



AGENDA

REGULAR CITY COUNCIL MEETING
Tuesday, September 20, 2016 – 7:00 p.m.
City Council Chambers

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

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

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

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Mayor Pro Tem Janet Abelson.*

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. 2016 EC STARS Internship Program

Receive a presentation regarding the 2016 El Cerrito Students Training and Ready for Success ("EC STARS") Internship Program – *Presentation by Suzanne Iarla, Assistant to the City Manager, Corey Mason, West Contra Costa Unified School District, and Interns Jeff Feng, Minhal Motiwala, Muhammad Arsalan, John Ly and*

Abia Syed.

B. Better Bay Area Rapid Transit – Time to Rebuild

Update on BART system, current projects and funding, BART ridership and planning for the future – *Presentation by BART Directors Zakhary Mallett and Rebecca Saltzman.*

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(L)
CITY COUNCIL ITEMS

A. Approval of Minutes

Approve the following meeting minutes: 1) August 16, 2016 City Council Closed Session and August 16, 2016 Regular City Council; 2) August 2, 2016 Regular City Council; and 3) July 19, 2016 Regular City Council.

B. Falls Prevention Proclamation

Approve a proclamation declaring the week of September 19 to 25, 2016 as “Falls Prevention Awareness Week” in the City of El Cerrito and calling upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

C. Domestic Violence Awareness Month Proclamation

Approve a proclamation declaring October 2016 as Domestic Violence Awareness Month and urging all residents to actively participate in efforts to end violence in our homes, in our schools, and in our communities.

D. Carbon Fee Resolution

At the request of Mayor Pro Tem Abelson, adopt a resolution: 1) Urging the United States Congress to enact without delay a revenue-neutral fee on carbon-based fossil fuels; 2) The fee rate should start low and increase steadily and predictably, to achieve the goal of reducing U.S. CO₂ emissions to 10% of 1990 levels by 2050; 3) All revenues from the fee should be returned to households to protect low and middle income Americans from the impact of rising prices due to the fee; 4) The international competitiveness of U.S. businesses should be protected by using border tariffs and refunds of the fee; and 5) The City Council directs the City Clerk to transmit copies of the resolution to Representative De Saulnier and Senators Boxer and Feinstein.

E. Proposition 67 Ban on Single-Use Plastic Bags Referendum

Adopt a resolution in support of Proposition 67, Ban on Single-Use Plastic Bags Referendum, which would be a position in favor of upholding SB 270, the contested State legislation regulating single-use carry-out bags.

F. Support for West Contra Costa Unified School District Measure T

Adopt a resolution in support of Measure T, the West Contra Costa Unified School District Parcel Tax Renewal, and encouraging the voters of the City of El Cerrito to review the language and arguments concerning Measure T and thereafter to cast their vote on Measure T at the November 8, 2016 election.

G. Support for BART’s General Obligation Bond Measure to Fund BART’s Safety, Reliability and Traffic Relief Program

Adopt a resolution in support of Bay Area Rapid Transit (BART) general bond measure for investment in the renewal of the BART system, and encouraging the voters of the City of El Cerrito to review the language and arguments concerning the measure and thereafter to cast their vote on the measure at the November 8, 2016 election.

H. Ratification of Appointment to the Oversight Board

Adopt a resolution ratifying the Mayor's appointment of Mark Rasiah, Finance Director/Treasurer, to the Oversight Board of the Successor Agency to the former El Cerrito Redevelopment Agency representing the former employees of the El Cerrito Redevelopment Agency.

I. Gilman/Tom Bates Sports Field Joint Powers Authority Alternate Appointment

Confirm the appointment of Mayor Lyman to represent the City of El Cerrito as its second alternate member on the Gilman/Tom Bates Sports Field Joint Powers Authority.

J. Crime Prevention Committee Appointment

Approve a Crime Prevention Committee recommendation to appoint Nathan DeClue to the Crime Prevention Committee, effective September 20, 2016.

REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEMS

K. Amended Recognized Obligations Payment Schedule 16-17B

Adopt a Successor Agency resolution reviewing and authorizing submittal of an Amended Recognized Obligations Payment Schedule 16-17B (January 1, 2017-June 30, 2017).

L. Accept Former Redevelopment Agency Properties from the Municipal Services Corporation and Convey the Properties to the City of El Cerrito

That the City Council of the City of El Cerrito acting as the Governing Board of the Successor Agency to the El Cerrito Redevelopment Agency adopt a resolution accepting the conveyance of the following former Redevelopment Agency properties identified as: 1) Mayfair Block – 1925 Kearney Street, 11690 San Pablo Avenue; 11600 San Pablo Avenue; 2) Eastshore Block – 11335-41 San Pablo Avenue, 6111 Potrero Avenue, 1718 Eastshore Boulevard; and 3) Government Purpose Property – Civic Center 10930/10940 San Pablo Avenue, from the El Cerrito Municipal Services Corporation and approve the conveyance of the former Redevelopment Agency properties to the City of El Cerrito in accordance with the Successor Agency to the El Cerrito Redevelopment Agency Long Range Property Management Plan. *Exempt from CEQA.*

6. PUBLIC HEARINGS

A. Abatement of Fire Hazard Public Nuisances on Two Properties Pursuant to El Cerrito Municipal Code Chapter 16.26

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

B. PL14-0171 El Dorado Townhomes Tentative Subdivision Map

Conduct a public hearing and upon conclusion adopt a resolution approving the Tentative Subdivision Map for Planning Application PL14-0171, including changes to the project proposed by the applicant. *Exempt from CEQA.*

7. POLICY MATTERS – None

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

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, October 4, 2016 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.



AGENDA BILL

Agenda Item No. 4(A)

Date: September 20, 2016
To: El Cerrito City Council
From: Suzanne Iarla, Assistant to the City Manager
Subject: Presentation on the 2016 EC STARS Internship Program

ACTION REQUESTED

Receive a presentation regarding the 2016 El Cerrito Students Training and Ready for Success ("EC STARS") Internship Program. Suzanne Iarla and Mr. Corey Mason will provide an overview and the interns will speak briefly about their experience.

BACKGROUND

2016 is the fourth year of the El Cerrito Students Training and Ready for Success Program, also known as EC STARS. The program is a summer internship program in partnership with the Information Technology and the Media Academies at El Cerrito High School. This year, there were five interns working in the following City Departments:

2016 EC STARS		
Department / Division	Mentor(s)	Intern
Engineering	Melissa Tigbao & Precilla Mandujano	Jeff Feng
Recycling	Maria Sanders & Laureteen Brazil	Minhal Motiwala
Police	Lt. Dave Hartung	Muhammad Arsalan
Administration (Finance, Human Resources & City Management)	Shannon Collins & Cheryl Mosby & Suzanne Iarla	John Ly
Recreation	Vivian Brandt	Abia Syed

In addition to working approximately 12-15 hours per week in a city office, the interns also attended a weekly class for academic credit. Class time included reflections on the student's internship experience, reading "Get the Job You Love" by Marjorie Weingrow, presentations by city staff on local government careers, and homework assignments. New this year, the El Cerrito Fire Department offered Community Emergency Response Team (CERT) bootcamp training to the interns, exposing them to important life skills as

well as introducing them to both the day-to-day and disaster response functions of the City.

ANALYSIS

The EC STARS program continues to offer students learning opportunities in a variety of fields, while enriching public service for the City. The primary goal of the EC STARS Internship Program is to have a positive impact on youth by connecting them to local government employment through skill building. City staff strives to ensure that the students have a clear understanding of basic employment rules and requirements, employer goals and expectations, and obtain the necessary information to perform well in a structured educational setting as well as on the job.

The program strives to:

- Enhance the basic educational skills of the students
- Encourage school completion
- Offer part-time work
- Expose youth to career options and opportunities
- Direction to enter into career paths
- Divert youth from anti-social behavior
- Assist youth with inter-personal relations
- Enhance other 21st Century skills

STRATEGIC PLAN CONSIDERATIONS

The EC STARS program helps to achieve a number of strategies identified in the City's strategic Plan. The program strengthens the City's relationship with El Cerrito High School – an objective for both Goal A, "Deliver exemplary government services" and Goal C, "Deepen a sense of place and community identity."

The program also indirectly helps to recruit a talented workforce (an objective of Goal A) by providing local youth the opportunity to experience working for the City and learning about career opportunities in local government. The program also encourages civic involvement by youth, another objective of Goal C.

Reviewed by:

Scott Hanin
City Manager

EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL CLOSED SESSION
Tuesday, August 16, 2016 – 6:30 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, August 16, 2016 – 7:00 p.m.
City Council Chambers

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

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

6:30 p.m. ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.

CONVENE CITY COUNCIL CLOSED SESSION

Mayor Lyman convened the City Council Closed Session at 6:30 p.m.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (*Pursuant to Government Code Section 54956.8*)

Property: Former Portola Middle School site, 1021 Navellier Street, El Cerrito, CA

Agency Negotiators: Scott Hanin, City Manager

Under Negotiation: Price and terms of payment

ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, stated that he had heard from others in his community that the property could be used for a Charter School.

RECESSED INTO CLOSED SESSION at 6:33 p.m.

ADJOURNED CITY COUNCIL CLOSED SESSION at 7:02 p.m.

ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.

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

Mayor Lyman convened the regular City Council meeting at 7:05 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Lyman reported that the City Council gave direction to its real property negotiators at the Closed Session meeting held earlier in the evening.

Mayor Pro Tem Abelson announced that Lucy Wilson, who is recognized on the City's Wall of Fame, passed away on August 14, 2016. Mayor Pro Tem Abelson stated that Ms. Wilson's passing was a moment of great sadness for all who knew her and requested that an official tribute document be prepared in her memory to honor her life and service.

Mayor Lyman also expressed his sorrow regarding the passing of Ms. Wilson and announced the details of Ms. Wilson's memorial service. Mayor Lyman also recognized the passing of Pat Jones, former Assistant Executive Director of the Association of Bay Area Governments from 1998-2013. Mayor Lyman also announced that August 17 is the City's birthday. The City will be 99 years old tomorrow and the day will launch the beginning of the City's centennial celebration which will culminate in a special party. The City Council's Centennial Celebration Task Force is already working on ways to celebrate the occasion.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Park Plaza Neighborhood Association, Richmond, stated that city departments are a good place for young people to work. Mr. Hindler also expressed support for the induction of David Weinstein into the El Cerrito Wall of Fame.

Sean O'Conner, El Cerrito, stated that he is a member of the El Cerrito Green Team and provided an update on trash clean-up that occurs at five different locations in the City. Mr. O'Conner also invited all to participate in upcoming clean ups.

Dave Weinstein, President, El Cerrito Trail Trekkers, presented the City Council with a \$2,186 check that was raised at the Hillside Festival. The funds are to be spent on maintenance, including cutting grasses and the elimination of invasive vegetation in an environmentally responsible way at the Madera Open Space. Mr. Weinstein also reported that good progress is being made in working with PG&E to protect the natural habitat. PG&E owns land adjacent to the Hillside Natural Area. Chuck Lewis, El Cerrito resident and PG&E attorney, is working on formalizing an easement in the area. It will not cost the city anything and will provide other benefits to the city.

4. PRESENTATIONS

A. El Cerrito Wall of Fame Ceremony

Adopt a resolution recognizing David Weinstein for his leadership and effort preserving the history and natural areas of El Cerrito, educating the community about environmental sustainability and enhancing El Cerrito's sense of place and inducting Mr. Weinstein into the El Cerrito Wall of Fame.

