEREAS, consuming one or two sugar-sweetened beverages a day increases one's risk of developing type-two diabetes by 29%; and

WHEREAS, more than 50% of Americans drink one or more sugar sweetened beverages per day; and

WHEREAS, in California, 29% of 2-5 year olds, 32% of 6-11 year olds, and 65% of 12-17 year olds consume one or more sugar sweetened beverage per day; and

WHEREAS, the average medical expense for a diabetic is more than 2 times greater than the expense of someone without diabetes; and

WHEREAS, diabetes adds an extra \$1.6 billion yearly to California's hospitalization costs, including \$254 million in Medi-Cal costs; and

WHEREAS, in addition to type-two diabetes, consumption of one or more sugar-sweetened beverages a day is associated with an increased risk of dying from a heart attack; and

WHEREAS, consumption of sugar sweetened beverages also significantly increases one's risk for obesity; and

WHEREAS, sixty per cent of California's adults and forty per cent of California's children are overweight or obese; and

WHEREAS, tooth decay is the most common chronic illness of childhood, and results in much pain and suffering and is a major cause of absence from school; and

Agenda Item No. 7(A)

WHEREAS, consumption of sugar-sweetened beverages is a major cause of tooth decay; and

WHEREAS, health experts globally have advocated for efforts to drastically reduce sugar-sweetened beverage consumption in order to curb the epidemics of obesity and type-two diabetes and to prevent dental caries; and

WHEREAS, California Senator William Monning, is introducing SB 300, The Health Warning Label on Sugar-Sweetened Beverages Act; and

WHEREAS, SB 300, requires a health-warning label be placed on sugar-sweetened beverages sold in California that contain added sweeteners and 75 calories or more per 12 ounces; and

WHEREAS, the Health Warning Label will read: "State of California Safety Warning: Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes, and tooth decay."

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito wholeheartedly endorses SB 300 and encourages other governmental bodies throughout the state to do the same.

I CERTIFY that at a regular meeting on March 7, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

FACT SHEET: SB 300
SENATOR WILLIAM MONNING
HEALTH WARNING LABEL ON SUGAR-SWEETENED BEVERAGES

PROPOSED BILL

Senate Bill (SB) 300 requires a health-warning label be placed on sugar-sweetened beverages (SSBs) sold in California that contain added sweeteners and 75 calories or more per 12 ounces.

SB 300 provides information about the harmful effects of consuming sugary drinks, such as sodas, sports drinks, energy drinks, and sweetened teas. The warning label informs consumers about the risks that link sugary drink consumption to obesity, type 2 diabetes, and tooth decay.

Health Warning Label:

STATE OF CALIFORNIA SAFETY WARNING:
Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes, and tooth decay

HARMFUL IMPACTS OF SUGARY DRINKS

Scientific research shows over consumption of sugar-sweetened beverages (SSBs) significantly contributes to type 2 diabetes, obesity, tooth decay, and a myriad of other chronic health problems.

Drinking sugar and other sweeteners is far more harmful than consuming the same amount of sugar when it is in foods because of its damaging effect on the body's metabolism, liver, and pancreas. By forcing the body to quickly absorb sugar in liquid form, blood sugar levels spike, the liver becomes fatty, and the body becomes insulin resistant – all major risk factors for developing type 2 diabetes and heart disease.

The large number of calories in SSBs does not satisfy the body's hunger and adds to the calories people consume. These empty calories are converted into fat, contributing to weight gain and obesity. Sixty percent of California adults and

nearly 40% of children are currently overweight or obese.

Sugary drinks are the biggest culprit in today's diabetes and obesity epidemic. The average American consumes almost 300 more calories per day than they did in the 1970's -- 43% of those additional calories come from sugary drinks. Also, SSBs are the single largest source of added sugars in the American diet.

Daily consumption of SSBs by healthy adults increases their risk of cardiovascular disease and diabetes in as little as two weeks. Those who drink one to two sugary drinks per day have a 26% higher risk for developing type 2 diabetes. More than 50% of Americans drink one or more SSBs per day.