Speakers: Jenny Hammer, El Cerrito, stated that there are many reasons why Mr. Weinstein is deserving of the honor. Ms. Hammer thanked the City Council for passing the resolution inducting Mr. Weinstein into the Wall of Fame. Trail Trekkers would not exist if it were not for Mr. Weinstein and his dog who walked the trails and derelict pathways. Ms. Hammer noted that Trail Trekkers has an impressive history of environmental advocacy and work in the community.

Dave Weinstein, El Cerrito, stated that El Cerrito is a great town and noted that the community which works very hard, the City Council and staff make things happen. Mr. Weinstein said he loves El Cerrito and when he sees something that needs to be done such as protecting the beautiful murals in the Cerrito Theater, protecting open space or enhancing the trails he can't just sit back and do nothing. He cares about the community and fights for it. City staff have done so much for the city too.

Cordell Hindler, Board Member Park Plaza Neighborhood Council, expressed his appreciation for Mr. Weinstein's work and thanked the City Council for honoring him.

Howdy Goudey, El Cerrito, thanked Mr. Weinstein for his contributions to the community, including his work on the Environmental Quality Committee and stated that the community is lucky to have him.

Action: Moved, seconded (Friedman/Abelson) and carried unanimously to adopt Resolution No. 2016–63 inducting David Weinstein into the El Cerrito Wall of Fame.

B. Introduction of Maw Shein Win as El Cerrito Poet Laureate

Introduction of Maw Shein Win as El Cerrito's first Poet Laureate.

Presenter: Christopher Sterba, Chair, Arts & Culture Commission.

Speaker: Cordell Hindler, El Cerrito, thanked the Mayor and Council for the Poet Laureate Program.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(E)

Moved, seconded (Friedman/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5A, 5B and 5D through 5E in one motion as indicated below. Item No. 5C was removed from the Consent Calendar for additional comment and discussion as indicated below.

A. Anti-Bullying Proclamation

Approve a proclamation declaring October 16-22, 2016 as "Freedom from Bullies Week" in the City of El Cerrito.

Action: Approved proclamation.

B. Constitution Week Proclamation

Approve a proclamation declaring the week of September 17 through 23, 2016 as Constitution Week in the City of El Cerrito and asking the City's residents to reflect on the ideals outlined in the Constitution of the United States as amended over time and recognize the efforts and sacrifices of not only our Nation's Founding Fathers in crafting the Constitution, but also the brave individuals that have defended it and the great movements that have sought to engage the public and the Nation's leaders in the continuing discussion about human rights, dignity, equality, fairness, justice, liberty and freedom for all.

Action: Approved proclamation.

C. Resolution Opposing Sutter Health Corporation's Plan to Cease Acute Care Hospital Operations at Alta Bates Hospital in Berkeley

At the request of Mayor Lyman and Councilmember Quinto, adopt a resolution opposing Sutter Health Corporation's plan to close its acute care and emergency services at Alta Bates Summit Medical Center Berkeley Campus, and requesting Sutter Health to begin the planning and execution required to bring the Alta Bates Campus up to the necessary standards to comply with Senate Bill 1953 in order to provide an acute care hospital and emergency services at Alta Bates.

Mayor Lyman noted for the record that he received an email in support of the item from Councilmember Kris Worthington (Berkeley).

Rochelle Pardue-Okimoto, El Cerrito, spoke in support of the resolution opposing Sutter Health Corporation's plan to shut down the Alta Bates campus and move services to downtown Oakland. Alta Bates usually serves about 150 patients per day and Summit also serves about 150 patients per day in the Emergency Department. El Cerrito is currently underserved in terms of the number of hospital beds needed per patient. The national average is three beds per every 1000 people. Before the closure of Doctors Hospital there were 1.4 beds per 1000 people. Now, it is under 1 bed per 1000. The closure of Alta Bates Hospital will make the situation worse. Ms. Pardue-Okimoto also spoke against turning Alta Bates into a free-standing emergency room which is currently illegal in California because it does a disservice to the patient. At an urgent care facility one cannot get treated for heart attack, stroke, severe bleeding, poisoning, burns, neck injury, life threatening allergic reactions or pregnancy complications. Ms. Pardue-Okimoto stated that Alta Bates must remain open to ensure the safety of the residents of El Cerrito.

Michael Hill, El Cerrito, stated that time saves lives and what is needed is a full service emergency room not an urgent care facility. The closure of Doctors Hospital resulted in longer wait times at Summit and Alta Bates hospitals – sometimes the wait in the emergency room was 2-3 days to get into a room. It is important that Alta Bates Hospital is retrofitted or rebuilt to prevent any further decrease in services along the I-80 corridor.

Action: Removed from the Consent Calendar for the purpose of additional comment and Council discussion. Moved, seconded (Friedman/Abelson) and carried unanimously to adopt Resolution No. 2016–64.

D. 2016 Microsurfacing and Curb Ramp Project

Adopt a resolution taking the following actions: 1) Approve plans for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C3027.17; 2) Accept the one submitted bid; 3) Authorize the City Manager to execute a contract in the amount of \$469,493.40 with Alaniz Construction, Inc. and approve change orders in an amount not to exceed \$90,000 for the construction of the 2016 Microsurfacing and Curb Ramp Project including additional street work; and 4) Amend the Fiscal Year 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to appropriate an additional \$34,494 in the Measure A Street Improvement Fund for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C3027.17. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016–65.

E. Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Ghirardelli Associates (Ghirardelli) to provide construction management, inspection and materials testing services for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project, City Project No. C3076, Federal Project No. CML-5239(025) in the amount of \$394,236 and approve a contingency amount not to exceed \$40,000 for a contract term of August 16, 2016 to June 30, 2019. *City completed an Initial Study and Negative Declaration per CEQA in 2009. This project will not have a significant effect on the environment under CEQA or NEPA.*

Action: Adopted Resolution No. 2016–66.

6. PUBLIC HEARINGS

Correction to Master Fee Schedule for Fiscal Year 2016-17

Conduct a public hearing and upon conclusion, adopt a resolution approving corrections to the Fiscal Year 2016-17 Master Fee Schedule and amending Resolution No. 2016-40.

Presenter: Mark Rasiah, Finance Director.

Mayor Lyman opened the public hearing.

Speakers: Cordell Hindler, Richmond, urged the Council to support the resolution.

Moved, seconded (Bridges/Friedman) and carried unanimously to close the public hearing.

Action: Moved, seconded (Friedman/Abelson) and carried unanimously to adopt Resolution No. 2016-67.

7. POLICY MATTERS

Memorandum of Understanding for a Feasibility Study of a Transit-Oriented Development Project at the El Cerrito Plaza BART Station

Adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the San Francisco Bay Area Rapid Transit District ("BART") to advance and cooperatively pursue the feasibility of Transit-Oriented Development and a potential new library facility at the El Cerrito Plaza BART Station.

Presenter: Scott Hanin, City Manager.

Speakers: Cordell Hindler, Richmond, stated that the project is a wonderful opportunity and urged the Council to approve the resolution.

Paul Fadelli, El Cerrito, stated that it is time to provide the City's families with a safe, new library and having a library at BART is exciting and provides good transit access. Mr. Fadelli also said he hopes that El Cerrito, like other cities such as Walnut Creek, Lafayette and Berkeley, can have a new library and resource center to be proud of.

George Gager, El Cerrito, urged the City Council to vote yes on transit oriented development.

Al Miller, El Cerrito, encouraged the City Council to support the proposal including a library at the BART site and get the study underway.

Nick Arzio, El Cerrito, stated that he supports a safe, modern library in El Cerrito and transit oriented development. Mr. Arzio said it is a good site for a library and hopes that the feasibility study will show that it is a good site and that construction can begin as soon as possible.

Action: Moved, seconded (Bridges/Quinto) and carried unanimously to adopt Resolution No. 2016-68 including the MOU in substantially the same form as Attachment 2.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports – *No reports.*

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:36 p.m. in memory of Lucy Wilson, a long-time community member who was inducted into the El Cerrito Wall of Fame in 1999, and Patricia Jones, former Assistant Executive Director of the Association of Bay Area Governments, 1998-2003.

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, August 2, 2016 – 7:00 p.m.
City Council Chambers

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

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

Present: Councilmembers Abelson, Friedman, Quinto and Mayor Lyman.

Absent: Councilmember Bridges

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:01 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Mayor Greg Lyman.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Lyman stated that he received a notice of application for Pacific Gas & Electric Company's (PG&E) 2017 general rate case about energy. Former Mayor Jones used to announce PG&E's rate increases. Mayor Lyman said now that the City is with Marin Clean Energy (MCE), the PG&E rate increase does not affect those who are enrolled with MCE.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, stated that he shares Mayor Lyman's joy about MCE however as more of the City's neighboring communities join MCE, he would never underestimate the ability of PG&E and the Public Utility Commission to figure out some way to save PG&E the expense of losing customers. Mr. Miller said he enjoyed the opening of El Cerrito's first beer garden at McBear's Social Club on San Pablo Avenue. As president of the El Cerrito Library Foundation, Mr. Miller stated that the Foundation supports progress made on the library project and stated that although the Foundation cannot advocate it will continue to support the city's information campaign.

Tom Panas, El Cerrito, thanked city staff for its presentation on the Library proposal last week, thanked the City Council for taking action on a new library at its last meeting and urged the City Council to approve second reading of the Library measure ordinance.

4. PRESENTATION - None

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(D)

Moved, seconded (Abelson/Quinto; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Bridges) and carried to adopt Consent Calendar Item Nos. 5(A) through 5(D) in one motion as indicated below.

A. Approval of Minutes

Approve the June 21, 2016 Special Concurrent City Council / Public Financing Authority / Employee Pension Board meeting minutes.

Action: Approved minutes.

B. Ordinance Submitting a General Obligation Bond to the Voters for a Safe Modern Library Project

Adopt Ordinance No. 2016–03 ordering the submission of a general obligation bond proposition to the qualified voters of the City of El Cerrito at the General Municipal Election to be held on November 8, 2016 for the purpose of the land acquisition (or lease), design, construction, furnishing, equipping, and supplying of a safe, modern library project.

Action: Adopted Ordinance No. 2016–03.

C. Quarterly Cash and Investments Report for Period Ending March 31, 2016

Receive and file the City's Quarterly Investment Report for the period ending March 31, 2016.

Action: Received and filed.

D. Quarterly Cash and Investments Report for Period Ending June 30, 2016

Receive and file the City's Quarterly Investment Report for the period ending June 30, 2016.

Action: Received and filed.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS – None

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports. *Held over from July 19, 2016.*

Mayor Lyman encouraged any of the City Council interested in filling an open seat on the Contra Costa Family Justice Alliance Board of Directors to submit an application. The Contra Costa Mayors Conference makes an appointment to fill one of the thirteen seats on the Board.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 7:07 p.m.

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, July 19, 2016 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:04 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Lyman acknowledged those who had lost their lives in the last few weeks and asked all present to observe a moment of silence for Philando Castille, Alton Sterling, Police Officers Brent Thompson, Patrick Zamarripa, Michael Kroll, Sergeant Michael Smith, Sergeant Corporal Lorne Ahrens, Officer Montrell Jackson, Officer Brad Garafola, Officer Matthew Gerald and UC Berkeley Student Nick Leslie.

Karen Pinkos, Assistant City Manager, introduced Kristen Cunningham, Senior Human Resources Analyst, to the public and City Council.

Mayor Lyman announced the rescheduling of a public hearing related to the amendment of the Master Fee Schedule from this evening to August 16, 2016 at 7:00 p.m.

Mayor Pro Tem Abelson announced that the City's Centennial Planning Task Force has been meeting and is planning one gala event and events each month throughout the year. Mayor Pro Tem Abelson asked anyone who belongs to a community group and is interested in participating in the celebrations to contact Suzanne Iarla, Assistant to the City Manager or any other staff in the city.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond complained about being stopped by an El Cerrito Police officer during the day and said he felt like his rights were violated.

Bill Pinkham, Richmond, urged the City Council to support agenda Item No. 5F urging the Bay Area Air Quality Management District to adopt the Community Worker Alternative in Rule 12-16 and endorse the resolution.

Al Miller, El Cerrito, spoke about his participation in the El Cerrito Relay-for-Life, which raised \$23,000 for the American Cancer Society. The event was well attended and was a real community builder. Mr. Miller also invited all to attend the annual El Cerrito Rotary Sip and Savor event on October 16, 2016 from 2:30- 5:30 p.m. at Mira Vista Country Club.

Nicholas Arzio, El Cerrito, asked that an additional flashing crosswalk be placed at Portola Drive and San Pablo Avenue to make the crosswalk safer. Additionally, Playland-Not-at-the-Beach, a magical place for children, is struggling financially and will have to close at the end of the year if it does not receive a large amount of money. A gofundme.com account has been opened to raise funds for Playland-Not-at-the-Beach.

Rebecca Milliken, El Cerrito, thanked the City Council for its leadership in sustainability and urged the Council to support Agenda Item No. 5(F) urging the Bay Area Air Quality Management District to adopt the Community Worker Alternative in Rule 12-16.

4. PRESENTATION - None

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(J)

Moved, seconded (Abelson/Friedman) and carried unanimously to approve Consent Calendar Item Nos. 5(A) through 5(D) and 5(F) through 5(J) in one motion as indicated below. Consent Calendar Item No. 5(E) was removed from the Consent Calendar by Mayor Lyman.

A. National Night Out Proclamation

Approve a proclamation calling upon all residents of the City of El Cerrito to participate in “National Night Out” on Tuesday, August 2, 2016 in the City of El Cerrito.

Action: Approved proclamation.

B. I-80/Central Avenue Interchange Improvement Project

Adopt a resolution authorizing the City Manager to execute Amendment No. 2 to Cooperative Agreement No. 07W.02 between the Contra Costa Transportation Authority (CCTA), the City of El Cerrito, and the City of Richmond for final design services and construction of I-80/Central Avenue Interchange Improvement Project, Phase 1. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016–52.

C. Payment of El Cerrito’s share of the West Contra Costa Integrated Waste Management Authority Operating Expenses for Fiscal year 2015-16 and First Half of Fiscal Year 2016-17

Adopt a resolution authorizing payments for the City of El Cerrito’s share of the West Contra Costa Integrated Waste Management Authority’s operating expenses in the amounts of \$60,140 for Fiscal Year 2015-16 and \$30,460 for the first half of Fiscal

Year 2016-17.

Action: Adopted Resolution No. 2016–53.

D. Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project

Adopt a resolution authorizing the City Manager to execute a Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement between West Contra Costa County Transportation Advisory Committee (WCCTAC) and the City of El Cerrito for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016–54.

E. Exclusive Negotiating Rights Agreement with Holliday Development, LLC and BRIDGE Housing Corporation for the Development of the Mayfair Block

Adopt a resolution designating Holliday Development, LLC and BRIDGE Housing Corporation jointly as the proposed developer for the Mayfair Block, and authorizing execution of an Exclusive Negotiating Rights Agreements (ENRA) with Holliday Development, LLC and BRIDGE Housing Corporation.

Action: Removed from the Consent Calendar by Mayor Lyman for the purpose of congratulating and thanking Holliday Development and Bridge Housing Corporation for bringing 68 affordable housing units to El Cerrito. Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Resolution No. 2016–55.

F. Urge the Bay Area Air Quality Management District to Adopt the Community Worker Alternative in Rule 12-16

At the request of Councilmember Abelson adopt a resolution urging the Bay Area Air Quality Management District to present the Community – Worker Alternative for proposed Rule 12-16 and adopt the Community – Worker Alternative in Rule 12-16 to ensure community and refinery work health and safety.

Action: Adopted Resolution No. 2016–56.

G. Support for the “Safety for All” Initiative

At the request of Councilmember Quinto, adopt a resolution supporting the “Safety for All” Initiative on the upcoming November 2016 ballot.

Action: Adopted Resolution No. 2016–57.

H. Committee on Aging Membership Recommendation

At the request of the Committee on Aging, approve a recommendation to appoint Katherine Cesa to the Committee on Aging, effective July 19, 2016.

Action: Katherine Cesa appointed to the Committee on Aging, effective July 19, 2016.

I. Urging Support for the Restoration of Adult Education Funding to the California State Budget

At the request of the Committee on Aging, authorize Mayor Lyman to sign and send letters to Governor Brown, Senator Hancock, Assemblymember Thurmond and Assemblymember Lopez urging the restoration of funding for Adult Education’s Older Adults programs in the California State budget.

Action: Approved recommendation.

J. Amendment to Summer 2016 City Council Meeting Schedule

Amend the Summer 2016 City Council meeting schedule approved on June 21, 2016 to reinstate and convene the previously cancelled regularly scheduled August 2, 2016 meeting at 7:00 p.m.

Action: Regular August 2, 2016 City Council meeting reinstated.

6. PUBLIC HEARINGS

A. Fire Hazard Abatement

1) Adopt a resolution declaring that weeds, rubbish, litter or other flammable material on certain real property identified in the resolution constitutes a public nuisance. *Exempt from CEQA.*

2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26

Presenter: Christopher Renshaw, Fire Prevention Officer/Captain. No speakers.

Actions: Moved, seconded (Bridges/Abelson) and carried unanimously to adopt Resolution No. 2016–58, including a revised Exhibit A, declaring that weeds, rubbish, litter or other flammable material on certain real property identified in the resolution constitutes a public nuisance.

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Bridges/Abelson) and carried unanimously to close the public hearing.

Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Resolution No. 2016–59, including a revised Exhibit A, overriding objections and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

B. Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

Conduct a Public Hearing and upon conclusion adopt resolutions: 1) Certifying the Subsequent Environmental Impact Report; and 2) Denying an appeal and upholding the Planning Commission's approval of amendments to a Conditional Use Permit for the Summit K2 Charter School located at 1800 Elm Street.

Councilmember Friedman stated that he is recusing himself from this item because the Foundation he works for gave a grant to Summit to assist with start-up costs for the school. Councilmember Friedman said he was recusing himself from the hearing to avoid any appearance of partiality. He removed himself from the proceedings and left the Council Chambers.

Staff Presentation: Sean Moss, Senior Planner.

Ex parte Disclosures: Mayor Lyman announced that the City Council received several supplemental communications from the public that are at the dais this evening however it is not an exhaustive list of all submissions received. Mayor Lyman also reported that he spoke with Daisy Leong on the phone who wanted to make sure he was reading his packet.

Mayor Pro Tem Abelson reported that she also received phone calls from Daisy Leong and Joanna Pace and told them that she could not discuss the item. Mayor Pro Tem Abelson also reported that she received an email from Steve Chamberlin who wanted to meet with her and show her the campus. Mayor Pro Tem Abelson told him she would be pleased to visit the campus after the item was decided but could not meet at this time.

Councilmember Bridges stated that she is the Council liaison to the Planning Commission and reported that she received an email and call from a neighbor that lives on Elm Street who expressed concerns about what was going on and also expressed concerns about parking, noise and traffic. Councilmember Bridges also received comments over the weekend from one of the appellants about the same concerns expressed earlier and email invitations from the Chamberlains that were declined.

Councilmember Quinto received a phone call from Daisy Leong regarding her area on Manor Circle and also received a phone call from Mr. Chamberlin who asked Councilmember Quinto if he wanted to take a tour of the building. Councilmember Quinto stated that he had seen the building many times. Councilmember Quinto also stated that he received many emails and read each of them.

Mayor Lyman opened the public hearing.

Appellant Presentation: Al Moore, Attorney, Wendel, Rosen, Black and Dean LLP, representing the appellants, stated that the neighbors and appellants feel that they haven't had a voice and that their concerns have not been addressed in a way that has made them comfortable with prior proceedings. Mr. Moore complained that the appellants and neighbors did not receive a copy of Supplemental Communications II which contains reports and a resolution prepared by staff this evening and asked that the hearing be continued to allow everyone to read the documents and respond to them. Mr. Moore expressed concerns about parking and stated that the rights of the school have to be balanced with the rights of residents.

Steve Haines, Appellant, stated that the increased enrollment is unprecedented in the neighborhood, the impacts are significant and that all issues need a full and proper evaluation. Mr. Haines expressed concerns about the traffic study and stated that traffic far exceeds what the EIR reports.

Franklin Leong, Appellant, expressed safety and security concerns associated with increased enrollment and stated that there will be significant, unavoidable impacts on the surrounding community. There is already heavy traffic and traffic congestion in the area. Mr. Leong also complained about rocks being thrown on his roof and asked the City Council not to approve the expansion.

Joanna Pace, stated that the neighbors feel that they haven't been listened to and that all the material that has been shared has not been analyzed or read thoroughly by the decision makers.

Applicant Rebuttal: Doug Giffin, Chamberlin Associates, stated that outreach has taken place in the community, discussed the School's commitment to the community, traffic and parking in relation to other schools in the city, noise and transparency solutions and also spoke about security, student safety and good neighbor solutions.

Linda Klein, Attorney, Cox, Castle & Nicholson, noted that a letters from the appellants regarding the appeal were received on July 12 and July 18 when the deadline for submitting the appeal was June 27, 2016 and also noted that the city has not adopted a threshold for parking in the city and that parking is not a CEQA issue in this matter.

Kelly Garcia, Executive Director, Summit School, provided information regarding student lunch scheduling, staff commute choices and parking.

Amy, Lopez, Kittelson & Associates, provided information regarding the applicant's traffic studies.

Public Testimony: Thirty-six speakers.

Cordell Hindler, Richmond, spoke in support the Charter School.

Susan Chamberlin, Richmond, spoke in support of the Summit K2 Charter School. Ms. Chamberlin stated that she and her husband have invested heavily in the students of West Contra County, including the Summit campus, and are committed to equal access and a quality public school education. Ms. Chamberlin said that the property has been restored, that they are proud of it and noted that the Planning Commission unanimously approved Summit's request for expansion.

Bill Golove, El Cerrito, spoke in support of Summit School and has rented it for basketball for the past twenty years.

Debra McCaffrey, Kensington, expressed concerns regarding traffic and spoke in support of the appeal of the expansion.

George Gager, El Cerrito, spoke in support of Summit K2 School.

Lauren Campbell, El Cerrito, spoke in support of Summit K2 School.

Felicia Campbell, El Cerrito, spoke in support of Summit K2 School.

Leon Walker, El Sobrante, spoke in support of Summit K2 School.

Bill Davis, Pinole, spoke in support of Summit K2 School and urged the City Council to deny the appeal.

Susan Riggle, El Cerrito, stated that Summit evaded the question about a high school when it went before the West Contra Unified School District Board of Education in 2013 and said no one cares that the neighborhood doesn't want 300 more students at the school or that the Board at that time said the school could not accommodate it.