An estimated nine percent of California adults have type 2 diabetes and, if left alone, the rates will continue to increase because it is estimated that 46% of Californians have pre-diabetes. In the past decade, the rate of diabetes in Californians has increased 32 percent.

In California, 19% of 2 to 5 year olds, 32% of 6 to 11 year olds, and 65% of 12-17 year olds consume one or more SSB per day. Children who frequently consume sugary drinks are at increased risk for dental cavities that, left untreated, can lead to pain, infection, and tooth loss.

One in three children born since 2000, including half of Latino and African American children, is predicted to develop type 2 diabetes in their lifetime.

The costs associated with habitual consumption of sugary drinks will burden the state and all taxpayers. The average medical expenditures for people with diabetes are 2.3 times greater than for those without the disease. Diabetes adds an extra \$1.6 billion per year to California's hospitalization costs, including \$254 million in Medi-Cal costs.

SOLUTION

SB 300 is a critical component in a broad public health campaign to promote better health outcomes and help consumers make an informed choice about the adverse health impacts of sugary drinks.

Health warning labels have been proven to curb against the use of harmful products, such as the prominent warnings on cigarette packages.

Recently, a randomized trial showed the presence of SSB warning labels encouraged adolescents to purchase more healthful beverages, whereas displaying "calorie per bottle" labels had no such impact. Another study suggests that many parents, due to misleading SSB advertising and product labels, perceive sugary drinks as healthful options, particularly flavored waters, fruit drinks, and sports drinks.

A sugary drink warning label costs taxpayers nothing and promotes informed consumer choice.

SUPPORT

None at this time

OPPOSITION

None at this time

FOR MORE INFORMATION

Contact: Ryan Guillen
Phone: (916) 651-4017
Email: ryan.guillen@sen.ca.gov

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)**SB-300 Sugar-sweetened beverages: health warnings.** (2017-2018)

SHARE THIS:



Date Published: 02/13/2017 09:00 PM

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL**No. 300**

Introduced by Senator Monning
(Principal coauthor: Senator Wiener)
(Coauthors: Senators Allen, Mitchell, Newman, Pan, and Stern)
(Coauthors: Assembly Members Chiu, McCarty, and Wood)

February 13, 2017

An act to add Article 15 (commencing with Section 111224) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 300, as introduced, Monning. Sugar-sweetened beverages: health warnings.

(1) Existing federal law, the Federal Food, Drug, and Cosmetic Act, regulates, among other things, the quality and packaging of foods introduced or delivered for introduction into interstate commerce and generally prohibits the misbranding of food. Existing federal law, the Nutrition Labeling and Education Act of 1990, governs state and local labeling requirements, including those that characterize the relationship of any nutrient specified in the labeling of food to a disease or health-related condition. Existing state law, the Sherman Food, Drug, and Cosmetic Law, generally regulates misbranded food and provides that any food is misbranded if its labeling does not conform with the requirements for nutrient content or health claims as set forth in the Federal Food, Drug, and Cosmetic Act and the regulations adopted pursuant to that federal act. Existing law requires that a food facility, as defined, make prescribed disclosures and warnings to consumers, as specified. A violation of these provisions is a crime.

Existing state law, the Pupil Nutrition, Health, and Achievement Act of 2001, also requires the sale of only certain beverages to pupils at schools. The beverages that may be sold include fruit-based and vegetable-based drinks, drinking water with no added sweetener, milk, and in middle and high schools, an electrolyte replacement beverage if those beverages meet certain nutritional requirements.

This bill would establish the Sugar-Sweetened Beverages Health Warning Act, which would prohibit a person from distributing, selling, or offering for sale a sugar-sweetened beverage in a sealed beverage container, or a multipack of sugar-sweetened beverages, in this state unless the beverage container or multipack bears a health warning, as prescribed. The bill also would require every person who owns, leases, or otherwise legally controls the premises where a vending machine or beverage dispensing machine is located, or where a sugar-sweetened

beverage is sold in an unsealed container, to place a specified safety warning in certain locations, including on the exterior of any vending machine that includes a sugar-sweetened beverage for sale.