Kristen McCaw, Chief of Summit School, spoke in support of Summit School and shared additional context about the school.

Lorraine Sonoda, El Cerrito, stated that she currently experiences traffic impacts from the school and that there will be significant impacts from the school if it expands and asked that parking enforcement enforce the parking limit.

Kazue Nakahara, El Cerrito, expressed concerns about traffic and noise in the area near the school and the financial impacts that charter schools have on public schools.

Kim Zvik, Kensington, spoke in support of Summit K2, particularly within the historical context of the school and the school's proximity to BART.

David Elsaessar, El Cerrito, spoke in support of the appeal and urged the City Council to say no to the expansion.

Kelly Garcia, Summit K2, spoke in support of Summit K2 School, its diversity and its educational equity opportunities and urged the City Council to uphold the Planning Commission's unanimous decision to approve Summit's use permit amendments.

Zach Jackson, El Cerrito, discussed a listing of El Cerrito businesses who support Summit K2 School that was submitted to the Council this evening and urged the City Council to deny the appeal.

Michael Ray Wisley, Richmond, spoke in support of Summit K2 School and asked the City Council to deny the appeal.

Dora Granera, Richmond, spoke in support of the merits of Summit K2 School and asked the City Council to uphold the unanimous decision of the Planning Commission.

Marlene Keller, El Cerrito, said she saw no reason not to support Summit's desire to expand and the Planning Commission's unanimous decision and asked the City Council to think of the issue in terms of policy trade-offs and return on investment, particularly Summit's diverse, inclusive environment.

Eugene Go, El Cerrito, stated that he supports safe and excellent education for all students and expressed concerns regarding safety issues, security challenges and bullying associated with older students and impacts on the Police Department.

Jeff Rosenfeld, El Cerrito, said he was puzzled by the planning process that occurred, commented on projections in the traffic reports, the General Plan and development that he feels the City does not need.

William M. Jones, Richmond, encouraged the City Council to welcome children and let them know that the City is investing in the children's future and success.

Hannah Kim, El Cerrito, spoke in support of the merits of Summit School.

Linda Ruiz-Lozito, East Richmond Heights, asked the City Council to support Summit's students by supporting the conditional use permit.

Maia Correia, El Cerrito, spoke in support of Summit K2 School and asked the City Council to uphold the Planning Commission's unanimous decision to allow expansion.

Alonso Raimilla-Couture, El Cerrito, spoke in support of Summit K2 School.

Helen Couture Rodriguez, El Cerrito, encouraged the City Council to deny the appeal.

Miguel Raimilla, El Cerrito, spoke in support of Summit K2 School.

Valerie Snider, El Cerrito, stated that one of the three appellants is not a resident of the Summit neighborhood and asked whether she could appeal the Planning Commission's decision.

Daisy Leong, El Cerrito, appellant, said that she and her neighbors support education and also stated that a good neighbor would not proceed with an expansion if it knew it would adversely affect the neighbors and urged the Council to protect the neighbors next to Summit.

Susanna Spiro, El Cerrito, stated that she is in support of the appeal and feels that the expansion is inappropriate and out of character with the school. Ms. Spiro stated that the neighborhood may be at a tipping point with 600 new students at the school and reported that trash and rocks have been thrown over the fence into her yard.

Ann Flemer, El Cerrito, stated that the city has a great legacy of doing great planning and thorough analysis and asked that the appeal be denied.

Michael Wu, El Cerrito, stated that the Summit property will increase traffic and parking and also expressed concerns about noise.

Jane Kim, El Cerrito, urged the City Council to deny the appeal.

Troy Tyler, El Cerrito, spoke in support of Summit K2 School, stating that Summit fully supports and fits within the vision of the City as stated in the updated Strategic Plan.

Actions: Moved, seconded (Bridges/Abelson; Ayes – Councilmember Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to extend the meeting to 11:00 p.m.

Moved, seconded (Abelson/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) to take a five minute recess and extend the meeting to 12:00 a.m.

Moved, seconded (Bridges/Quinto; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Moved, seconded (Bridges/Quinto; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2016–60 certifying the Subsequent Environmental Impact Report for the Summit K2 Operation Expansion Project, approving the Mitigation and Monitoring Reporting Program as revised and approving the Errata to the Summit K2 Operational Expansion Subsequent Environmental Impact Report. Specific changes include striking the last paragraph of Alternative B on page 6-6 of the Draft Subsequent EIR and revising the Mitigation and Monitoring Reporting program to reflect the change in mitigation measures identified in the errata which was presented to the Council as a supplemental communication this evening.

Moved, seconded (Abelson/Quinto; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2016–61 denying an appeal of the Planning Commission’s approval of Application PL15-0006 and approving a conditional use permit to allow operation of a school with Grades 7 through 12 for a maximum of 630 students during the regular school year and a maximum of 315 students during the summer session at 1800 Elm Street as amended by Mayor Lyman to modify Conditions 18 and 19 of the resolution to read (*underlined text indicates language that was added, strike-out indicates text that has been deleted*):

18. All school-related activities in Area A, except for work parties, and as limited by other conditions of this approval, shall begin no earlier than 9:30 A.M. and end no later than 4:30 P.M., Monday through Friday, and shall be supervised by adults at all times. Additionally, in Area A, a maximum of 2 hours and 30 minutes of scheduled, active, non-directed play shall be permitted each day prior to 4:30 P.M., Monday through Friday, pursuant to Planning Commission Resolution No. 89-28.

19. In Areas B & C, a maximum of 2 hours and 30 minutes of scheduled, active non-directed play shall be permitted each day, prior to ~~3:30~~ 4:30 P.M., Monday through Friday, pursuant to Planning Commission Resolution No. 98-16.

As further amended by Mayor Pro Tem Abelson to add: 1) Condition of Approval No. 48 to require Summit School to contact the West Contra Costa Transportation Advisory Committee and take advantage of any transit options and incentives for people to get to and from school that are available to help alleviate issues associated with cars; and 2) Condition of Approval No. 49 to state that as part of the improvements to the Key/Elm/Hill Intersection, the project applicant shall provide accessibility improvements including the removal of sidewalk obstructions and including additional width as possible, where warranted.

As further amended by Councilmember Bridges to: 1) Add Condition of Approval No. 50 which would require the site operator to host quarterly meetings with the community and invite all the surrounding neighbors during the first year and perhaps beyond, to address any concerns the neighbors may have regarding operation of the school; and 2) Modify Condition 47 to read:

47. Prior to the commencement of each regular school year; the School Administrator shall submit a site specific safety plan for review and approval by the Chief of Police or his or her designee. This plan will include at a minimum the topics of emergency evacuation and mandatory reporting procedures. In addition, the School Administrator and the Chief of Police shall meet at least every 90 days to discuss security and policing needs of the site. Any policing services needed, such as a School Resource Officer, shall be funded by the project applicant/operator.

As amended on the floor, to modify Condition 10 to read:

10. To address neighborhood concerns, and subject to the City's approval process, up to 5 additional trees may be added to screen the windows of adjacent residences. Further, the existing ~~sound~~ fence located along the southern property line of the site ~~may~~ shall be extended up to an additional 65 feet. The materials used in the fence extension should be harmonious and compatible with existing materials already on site.

C. PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

Conduct a public hearing and upon conclusion adopt a resolution approving the Tentative Subdivision Map for Planning Application PL 14-0171.

Mayor Lyman opened the public hearing.

Presenters: Sean Moss, Senior Planner, Keith McCoy, Partner, Urban Community Partners, Peter Stackpole, LCA Architects, Carol Roberts, Energy Inspectors.

Speakers: Howdy Goudey, El Cerrito, recognized the work of Sharon Maldonado in circulating a petition in support of the residents of Audiss RV Park, noted the significant impact on displaced residents and affordable housing and questioned whether the proposed development is consistent with the City's condo conversion ordinance, the General Plan and the Housing Element in its service to the community over the next 50 years or so and asked the Council to decline the application as presented and direct staff to work with the applicant to develop a socially responsible project consistent with city goals and policies.

Robin Mitchell, El Cerrito, spoke in support of the former residents of Audis RV Park and affordable housing and offered innovative solutions implemented by other cities.

Ms. Mitchell urged the City Council not to approve the project in its current form for the reasons stated by Mr. Goudey.

Nicholas Arzio, El Cerrito, praised Mr. Goudey and Ms. Mitchell for their comments and efforts and urged the Council to take actions mentioned by them.

Richard Norris, Attorney for the Project Developer, stated that he was pleased with staff's influence in helping the former residents of Audiss Park. Mr. Norris, stated that the project staff had not considered disability concerns beyond what is legally required and stated that an elevator in at least one unit may be possible if it is reasonably feasible to do it.

Moved, seconded (Friedman/Bridges) and carried unanimously to close the public hearing.

Actions: Moved, seconded (Friedman/Bridges) and carried unanimously to extend the City Council meeting to 12:15 a.m.

Moved, seconded (Abelson/Bridges; Ayes – Councilmembers Abelson, Bridges and Mayor Lyman; Noes – Councilmembers Friedman and Quinto) and carried to extend the City Council meeting to 1:00 a.m.

Moved, seconded (Friedman/Quinto) and carried unanimously to extend the City Council meeting to 1:15 a.m.

Moved, seconded (Abelson/Quinto) and carried unanimously to approve a substitute motion to continue the matter to September 20, 2016 to provide the applicants with an opportunity to respond to the Council's comments about the project regarding accessibility and affordability.

(A main motion rejecting the proposal in its current form which asked the applicant to return to Council with a project that includes a plan for accessibility and inclusion of some measure of affordable units combined with direction to staff to return to Council with a resolution of denial was withdrawn in favor of continuing the item to September 20, 2016.)

Moved, seconded (Abelson/Quinto) and carried unanimously to extend the City Council meeting to 1:45 a.m.

7. POLICY MATTERS

Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

1) Adopt a resolution finding that a Safe Modern El Cerrito Library is in the public interest and necessity. *(Adoption of the resolution requires four affirmative votes.);* 2) Introduce by title and waive any further reading of an ordinance to submit to the voters of El Cerrito at the November 8, 2016 election a measure authorizing the issuance of general obligation bonds ("GO bonds") for a Safe Modern El Cerrito Library Project. *(Introduction and subsequent approval of the ordinance also requires four affirmative votes. The measure authorizing the issuance of GO bonds must be approved by two-thirds of the voters voting on the measure.);* and 3) Approve a budget amendment to appropriate \$12,000 from the unrestricted General Fund balance for election costs associated with the measure.

Presenter: Scott Hanin, City Manager.

Speakers: Cordell Hindler, El Cerrito, spoke in support of a new library.

Nicholas Arzio, El Cerrito, stated that he supports a safe modern library but believes the decision is rushed with some details yet to be worked out. Mr. Arzio said he

hopes for a fair presentation of facts for the voters so that they can make an informed decision. Mr. Arzio also expressed concerns about the Godbe survey.

Gary Pokorny, El Cerrito Library Foundation Board Member, said the Library Foundation has been working with the community, Council and city staff, the County Library and county staff to encourage this city and the community to build an adequate library. Mr. Pokorny said the Library Foundation is available to help with the project and urged the City Council to put the measure on the ballot.

Al Miller, El Cerrito, President of the El Cerrito Library Foundation, stated that students who were surveyed strongly support a modern library in El Cerrito and announced that the El Cerrito Library Foundation received a donation of \$100,000 from a private foundation in Berkeley for the new library.

Tom Panas, El Cerrito, provided information to the City Council regarding the bond repayment schedule and urged the City Council to support the Library project as described by City staff this evening.

Actions: Moved, seconded (Abelson/Bridges) and carried unanimously to adopt Resolution No. 2016–62.

Moved, seconded (Friedman/Quinto) and carried unanimously to approve first reading of Ordinance No. 2016–03. *Ordinance adoption scheduled for August 2, 2016.*

Moved, seconded (Bridges/Abelson) and carried unanimously to approve a budget amendment to appropriate \$12,000 from the unrestricted General Fund balance for estimated election costs associated with the measure.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

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

Action: Held over to the meeting of August 2, 2016.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 1:40 a.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 1

(Delivered prior to printing of the agenda packet)

Item No. 5(F) Urge the Bay Area Air Quality Management District to Adopt the Community Worker Alternative in Rule 12-16

1. Notification that the Environmental Quality Committee voted to support the Community-Worker proposal – *Submitted by Maria Sanders, Liaison to the Environmental Quality Committee.*

Item No. 6(B) Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

2. Summit K2 Charter School Letter to Planning Commission (cc: City Council) – *Submitted by Franklin Leong and Daisy Leong.*
3. Request for scheduling of appeal – Submitted by Doug Giffin, Education Matters.
4. 1800 Elm Street Conditional Use Permit Addendum – Submitted by Doug Giffin, Education Matters.
5. Ex-Parte Communication Disclosure – *Submitted by Mayor Lyman.*

6. Materials Regarding Summit K2's Conditional Use Permit Amendment – *Submitted by Mayor Lyman and Council.*
7. Elaboration on Appeal of the Planning Commission's actions on June 15, 2016 – *Submitted by Joanna Pace on behalf of appellants.*
8. Survey of traffic on 1800 Elm Street – *Submitted by Joanna Pace on behalf of Franklin Leong, Appellant, El Cerrito.*
9. Summit K2 Public School Traffic Congestion - *Submitted by Joanna Pace on behalf of Franklin Leong, Appellant, El Cerrito.*
10. Summit expansion/traffic concern – *Submitted by Colleen West, El Cerrito.*

Item No. 6(C) PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

11. Comments on proposed subdivision map – Submitted by Howdy Goudey, El Cerrito.
12. Audiss "Fair Treatment for Audiss Residents" Petition Signatures - Submitted by Sharon Maldonado, Berkeley.

Item No. 7 Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

13. Financial Advisory Board recommendations regarding funding for a potential new library – *Submitted by Rich Bartke, Chair.*

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 2

(Received after the July 19, 2016 Agenda Packet was copied and distributed)

Item No. 5(F) Urge the Bay Area Air Quality Management District to Adopt the Community Worker Alternative in Rule 12-16

14. Sierra Club strongly supports the resolution – *Submitted by Luis Amezcua, Co-Chair, Energy-Climate Committee, Sierra Club, San Francisco Bay Chapter.*

Item No. 6(A) Fire Hazard Abatement

15. Revised Exhibit A to Resolutions (Attachments 5 and 6) – *Submitted by Christopher Renshaw, Fire Prevention Officer/ Captain / Paramedic.*

Item No. 6(B) Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

16. Summit School Expansion – *Submitted by David Yen, Christine Le, Logan Yen and Nathan Yen.*
17. Applicant Presentation – *Submitted by Doug Giffin, Chamberlin Associates.*
18. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Elizabeth Thorsnes, El Cerrito.*
19. Powerpoint presentation – *Submitted by Sean Moss, Senior Planner.*
20. Revised exhibit from the Applicants Traffic Consultant showing proposed Signal phasing at the Elm St/ Key Blvd./ Hill St. Intersection – *Submitted by*

Sean Moss, Senior Planner.

21. Draft Resolution certifying the subsequent Environmental Impact Report for the Summit K2 Operation Expansion Project – *Submitted by Sean Moss, Senior Planner.*
22. Response to Issues raised by appellants of the Summit K2 Operation Expansion Project subsequent to initial appeal letter – *Submitted by Sean Moss, Senior Planner.*
23. Errata to the Summit K2 Operational Expansion Subsequent Environmental Impact Report – *Submitted by Sean Moss, Senior Planner.*
24. Deny the appeal and uphold the Planning Commission's unanimous decision to approve the use permit amendments for Summit K2 – *Submitted by Scott Gelfand, K2 parent.*
25. Summit K2 Use Permit – *Submitted by Kerry and Erik Hattevik.*
26. El Cerrito Neighbor in Support of Summit – *Submitted by Adrienne Imada.*
27. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Hannah Kim.*
28. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Claudine Swickard.*
29. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Jane Kim.*
30. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Christy Kim.*
31. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Thorsten Bach.*
32. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Felicia Campbell.*
33. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Troy Tyler.*
34. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Utku-Tamara Aksu.*
35. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Eric Rodriguez.*
36. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Maya and Mark Gmail.*
37. El Cerrito Neighbor in Support of Summit K2 – *Submitted by Cinthia Simon.*
38. Seven other emails in support – *to close to printing deadline to index*

Item No. 6(C) PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

39. Urban Community Partners Presentation – *Submitted by Keith McCoy, Applicant.*
40. Powerpoint presentation – *Submitted by Sean Moss, Senior Planner.*

Item No. 7 Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

41. Library Bond Measure Tracking Survey prepared by Godbe Research *Submitted by Scott Hanin, City Manager.*

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 3

Received during public comment and the public hearing at the July 19, 2016 City Council meeting.

Item No. 6(A) Fire Hazard Abatement

- 42. Revised Exhibit A to Resolutions (Attachments 5 and 6) – *Submitted by Christopher Renshaw, Fire Prevention Officer/ Captain / Paramedic.*

Item No. 6(B) Appeal of the Planning Commission's Approval of Amendments to a Conditional Use Permit for the Summit K2 Charter School Located at 1800 Elm Street

- 43. Applicant's response to comments raised in letters dated July 12, 2016 and July 18, 2016 from Appellants and Appellants' Counsel – *Submitted by Linda C. Klein, Cox, Castle & Nicholson, LLP.*
- 44. Objections to proposed high school at 1800 Elm Street – *Submitted by Franklin Leong, El Cerrito.*
- 45. Why Summit K2? – *Submitted by George Gager, El Cerrito.*
- 46. Corrected Survey of Elm Street Traffic Pattern – *Submitted by Franklin Leong, El Cerrito.*
- 47. 114 Signatures supporting appeal of EC Planning Commission approval of application PL15-0006 and Rejecting Summit K2 School Expansion – *Submitted by Daisy Leong, El Cerrito*
- 48. Statement of Eugene Go expressing safety concerns – *Submitted by Eugene Go, El Cerrito.*
- 49. Summit K2 Charter School appeal hearing – *Submitted by Michael Longming Wu, El Cerrito.*
- 50. Businesses in support of Summit K2's use permit amendments, signature petition and Summit draft Good Neighbor Handbook – *Submitted by El Cerrito Business Neighbors of Summit K2.*
- 51. Summit K2 Charter School Appeal dated July 19, 2016 – *Submitted by Daisy Leong, El Cerrito.*

Item No. 6(C) PL 14-0171 El Dorado Townhomes Tentative Subdivision Map

- 52. Comments and support for identity of Audis RV Park as long term rental unit residences – *Submitted by Howdy Goudey, El Cerrito.*
- 53. Letter in support of Audis residents and proposed solutions and against proposed development project – *Submitted by Robin Mitchell, El Cerrito.*

Item No. 7 Placement of a General Obligation Bond Measure for a Safe Modern El Cerrito Library

- 54. Remarks of Amalia Cunningham, El Cerrito.
- 55. Comments of Mary Selph, El Cerrito.

***EL CERRITO CITY COUNCIL PROCLAMATION
Falls Prevention Awareness Week September 19-25, 2016***

WHEREAS, nearly 165,000 people, or 14.6% percent of Contra Costa County's 1,126,745 population are age 65 or older. Nationally, one in every three adults age 65 and older falls each year; and falls are the leading cause of injury death among seniors. Every 35 minutes, an older adult dies from a fall; and

WHEREAS, falls are the most common cause of nonfatal injuries and hospital admissions for trauma, causing injuries such as hip fractures and head traumas; and fall-related injury is one of the 20 most expensive medical conditions. According to a 2010 report, almost half (49.3%) of Contra Costa County's unintentional injury hospitalizations occurred among residents 65 years and older; and over three-quarters (75.9%) of these hospitalizations were due to falls; and

WHEREAS, county residents 65 years and older had the highest unintentional injury hospitalizations in the county that were due to falls, followed by motor vehicle traffic accidents and poisonings. Falling and the fear of falling, can lead to depression, isolation, diminished mobility, and loss of functional independence. Concentrated efforts are being made in Contra Costa County by the Fall Prevention Coalition to reduce falls and fall related injuries using multi-faceted interventions; and

WHEREAS, Senate Concurrent Resolution SCR 77 dated May 28, 2008 declares the first week of fall each year as Falls Prevention Awareness Week in California, and the Federal Safety of Seniors Act of 2007 calls for the expansion of public health programs, educational outreach, and research activities related to fall prevention.

NOW THEREFORE the City Council of the City of El Cerrito does hereby proclaim the week of September 19 to September 25, 2016, as "FALLS PREVENTION AWARENESS WEEK" in the City of El Cerrito, and calls upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Dated: September 20, 2016

Gregory B. Lyman, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
October is Domestic Violence Awareness Month

WHEREAS, family violence continues to be prevalent as a social problem due to the imbalance of power in gender and age and the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, affectional preference and societal barriers and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control and/or abuse. The impact of domestic violence is wide-ranging, directly affecting women, children and men, and society as a whole; and

WHEREAS, it is survivors of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home. All residents of Contra Costa County should feel safe in their homes, their schools, and their communities; and

WHEREAS, STAND! For Families Free of Violence helps end the cycle of family violence for 15,000 people each year in Contra Costa County by saving lives, rebuilding families, and changing the future; and

WHEREAS, STAND! for Families Free of Violence is a multi-service agency, providing: 24 hour crisis line, emergency and transitional shelter, legal advocacy, children and teen programs, counseling, support groups, employment training, batterer's treatment program, and educational prevention programs; and

WHEREAS, STAND! for Families Free of Violence works to raise awareness through education, so individuals will become advocates, and will take action to end violence in their communities,

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim October 2016 as Domestic Violence Awareness Month and urges all residents to actively participate in the efforts to end violence in our homes, in our schools, and in our communities.