(2) Under existing law, the State Department of Public Health, upon the request of a health officer, as defined, may authorize the local health department of a city, county, city and county, or local health district to enforce the provisions of the Sherman Food, Drug, and Cosmetic Law. Existing law authorizes the State Department of Public Health to assess a civil penalty against any person in an amount not to exceed \$1,000 per day, except as specified. Existing law authorizes the Attorney General or any district attorney, on behalf of the State Department of Public Health, to bring an action in a superior court to grant a temporary or permanent injunction restraining a person from violating any provision of the Sherman Food, Drug, and Cosmetic Law.

This bill, commencing July 1, 2018, would provide that any violation of the provisions described in (1) above, or regulations adopted pursuant to those provisions, is punishable by a civil penalty of not less than \$50, but no greater than \$500.

This bill would also create the Sugar-Sweetened Beverages Safety Warning Fund for the receipt of all moneys collected for violations of those provisions. The bill would allocate moneys in this fund, upon appropriation by the Legislature, to the department for the purpose of enforcing those provisions.

The bill would make legislative findings and declarations relating to the consumption of sugar-sweetened beverages, obesity, and dental disease.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Over the past 30 years, adult diabetes rates have nearly tripled in the United States. Currently, 9 percent of adults in the United States have diabetes and more than one-third have prediabetes. In California, an estimated 14 percent of adults have diabetes. Over the past 10 years, the percentage of teens nationwide that have diabetes or prediabetes has increased from 9 percent to 23 percent. One in three children born today, including one-half of African American and Latino children, is expected to develop diabetes in their lifetime. Complications of diabetes include heart disease, nerve damage, gum infections, kidney disease, hearing impairment, blindness, amputation of toes, feet, or legs, and increased risk of Alzheimer's disease.

(b) Diabetes costs the state at least \$24.5 billion each year in total health care expenses and lost productivity. Average medical expenditures for people with diabetes are 2.3 times higher than for those without diabetes. One in three California hospital stays is for people with diabetes. Hospital stays for patients with diabetes, regardless of the primary diagnosis, cost \$2,200 more than other patients, which adds an extra \$1.6 billion each year to California's hospitalization costs, including \$254 million in Medi-Cal costs alone.

(c) The prevalence of obesity in the United States has increased dramatically over the past 30 years. In California, 60 percent of adults are overweight or obese and adult obesity rates have nearly tripled increasing from 8.9 percent in 1984 to 25.0 percent in 2012, and if current trends continue, the rate is expected to increase to 46.6 percent in 2030. Nearly 40 percent of California children are currently overweight or obese and obesity rates have tripled for adolescents and quadrupled for 6 to 11 year olds. Although no group has escaped the epidemic, low income and communities of color are disproportionately affected.

(d) The obesity epidemic is of particular concern because obesity increases the risk of diabetes, heart disease, arthritis, asthma, and certain types of cancer. Depending on their level of obesity, from 60 percent to over 80 percent of obese adults currently suffer from type 2 diabetes, high blood cholesterol, high blood pressure, or other related conditions.

(e) The medical costs for people who are obese are dramatically higher than those of normal weight. Overweight and obesity account for \$147 billion in health care costs nationally, or 9 percent of all medical spending, with one-half of these costs paid publicly through the Medicare and Medicaid programs.

(f) There is overwhelming evidence of the link between obesity and the consumption of sweetened beverages, such as soft drinks, energy drinks, sweet teas, and sports drinks. The 2010 Dietary Guidelines for Americans recommend that everyone reduce their intake of sugar-sweetened beverages. California adults who drink one soda or more per day are 27 percent more likely to be overweight or obese, regardless of income or ethnicity.

(g) According to nutrition experts, sweetened beverages, such as soft drinks, energy drinks, sweet teas, and sports drinks, offer little or no nutritional value, but massive quantities of added sugars. A 20-ounce bottle of

soda contains the equivalent of approximately 17 teaspoons of sugar. Yet, the American Heart Association recommends that Americans consume no more than five to nine teaspoons of sugar per day.

(h) Sugar-sweetened beverages are the single largest source of added sugars in the American diet, with the average American drinking nearly 42 gallons of sweetened beverages a year, the equivalent of 39 pounds of extra sugar every year. Over 50 percent of the United States population drinks one or more sugar-sweetened beverages per day.

(i) In California, 19 percent of two to five year olds drink a sugar-sweetened beverage each day. That number climbs to 32 percent among 6 to 11 year olds, and 65 percent among 12 to 17 year olds. Additionally, major disparities now exist between races and ethnicities. Seventy-four percent of African American adolescents drink at least one sugar-sweetened beverage each day, compared to 73 percent of Latinos, 63 percent of Asians, and 56 percent of whites.

(j) Sugar-sweetened beverages are a unique contributor to excess caloric consumption. Research shows that calories from sugar-sweetened beverages do not satisfy hunger the way calories from solid food or fat or protein-containing beverages, such as those containing milk and plant-based proteins, do. As a result, sugar-sweetened beverages tend to add to the calories people consume rather than replace them. Drinking one or two sodas a day increases the risk of developing type 2 diabetes by 26 percent. Drinking just one soda a day increases an adult's likelihood of being overweight by 27 percent, and for children the likelihood doubles to 55 percent.

(k) Consistent evidence shows a positive relationship between sugar intake and dental caries (cavities) in adults and fewer caries when sugar intake is restricted. Children who frequently consume beverages high in sugar are at an increased risk for dental caries. Untreated dental caries can lead to pain, infection, tooth loss, and in severe cases, death.

(l) Evidence suggests that health warnings can increase knowledge and reduce consumption of harmful products. Studies show that prominent health warnings on the face of cigarette packages can increase health knowledge, perceptions of risk, and can promote smoking cessation of both youth and adults.

SEC. 2. Article 15 (commencing with Section 111224) is added to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, to read:

Article 15. Sugar-Sweetened Beverages Health Warning Act

111224. This article shall be known and may be cited as the Sugar-Sweetened Beverages Health Warning Act.

111224.05. It is the intent of the Legislature, by enacting this article, to protect consumers and to promote informed purchasing decisions by requiring a warning about the harmful health effects that result from the consumption of drinks with added sugars.

111224.10. For purposes of this article, unless the context clearly requires otherwise, the following definitions shall apply:

(a) "Animal milk" means natural liquid milk, which is secreted by an animal and consumed by humans. For purposes of this definition, "animal milk" includes natural milk concentrate and dehydrated natural milk, whether or not reconstituted.

(b) "Beverage container" means any sealed or unsealed container regardless of size or shape, including, without limitation, those made of glass, metal, paper, plastic, or any other material or combination of materials that is used or intended to be used to hold a sugar-sweetened beverage for individual sale to a consumer.

(c) "Beverage dispensing machine" means any device that mixes concentrate with any one or more other ingredients and dispenses the resulting mixture into an unsealed container as a ready-to-drink beverage.

(d) "Caloric sweetener" means any substance containing calories, suitable for human consumption, that humans perceive as sweet and includes, without limitation, sucrose, fructose, glucose, and other sugars and fruit juice concentrates. "Caloric" means a substance that adds calories to the diet of a person who consumes that substance.

(e) "Concentrate" means a syrup or powder that is used or intended to be used for mixing, compounding, or making a sugar-sweetened beverage.

(f) "Consumer" means a person who purchases a sugar-sweetened beverage for a purpose other than resale in the ordinary course of business.

(g) "Department" means the State Department of Public Health, and any agency or person lawfully designated by the department to enforce or implement this article pursuant to Section 111020.

(h) "Distribute" means to sell or otherwise provide a product to any person for resale in the ordinary course of business to a consumer within this state.

(i) "Milk substitute" means a plant-based beverage in which the principal ingredients by weight are (1) water and (2) grains, nuts, legumes, or seeds. For purposes of this definition, "milk substitute" includes, without limitation, almond milk, coconut milk, flax milk, hazelnut milk, oat milk, rice milk, and soy milk.