Dated: September 20, 2016

Gregory B. Lyman, Mayor

RESOLUTION NO. 2016-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO URGING THE
UNITED STATES CONGRESS TO ENACT A REVENUE-NEUTRAL CARBON FEE**

WHEREAS, the average surface temperature on Earth has been increasing steadily, with the ten warmest years ever recorded all occurring since 1998; and

WHEREAS, climate scientists overwhelmingly agree that an increase in greenhouse gases in the atmosphere—carbon dioxide (CO₂) in particular—is causing the increase in global temperature; and

WHEREAS, humans burning carbon-based fossil fuels — coal, oil, and natural gas—is the primary cause of the substantial and continuing increase of CO₂ in the atmosphere; and

WHEREAS, the global atmospheric concentration of CO₂ has reached 400 parts per million—the highest level in the last 800,000 years; and

WHEREAS, it is predicted that by the year 2100 average global temperature will be 2°F to 11.5°F higher than now depending on the level of future greenhouse gas emissions; and

WHEREAS, climate change caused by global warming-related greenhouse gas emissions including CO₂ already is leading to large-scale problems including ocean acidification and rising sea levels; more frequent, extreme, and damaging weather events such as heat waves, storms, heavy rainfall and flooding, and droughts; more frequent and intense wildfires; disrupted ecosystems affecting biodiversity and food production; and an increase in heat-related deaths; and

WHEREAS, burning fossil fuels also has human health costs from releasing pollutants that cause lung disease, respiratory illnesses, and cancer; and

WHEREAS, rising sea levels, reduced snow pack in the Sierras, and extreme weather are issues that are beginning to affect the San Francisco Bay Area; sea level rise in the Bay Area is expected to increase by sixteen inches by the year 2050 and fifty-five inches by 2100; and miles of shoreline and parks could be underwater, which could result in \$62 billion worth of infrastructure damage in the Bay Area; and

WHEREAS, by mid-century, the City of El Cerrito could see three to four times as many extreme heat days as we do today with related increases in hospitalizations and deaths, especially for vulnerable populations such as seniors, young children, and low-income households; and

WHEREAS, we are approaching a dangerous threshold whereby, if it is crossed, humans will no longer be able to influence the course of future global warming, as tropical forests, peat bogs, permafrost and the oceans switch from absorbing carbon to releasing it; and

WHEREAS, the relentless increase in global atmospheric CO₂ concentration shows that broader, more powerful policies are needed to supplement local and regional efforts to reduce emissions; and

Agenda Item No. 5(D)

WHEREAS, presently the environmental, health, and social costs of CO₂ emissions are not included in prices paid for fossil fuels, but rather these externalized costs are borne directly and indirectly by all Americans and global citizens; and

WHEREAS, to begin to correct this market failure, Congress can enact a national carbon fee on fossil fuels, based on the amount of CO₂ the fuel will emit when burned; and

WHEREAS, for efficient administration, a fee on fossil fuels can be charged once, as far upstream in the economy as practical, or at the port of entry into the United States; and

WHEREAS, a national carbon fee starting at a relatively low rate and increasing steadily over future years is a market-based solution that is designed to minimally disrupt the economy while sending a clear and predictable price signal to businesses to develop and use non-carbon-based energy resources; and

WHEREAS, a national carbon fee would incentivize manufacturers, businesses, and consumers throughout the economy to produce and use less fossil fuel, and would spur investment in and deployment of clean energy resources and energy efficient processes, without favoring any particular technology, and would thereby reduce CO₂ emissions to the atmosphere; and

WHEREAS, job creation from development of clean energy and energy efficiency businesses would be expected to exceed job creation from further development of fossil fuel businesses; and

WHEREAS, if 100% of carbon fee revenue is returned to households in equal shares, approximately two-thirds of Americans will break even or come out ahead, as their dividends match or exceed direct and indirect price increases due to the fee, protecting lower and middle income households; and

WHEREAS, border adjustments—carbon content-based tariffs on products imported from countries without comparable carbon pricing, and refunds to our exporters of carbon taxes paid—can maintain the competitiveness of U.S. businesses in global markets; and

WHEREAS, a national carbon fee may be implemented quickly and efficiently, and respond to the urgency of the climate crisis, because the federal government already has in place mechanisms, such as the Internal Revenue Service, needed to implement and enforce the fee, and already collects fees from fossil fuel producers and importers; and

WHEREAS, a national carbon fee would make the United States a leader in mitigating climate change and in the clean energy technologies of the 21st Century, and would incentivize other countries to enact similar carbon fees, reducing global CO₂ emissions without the need for complex international agreements; and

WHEREAS, the City of El Cerrito has been a leader in the fight against climate change, having adopted a Climate Action Plan in 2013 which aims to reduce the city's greenhouse gas emissions by 15% below 2005 levels by 2020 and 30% below 2005 levels by 2035; and

WHEREAS, the goals of a national carbon fee to reduce CO₂ emissions and transition to a green economy are consistent with state and local programs designed to mitigate climate change, such as California's AB32 and El Cerrito's Climate Action Plan; and

Agenda Item No. 5(D)

WHEREAS, the market incentive provided by a steadily rising national carbon fee implemented in 2016 or soon thereafter can result in significant and increasing near-term reductions in overall U.S. CO₂ emissions, and thereby help El Cerrito to meet or exceed its own goals; and

WHEREAS, continued widespread use of fossil fuels and global climate change pose a present and growing risk to the health and welfare of El Cerrito residents and to its economy, and a U.S. national, revenue-neutral carbon fee will significantly mitigate those risks and promote health and prosperity in our City, our region, and the world.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby urges the United States Congress to enact without delay a revenue-neutral fee on carbon-based fossil fuels.

BE IT FURTHER RESOLVED that the fee should be collected once, as far upstream in the economy as practical, or at the port of entry into the United States.

BE IT FURTHER RESOLVED that the fee rate should start low and increase steadily and predictably, to achieve the goal of reducing U.S. CO₂ emissions to 10% of 1990 levels by 2050.

BE IT FURTHER RESOLVED that all revenues from the fee should be returned to households to protect low and middle income Americans from the impact of rising prices due to the fee.

BE IT FURTHER RESOLVED that the international competitiveness of U. S. businesses should be protected by using border tariffs and refunds of the fee.

BE IT FURTHER RESOLVED that the City Council direct the City Clerk to transmit copies of this resolution to Representative Mark DeSaulnier, Senator Dianne Feinstein, and Senator Barbara Boxer.

I CERTIFY that at a regular meeting on September 20, 2016 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 September XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: September 20, 2016
To: El Cerrito City Council
From: Maria Sanders, Operations & Environmental Services Division Manager
Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Proposition 67 Ban on Single-Use Plastic Bags Referendum

ACTION REQUESTED

Adopt a resolution in support of Proposition 67, Ban on Single-Use Plastic Bags Referendum, which would be a position in favor of upholding SB 270, the contested State legislation regulating single-use carry-out bags.

BACKGROUND

California Senate Bill 270 (SB 270), by Senators Padilla, de León and Lara, was adopted by the Legislature and signed into law by Governor Brown on September 30, 2014. This bill establishes a statewide ban on the distribution of single-use plastic bags at the point of sale at most stores, authorizes stores to make available reusable carry-out bags or recycled paper bags for not less than \$0.10 per bag, and requires that all monies collected by stores be retained at the store and be used for costs associated with complying with the bill.

It was passed after several years of effort, including numerous other legislative attempts. Previous legislative attempts to ban plastic bags would have dedicated proceeds from the sale of reusable bags to government for environmental mitigation purposes. However, such a governmental fee would fall under Proposition 26, passed in 2010, which redefined certain regulatory fees as taxes requiring a supermajority vote of the electorate.

In February 2015, implementation of SB 270 was put on hold after the American Progressive Bag Alliance submitted a petition placing a referendum on the November 2016 ballot. Under this referendum, on the ballot as Proposition 67, a “yes” vote is a vote in favor of upholding SB 270 and a “no” vote is a vote in favor of overturning SB 270. The complete text of Proposition 67 and the SB 270 legislation may be reviewed by visiting the California Secretary of State’s website at (<http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures/>).

At its July 12, 2016 meeting, the Environmental Quality Committee (EQC) passed a motion recommending that the City Council consider adopting a support position on Proposition 67.

Since 2010, the City Council has regularly expressed support for local, regional, and state-wide regulation of single-use carry-out bags. The City Council has authorized the Mayor to send support letters for previous legislative attempts to ban single-use plastic bags, including AB 1998 (Brownley) in 2010, SB 405 (Padilla), and AB 158 (Levine) in 2013. The City Council passed a local ordinance regulating single-use plastic bags (Ordinance 2013-03) at its September 17, 2013 meeting.

ANALYSIS

Bans on single-use plastic bags are primarily being passed as a pollution control measure, as plastics are the predominate form of marine debris. According to the California Coastal Commission, the primary source of marine debris is litter accumulating in urban runoff and entering waterways. Lightweight plastic bags are a significant source of waterborne litter and are particularly dangerous to marine life. For this reason, the Regional Water Quality Control Boards have mandated that cities and counties throughout California reduce the amount of litter entering storm drains and waterways to the "Maximum Extent Practicable" and allow compliance credits for instituting single-use plastic bag bans.

Litter counts show a strong correlation between plastic bag bans and a reduction in litter. According to the Watershed Project, over the past five years in communities with these bans, plastic bags found during litter counts on Coastal Clean-up Day have significantly declined. For instance, litter counts in Richmond indicate that plastic bags as a percentage of litter have dropped from nearly 20% in 2011 to below 5% in 2015.

SB 270 was passed in the wake of many local jurisdictions passing ordinances banning single-use plastic bags. To date, 149 county and local jurisdictions in California, including the City of El Cerrito, have banned single-use plastic bags, with most of these ordinances also placing a minimum charge on other types of carry-out bags. While SB 270 preempts local governments from passing an ordinance that differs from the statewide ban, it does grandfather in existing ordinances passed prior to September 2014. Thus, SB 270 would not affect El Cerrito's single-use bag ordinance unless the City subsequently amends the ordinance.

Upholding SB 270 (a "yes" vote on Proposition 67) would expand plastic bag bans to include all California communities and would help create uniformity throughout the State in regard to regulation of reusable grocery bags, single-use carry-out bags, and recycled paper bags. Vetoing SB 270 (a "no" vote) would return California to the status quo in which individual communities can pass their own ordinances.

Entities supporting a "yes" vote on Proposition 67 include the Contra Costa County Board of Supervisors, the League of Cities Environmental Quality Policy Committee, the California Democratic Party, Californians Against Waste, Surfrider Foundation, the Sierra Club, the California League of Conservation Voters, and the Natural Resources Defense Council. Entities supporting a "no" vote include the American Forest and Paper Association, the American Progressive Bag Alliance, Association of California Cities-

Orange County, and the Howard Jarvis Taxpayers Association. A full list of entities supporting and opposing the Proposition can be found at www.ballotpedia.org.

STRATEGIC PLAN CONSIDERATIONS

The requested action would help fulfill Goal F – Foster environmental sustainability citywide, specifically in regard to the following objectives:

- Be a leader in setting policies and providing innovative programs that promote environmental sustainability; and
- Implementing policies that promote waste diversion.

ENVIRONMENTAL CONSIDERATIONS

If ratified by California voters, implementation of SB 270 would further reduce single-use bag litter throughout California and help reinforce implementation of El Cerrito's single-use bag ordinance.

FINANCIAL CONSIDERATIONS

There are no financial obligations associated with the requested action.

LEGAL CONSIDERATIONS

There is no legal obligation associated with the requested action.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Legislative information on Proposition 67 and SB 270 can be found at (<http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures/>)

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO IN SUPPORT OF CALIFORNIA STATE PROPOSITION 67, BAN ON SINGLE-USE PLASTIC BAGS REFERENDUM, WHICH WOULD BE A POSITION IN FAVOR OF UPHOLDING CALIFORNIA SENATE BILL 270, THE CONTESTED STATE LEGISLATION REGULATING SINGLE-USE CARRY-OUT BAGS

WHEREAS, single-use plastic bags have been associated with significant environmental impacts and constitute a significant percentage of litter, which is unsightly and costly to clean up; and

WHEREAS, littering single-use plastic bags can result in blocked storm drains, fouled waterways, and increased marine debris, posing a danger to wildlife; and

WHEREAS, litter counts show a strong correlation between community bans on single-use plastic bags and a reduction of plastic bags as a percentage of overall litter; and

WHEREAS, on September 17, 2013, the City Council of the City of El Cerrito adopted the El Cerrito Single-Use Bag Ordinance (2013-03), finding that the City of El Cerrito has a substantial interest in protecting its waterways, environment, and taxpayers from the negative impacts of single-use carry-out bags; and

WHEREAS, California Senate Bill 270 (SB 270), Single-Use Carry-Out Bag Ban, was adopted by the Legislature and signed into law by Governor Brown on September 30, 2014, establishing a statewide ban on the distribution of single-use carry-out bags at the point of sale at most stores and authorizing stores to make available reusable bags or recycled paper bags for not less than \$0.10 per bag; and

WHEREAS, implementation of SB 270 was put on hold after the American Progressive Bag Alliance submitted a petition placing a referendum (Proposition 67) on the November 2016 ballot, in which a “yes” vote is a vote in favor of upholding SB 270 and an “no” vote is a vote in favor of overturning SB 270; and

WHEREAS, SB 270 would not conflict with El Cerrito's single-use bag ordinance and would expand regulation of single-use carry-out bags to include all California communities, would help create uniformity throughout the State in regard to the regulation of reusable grocery bags, single-use carry-out bags, and recycle paper bags, and would help reinforce implementation of El Cerrito's ordinance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby adopts a resolution in support of Proposition 67, the Ban on Single-Use Plastic Bags Referendum, which would be a position in favor of upholding SB 270.

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

Agenda Item No. 5(E)
Attachment 1

I CERTIFY that at a regular meeting on September 20, 2016 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 September XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO IN SUPPORT OF MEASURE T, THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT (WCCUSD) PARCEL TAX RENEWAL ON THE NOVEMBER 8, 2016 BALLOT

WHEREAS, approximately 2,260 children who live in the City of El Cerrito attend public schools in the West Contra Costa Unified School District; and

WHEREAS, voters in the City of El Cerrito and throughout the West Contra Costa Unified School District have supported public schools with a parcel tax since 2004; and

WHEREAS, a high quality education for our children is vital for the local economy; and

WHEREAS, the \$9.8 million invested by local property owners each year goes to support lower class sizes, preparing our children for college and career pathways, expanding library services, providing after-school programs to keep children away from gangs and drugs, and attracting and retaining high quality teachers; and

WHEREAS, property owners who are senior citizens or disabled are exempt from paying the parcel tax; and

WHEREAS, the West Contra Costa Unified School District Board of Education has placed a parcel tax renewal (Measure T) on the November 8, 2016 ballot; and

WHEREAS, Measure T renews the current parcel tax at 7.2 cents per square foot of building space; and

WHEREAS, Measure T requires independent citizen oversight; and

WHEREAS, approval of Measure T would provide the public school students of the City of El Cerrito and the West Contra Costa Unified School District with a stable source of funding that the state cannot take away for eight additional years.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby formally supports Measure T, the WCCUSD Parcel Tax Renewal, and encourages the voters of the City of El Cerrito to review the language and arguments concerning Measure T and thereafter to cast their vote on Measure T at the November 8, 2016 election.

I CERTIFY that at a regular meeting on September 20, 2016 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 September XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
SUPPORTING THE BAY AREA RAPID TRANSIT'S (BART) GENERAL OBLIGATION
BOND MEASURE ON THE NOVEMBER 8, 2016 BALLOT TO FUND BART'S SAFETY,
RELIABILITY AND TRAFFIC RELIEF PROGRAM

WHEREAS, BART has developed the BART System Renewal Program (the "Safety, Reliability, and Traffic Relief Program") to invest in the renewal of the BART system by improving safety and access, repairing and replacing critical infrastructure, and increasing capacity; and

WHEREAS, BART estimates it will cost at least \$9.6 billion over the coming ten years to rebuild a core system that is now 44 years old. BART has secured approximately one-half of the \$9.6 billion; and

WHEREAS, voters on November 8, 2016 in San Francisco, Alameda and Contra Costa Counties will have an opportunity to decide whether to authorize BART to issue \$3.5 billion in general obligation bonds for the Safety, Reliability and Traffic Relief Program, to be repaid by district property owners; and

WHEREAS, BART will establish an Independent Oversight Committee to ensure the bond measure projects are carried out with an excess of transparency, accountability and integrity.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of El Cerrito that it hereby supports BART's general bond measure to invest in the renewal of the BART system, and encourages the voters of the City of El Cerrito to review the language and arguments concerning the measure and thereafter to cast their vote on the measure at the November 8, 2016 election.

I CERTIFY that at a regular meeting on September X, 2016 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 September XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(H)

Date: September 20, 2016
To: El Cerrito City Council
From: Melanie Mintz, Community Development Director
Subject: Ratification of Appointment to Oversight Board to the Successor Agency to the El Cerrito Redevelopment Agency

ACTION REQUESTED

Adopt a resolution ratifying the Mayor's appointment of Mark Rasiah, Finance Director/City Treasurer, to the Oversight Board of the Successor Agency to the former El Cerrito Redevelopment Agency representing the former employees of the El Cerrito Redevelopment Agency.

BACKGROUND

The Redevelopment Dissolution legislation requires that there shall be an oversight board (Oversight Board) established for each former California redevelopment agency's successor agency (Successor Agency). The oversight board supervises the activities of the successor agency and the wind down of the dissolved redevelopment agency's affairs. It has a fiduciary responsibility to holders of enforceable obligations and taxing entities that benefit from the distributions of property tax and other revenues of the successor agency. The oversight board also approves the annual ROPS submitted by the Successor Agency, the Successor Agency administrative budget, any amendments to the former redevelopment agency's agreements and the disposition of the former redevelopment agency's assets.

The oversight board consists of 7 members appointed by:

- County Board of Supervisors (two members);
- County Board of Education (one member);
- Chancellor of California Community Colleges (one member);
- Largest special district taxing entity (one member);
- Mayor of the city that established the dissolved RDA (one member); and
- A representative of the former redevelopment agency employees appointed by the Mayor (one member).

ANALYSIS

The Mayor has appointed Bill Jones to serve as the at large member of the Oversight Board and had previously appointed Lisa Malek-Zadeh to represent the former

employees of the former Redevelopment Agency. Lisa Malek-Zadeh no longer works for the City and has resigned from the Oversight Board. The Mayor has proposed appointing Mark Rasiah, the City's finance director to fill the vacant seat on the Oversight Board. Mr. Rasiah is qualified to fill the vacant seat since the Dissolution Statute requires that the person representing the employees be an employee of the successor agency. The City acts as the successor agency.

LEGAL CONSIDERATIONS

Legal Counsel for the Successor Agency has reviewed this report.

Reviewed by:



Scott Hanin
City Manager

Attachment:

1. Resolution

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO RATIFYING THE APPOINTMENT BY THE MAYOR OF THE CITY OF EL CERRITO OF ONE MEMBER TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE FORMER EL CERRITO REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34179

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of El Cerrito (the "City") adopted the Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, adopted on November 28, 1977, as amended by Ordinance No. 80-13, adopted on December 15, 1980; as amended by Ordinance No. 89-5, adopted on July 10, 1989; as amended by Ordinance No. 94-4, adopted on July 25, 1994; as amended by Ordinance No. 2004-3, adopted March 1, 2004; as amended by Ordinance No. 2005-01, adopted March 21, 2005; and as further amended by Ordinance No. 2006-10, adopted November 6, 2006 (collectively, the "Redevelopment Plan"); and

WHEREAS, the El Cerrito Redevelopment Agency (the "Former RDA") was responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

WHEREAS, as part of the 2011-12 State budget bill ABX1 26 was enacted to significantly dissolve all redevelopment agencies in the State of California, to create successor agencies to oversee the wind down of redevelopment agencies and to create oversight boards consisting of representatives of the affected taxing entities to oversee the successor agencies activities; and

WHEREAS, the Former RDA, along with all other redevelopment agencies in the State of California was dissolved effective February 1, 2012, the City of El Cerrito elected to act as the Successor Agency to the Former RDA, and an Oversight Board to the Successor Agency was formed; and

WHEREAS, Health and Safety Code Section 34179(a) of the Redevelopment Law provides that the mayor of the city that authorized the creation of a redevelopment agency may elect to appoint two members of the oversight board (Oversight Board) of the successor agency (Successor Agency), one of whom is to represent employees of the former redevelopment agency; and

WHEREAS, the Mayor's previous appointee representing the employees of the former redevelopment agency has resigned and after careful consideration, the Mayor of the City of El Cerrito has appointed Mark Rasiah as the representative of the employees of the Former RDA to the Oversight Board of the Successor Agency to the former El Cerrito.

NOW THEREFORE, BE IT RESOLVED, by the City of El Cerrito that it hereby ratifies the appointment by the Mayor of Mark Rasiah to the Oversight Board of the Successor Agency to the El Cerrito Redevelopment Agency with such appointment being effective immediately.

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

Agenda Item No. 5(H)

Attachment 1

I CERTIFY that at a regular meeting on September X, 2016 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 September XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(J)

Date: September 20, 2016
To: El Cerrito City Council
From: Brian Elder, Detective Corporal
Subject: Crime Prevention Committee Membership Recommendation

ACTION REQUESTED

Approve the Crime Prevention Committee recommendation to appoint Mr. Nathan DeClue to the Crime Prevention Committee, effective September 20, 2016.

BACKGROUND

At its August 10, 2016 regular meeting, the Crime Prevention Committee voted unanimously to recommend to the City Council that it appoint Mr. DeClue.

Mr. DeClue, who also goes by his nickname "Spike" has lived in El Cerrito for one year. Mr. DeClue is looking for opportunities to help improve the safety of his community which is what interested him in becoming a member of the Crime Prevention Committee. Mr. DeClue has attended and participated in three regularly scheduled Crime Prevention Committee meetings; June 8, July 13 and August 10 of 2016.

STRATEGIC PLAN CONSIDERATIONS

Appointing Mr. DeClue to the Crime Prevention Committee will help to the Committee move towards filling the 9 current membership vacancies on the committee board. The recruitment of new Crime Prevention Committee members is a goal of the committee during the 2016-2017 year and aligns with the City's values of inclusiveness and respect for diversity.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Nathan DeClue Application



**September 20, 2016
Regular City Council Meeting**

**Agenda Item No. 5(J)
Crime Prevention Committee Appointment
Attachment 1 Application**

Hardcopy is available for review at:

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

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA



AGENDA BILL

Agenda Item No. 5(K)

Date: September 20, 2016
To: El Cerrito City Council
From: Melanie Mintz, Community Development Director
Mark Rasiah, Finance Director
Subject: Review and Authorization to Submit an Amended Recognized Obligations Payment Schedule 16-17 B

ACTION REQUESTED

Adopt a Successor Agency resolution reviewing and authorizing submittal of an Amended Recognized Obligations Payment Schedule 16-17 B (January 1, 2017 - June 30, 2017).