(j) "Natural fruit juice" means the original liquid resulting from the pressing of fruit, the liquid resulting from the reconstitution of natural fruit juice concentrate, or the liquid resulting from the restoration of water to dehydrated natural fruit juice.

(k) "Natural vegetable juice" means the original liquid resulting from the pressing of vegetables, the liquid resulting from the reconstitution of natural vegetable juice concentrate, or the liquid resulting from the restoration of water to dehydrated natural vegetable juice.

(l) "Person" means any natural person, partnership, cooperative association, limited liability company, corporation, personal representative, receiver, trustee, assignee, any other legal entity, any city, county, city and county, district, commission, the state, or any department, agency, or political subdivision thereof, any interstate body, and, to the extent permitted by federal law, the United States and its agencies and instrumentalities.

(m) "Powder" means a solid mixture with added caloric sweetener used in making, mixing, or compounding a sugar-sweetened beverage by mixing the powder with any one or more other ingredients, including, without limitation, water, ice, syrup, simple syrup, fruits, vegetables, fruit juice, or carbonation or other gas.

(n) "Sale" or "sell" means any distribution or transfer for a business purpose, whether or not consideration is received.

(o) "Sealed beverage container" means a beverage container holding a beverage that is closed or sealed before being offered for sale to a consumer.

(p) (1) "Sugar-sweetened beverage" means any sweetened nonalcoholic beverage, carbonated or noncarbonated, intended for human consumption that has added caloric sweeteners and contains 75 calories or more per 12 fluid ounces. "Nonalcoholic beverage" means any beverage that contains less than one-half of 1 percent alcohol per volume.

(2) "Sugar-sweetened beverage" does not include any of the following:

(A) Any beverage containing 100 percent natural fruit juice or natural vegetable juice with no added caloric sweeteners.

(B) Any product manufactured for any of the following uses and commonly referred to as a "dietary aid":

(i) An oral nutritional therapy for persons who cannot absorb or metabolize dietary nutrients from food or beverages.

(ii) A source of necessary nutrition used as a result of a medical condition.

(iii) An oral electrolyte solution for infants and children formulated to prevent dehydration due to illness.

(C) Any product for consumption by infants and that is commonly referred to as "infant formula."

(D) Any beverage whose principal ingredient by weight is animal milk or a milk substitute.

(q) "Syrup" means a liquid mixture with added caloric sweetener used in making, mixing, or compounding a sugar-sweetened beverage by mixing the syrup with any one or more other ingredients, including, without limitation, water, ice, powder, simple syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or other gas.

(r) "Unsealed beverage container" means a beverage container into which a beverage is dispensed or poured at the business premises where the beverage is purchased, including, without limitation, a container for fountain drinks.

111224.15. (a) A person shall not distribute, sell, or offer for sale a sugar-sweetened beverage in a sealed beverage container in this state unless the container bears the following safety warning and otherwise meets all of the requirements under this section:

"STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes, and tooth decay."

(b) (1) The safety warning required by subdivision (a) shall be prominently displayed and readily legible under ordinary conditions on the front of the sealed beverage container, separate and apart from all other information, and shall be on a contrasting background. The first five words of the safety warning required under subdivision (a), "STATE OF CALIFORNIA SAFETY WARNING" shall appear in capital letters. The entire safety warning shall appear in bold type.

(2) The safety warning required under subdivision (a) shall appear in a type size and in a maximum number of characters (i.e., letters, numbers, and marks) per inch, as follows:

(A) For beverage containers of 8 fluid ounces or less, the safety warning shall be in script, type, or printing not smaller than 1 millimeter, and there shall be no more than 40 characters per linear inch.

(B) For beverage containers of more than 8 fluid ounces and less than 1 liter, the safety warning shall be in script, type, or printing not smaller than 2 millimeters, and there shall be no more than 25 characters per linear inch.

(C) For beverage containers of 1 liter or more, the safety warning shall be in script, type, or printing not smaller than 3 millimeters, and there shall be no more than 12 characters per linear inch.

(c) If the safety warning required under subdivision (a) is not printed directly on the beverage container, the safety warning shall be affixed to the beverage container in such a manner that it cannot be removed without thorough application of water or other solvents.

(d) A person shall not distribute, sell, or offer for sale a multipack of sugar-sweetened beverages in sealed beverage containers in this state unless the multipack of beverages bears the safety warning required under subdivision (a). The safety warning shall be posted conspicuously on at least two sides of the multipack, in addition to being posted on each individual sealed beverage container.

(e) A person shall not distribute, sell, or offer for sale a concentrate in this state unless the packaging of the concentrate, which is intended for retail sale, bears the safety warning required under subdivision (a). The safety warning shall be posted conspicuously on the front of the packaging of the concentrate.

111224.20. (a) Every person who owns, leases, or otherwise legally controls the premises where a vending machine or beverage dispensing machine is located, or where a sugar-sweetened beverage is sold in an unsealed beverage container, shall place, or cause to be placed, a safety warning in each of the following locations:

(1) On the exterior of any vending machine that includes a sugar-sweetened beverage for sale.

(2) On the exterior of any beverage dispensing machine used by a consumer to dispense a sugar-sweetened beverage through self-service.

(3) At the point-of-purchase where any consumer purchases a sugar-sweetened beverage in an unsealed beverage container, when the unsealed beverage container is filled by an employee of a food establishment rather than the consumer.

(b) The safety warning required by subdivision (a) shall contain the following language:

"STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes, and tooth decay."

(c) The safety warning required by subdivision (a) shall be prominently displayed and readily legible under ordinary conditions, separate and apart from all other information, and shall be on a contrasting background. The first five words of the safety warning in subdivision (b), "STATE OF CALIFORNIA SAFETY WARNING" shall appear in capital letters. The entire safety warning shall appear in bold type.

111224.30. (a) Notwithstanding Section 111825, subdivision (b) of Section 111855, or any other law, commencing July 1, 2018, any violation of this article, or a regulation adopted pursuant to this article, is punishable by a civil penalty of not less than fifty dollars (\$50), but no greater than five hundred dollars (\$500). The department may

assess the civil penalty according to the procedures set forth in Section 111855. A person shall not be found to violate this article more than once during any one inspection visit.

(b) There is hereby created in the State Treasury the Sugar-Sweetened Beverages Safety Warning Fund. The fund shall consist of moneys collected for the violation of this article. The department shall remit to the Treasurer any civil penalties collected pursuant to subdivision (a) on a biannual basis, no later than March 15 and September 15 of each year. Notwithstanding any other law, moneys in the fund, upon appropriation by the Legislature, shall be allocated to the department for the purpose of enforcing this article.

111224.35. Notwithstanding Section 111224.15 or 111224.20, if, after appropriate investigation and consultation with the state health officer, the department finds that available scientific information would justify a change in the language of the safety warnings set forth in Sections 111224.15 and 111224.20, the department may adopt regulations to develop new language for the safety warning and may require that the alternative language be adopted in lieu of the language set forth in Sections 111224.15 and 111224.20.

111224.40. It is the intent of the Legislature that nothing in this article shall be construed to preempt or prohibit the adoption and implementation of local ordinances related to sugar-sweetened beverages, except any local ordinance that is inconsistent with this article. An ordinance is not deemed inconsistent with this article if it affords greater protection than the requirements set forth in this article.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



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SB-300 Sugar-sweetened beverages: health warnings. (2017-2018)

Senate: 1st Cmt

Assembly:

Bill Status	
Measure:	SB-300
Lead Authors:	Monning (S)
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Topic:	Sugar-sweetened beverages: health warnings.
31st Day in Print:	03/16/17
Title:	An act to add Article 15 (commencing with Section 111224) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.
House Location:	Senate
Introduced Date:	02/13/17
Committee Location:	Sen Health

Type of Measure
Active Bill - In Committee Process
Majority Vote Required
Non-Appropriation
Fiscal Committee
Non-State-Mandated Local Program
Non-Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
02/23/17	Referred to Com. on HEALTH.
02/14/17	From printer. May be acted upon on or after March 16.
02/13/17	Introduced. Read first time. To Com. on RLS. for assignment. To print.