BACKGROUND

Recognized Obligation Payment Schedules

ABx1 26 (Dissolution Act) dissolved the El Cerrito Redevelopment Agency (RDA) and established the El Cerrito Redevelopment Successor Agency (Successor Agency) on February 1, 2012. Under the Dissolution Act, the portion of property tax revenues collected in the City of El Cerrito Redevelopment Project Area (Project Area) that was considered Tax Increment prior to the RDA's dissolution are called Redevelopment Property Tax and are deposited by the County Auditor-Controller (Auditor-Controller) into the Redevelopment Property Tax Trust Fund (RPTTF). The Auditor-Controller distributes the funds in the RPTTF with the following priority:

1. Auditor-Controller's administrative costs
2. Pass-through payments to the taxing entities affected by the Redevelopment Plan for the Project Area, calculated the same as prior to RDA dissolution
3. Distribution to the Successor Agency to retire the former RDA's obligations
4. Repayment of loans from the Housing Fund (starting in FY 2014-15)
5. Distribution of residual funds to taxing entities

Beginning with the current ROPS period, the Successor Agency must review and authorize submittal of a Recognized Obligation Schedule (ROPS) for each fiscal year as opposed to the prior requirement to submit a ROPS every six months. Both the Successor Agency and the Oversight Board approved the 2016-17 Annual ROPS in January of this year. (Resolutions 2016-01 and 2016-02) Since approval of the Annual ROPS, the Successor Agency has completed a successful refunding of the Agency's

outstanding Bonds through a private placement, as approved by Resolution 2016-03. The bond refunding has resulted in overall savings of over \$700,000. The DOF allows submittal of an amended ROPS when projections change. The savings resulting from the refunding will be realized over the next three years, by deferring bond payments until March 2019. The Annual ROPS that was submitted in January included debt service payments of \$1,148,109. Of this amount, \$286,609 was to be made from the RPTTF to be distributed in January 2017, with the balance funded from excess RPTTF received in June 2016. The Amended ROPS no longer requires this amount to be included.

ANALYSIS

The proposed Amended ROPS 16-17B is Exhibit A to the attached Successor Agency resolution, authorizing its submittal. It includes: 1) A summary of the funding request; and 2) An itemized listing of the amended obligations ("ROPS Detail"); 3) Obligations with remaining outstanding balances that are included on the Amended ROPS 16-17 B, whether previously approved by DOF or in dispute. They are as follows:

- Tax Allocation Bond Debt Service (Lines 1,3, and 5): The funding amounts for this item has been removed due to the bond refunding. The new 2016 Bonds will appear on the next Annual ROPS for 2017-18.
- Valente Note (\$288,216) (Line 9): Payment is due on March 5, 2017 and this line item is unchanged from the ROPS submitted in January.
- San Pablo Avenue Streetscape and Streetlights (\$431,599) (Line 24): This item has been denied by the DOF after a meet and confer. The Successor Agency will continue to try to develop a case for its inclusion.
- ERAF and SERAF Loans (\$180,060) (Lines 6 and 7): Pursuant to Successor Agency Resolution No. 2014-01 and Oversight Board Resolution No. 2014-03, and consistent to the approved SERAF/ERAF Loan Repayment Schedule, an annual repayment amount is listed on the ROPS, but this was funded during the ROPS 16-17A period (July 1 through December 31, 2016) and will appear again on the next annual ROPS.
- FY 2016-17 Administrative Allowance (\$250,000) (line 25): One half of the Successor Agency's administrative allowance is included in each six month period on the ROPS. This line remains unchanged.
- Expenditure of Bond Proceeds (\$400,243) (line 28): The DOF denied the expenditure of bond proceeds after a meet and confer due to a lack of a bond expenditure agreement. Staff will bring forward a bond expenditure agreement for approval by the Successor Agency, City and the Oversight Board before the submission of the next annual ROPS.

In total, the Agency has reduced its funding request from reserve balances by \$862,500 and from the RPTTF by \$285,609. The reserve balance will become surplus on the next Annual ROPS and will increase the amount of residual balance available for distribution

ot the taxing entities, including the City. The reduction in the need for the RPTTF will become residual as part of the January 2017 distribution. All taxing entities will share in the increase in the residual in the amounts shown below:

Table 1: Projected Residual Balance

	Residual %	Total
		285,609
CC County	12.63%	36,058
CC County Library	1.30%	3,704
CC Flood Control	0.15%	435
CC Water Agency	0.03%	88
Mosquito Abatement	0.14%	388
Stege Sanitation	0.87%	2,490
West CC Hospital	1.33%	3,795
EBMUD	2.11%	6,035
AC Transit	4.88%	13,935
Bart	0.55%	1,565
Bay Area Air Management	0.16%	457
East Bay Regional Park	2.61%	7,452
El Cerrito	22.23%	63,491
Superintendent of Schools	1.15%	3,273
West CC Unified SD	28.63%	81,757
CC Community College	4.00%	11,419
ERAF	17.25%	49,269
Total	100.00%	285,609

STRATEGIC PLAN CONSIDERATIONS

The amended ROPS supports Goal B of the City's Strategic Plan to "Achieve long-term financial sustainability".

FINANCIAL CONSIDERATIONS

Amendment of the Annual ROPS for the 16-17 B period will allow each of the taxing entities, including the City, to receive additional residual revenue from the January 2017 distribution. The City will receive an additional \$63,491 which can be used to help make the next payment on the Installment Payment Agreement with the Department of Finance.

LEGAL CONSIDERATIONS

All actions being requested are consistent with the Dissolution Act, as amended and have been reviewed by the Agency attorney

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution and Amended ROPS 16-17B

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ACTING AS THE GOVERNING BODY OF THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AUTHORIZING SUBMITTAL OF THE DRAFT AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULE 16-17

WHEREAS, pursuant to the California Community Redevelopment Law (the "Redevelopment Law"), the City Council (the "City Council") of the City of El Cerrito (the "City") adopted the Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, as amended by Ordinances No. 80-13; No. 89-5; No. 94-4; No. 2004-3; No. 2005-01; and No. 2006-10 (collectively, the "Redevelopment Plan"); and

WHEREAS, the El Cerrito Redevelopment Agency (the "RDA") was responsible for implementation of the Redevelopment Plan; and

WHEREAS, as part of the 2011-12 State budget bill, ABx1 26 (the "Dissolution Act") was enacted significantly modifying the Redevelopment Law to require the dissolution of redevelopment agencies throughout California and the establishment of successor agencies to wind down the former redevelopment agencies' affairs; and

WHEREAS, on August 15, 2011, pursuant to the Dissolution Act, the City elected to serve as the El Cerrito Redevelopment Agency Successor Agency (the "Successor Agency"), should the RDA be dissolved; and

WHEREAS, California redevelopment agencies were dissolved on February 1, 2012; and

WHEREAS, pursuant to the Dissolution Act, upon dissolution, the RDA transferred as a matter of law all remaining liabilities, debts and obligations to the Successor Agency; and transferred all unencumbered funds and assets to the Successor Agency's Redevelopment Obligation Retirement Fund (the "RORF"), for disposition and/or use by the Successor Agency to retire RDA debt and pay for RDA obligations; and

WHEREAS, pursuant to the Dissolution Act, the Contra Costa County Auditor Controller (the "Auditor-Controller") established the Redevelopment Property Tax Trust Fund (the "RPTTF") to hold Redevelopment Property Tax collected from the City of El Cerrito Redevelopment Project Area to be disbursed to the Successor Agency for payment of its enforceable obligations and to taxing entities affected by the Redevelopment Plan; and

WHEREAS, SB 107 was enacted on September, 2015 modifying the Dissolution Act to require the Successor Agency to submit an oversight board-approved annual Recognized Obligations Payment Schedule 16-17 ("ROPS 16-17") covering the period July 1, 2016 through June 30, 2017 to the Department of Finance (the "DOF") by February 1, 2016 and allowing Successor Agencies to submit one amendment to each annual ROPS; and

WHEREAS, the Oversight Board to the Successor Agency to the El Cerrito Redevelopment Agency (the "Oversight Board") was formed on April 4, 2012; and

WHEREAS, the Successor Agency submitted an Oversight Board approved ROPS 16-17 to the California Department of Finance on February 1, 2016 and received a final determination on the ROPS 16-17; and

WHEREAS, since submission of the ROPS 16-17 the Successor Agency has successfully refunded certain tax increment bonds that have resulted in a reduction in debt service payments owed during the ROPS 16-17B period requiring an amendment to the ROPS 16-17 to reflect the reduced debt service payments owed during ROPS 16-17B (January 1 – June 30, 2017) period; and

WHEREAS, the Successor Agency wishes to authorize the Successor Agency staff to amend the Amended ROPS 16-17 administratively to account for any additional changes made by the DOF to the ROPS form or changes made by the Oversight Board that occur after the Successor Agency's consideration.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito acting as the governing board of the Successor Agency to the El Cerrito Redevelopment Agency hereby finds that the above recitals to be true and accurate.

BE IT FURTHER RESOLVED that the El Cerrito Redevelopment Agency Successor Agency authorizes the submittal of the draft Amended Recognized Obligation Payment Schedule 16-17 (Exhibit A) as required under the Dissolution Act, subject to such changes as may be necessary to accommodate changes in the DOF approved form and any changes made by the Oversight Board.

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

I CERTIFY that at a regular meeting on September ____, 2016 the City Council of the City of El Cerrito acting as the governing body of the El Cerrito Redevelopment Agency Successor Agency passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

Amended Recognized Obligation Payment Schedule (ROPS 16-17B) - Summary

Filed for the January 1, 2017 through June 30, 2017 Period

Successor Agency:	El Cerrito
County:	Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	ROPS 16-17B Authorized Amounts	ROPS 16-17B Requested Adjustments	ROPS 16-17B Amended Total
A Enforceable Obligations Funded as Follows (B+C+D):	\$ 862,500	\$ (462,257)	\$ 400,243
B Bond Proceeds	-	400,243	400,243
C Reserve Balance	862,500	(862,500)	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 698,825	\$ (285,609)	\$ 413,216
F RPTTF	573,825	(285,609)	288,216
G Administrative RPTTF	125,000	-	125,000
H Current Period Enforceable Obligations (A+E):	\$ 1,561,325	\$ (747,866)	\$ 813,459

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety
code, I hereby certify that the above is a true and accurate
Recognized Obligation Payment Schedule for the above
named successor agency.

Name	Title
/s/	
Signature	Date

AUTHORIZED AMOUNTS

[illegible]



AGENDA BILL

Agenda Item No. 5(L)

Date: September 20, 2016

To: City Council of El Cerrito acting as the Governing Board of the Successor Agency to the El Cerrito Redevelopment Agency

From: Melanie Mintz, Community Development Director

Subject: Accept Former Redevelopment Agency Properties from the Municipal Services Corporation and Convey the Properties to the City of El Cerrito

ACTION REQUESTED

That the City Council of the City of El Cerrito acting as the Governing Board of the Successor Agency to the El Cerrito Redevelopment Agency adopt a resolution accepting the conveyance of the following former Redevelopment Agency properties identified as: 1) Mayfair Block – 1925 Kearney Street, 11690 San Pablo Avenue; 11600 San Pablo Avenue; 2) Eastshore Block – 11335-41 San Pablo Avenue, 6111 Potrero Avenue, 1718 Eastshore Boulevard; and 3) Government Purpose Property – Civic Center 10930/10940 San Pablo Avenue, from the El Cerrito Municipal Services Corporation and approve the conveyance of the former Redevelopment Agency properties to the City of El Cerrito in accordance with the Successor Agency to the El Cerrito Redevelopment Agency Long Range Property Management Plan.

BACKGROUND

Prior to the dissolution of the El Cerrito Redevelopment Agency, the Redevelopment Agency entered into conveyance agreements with the El Cerrito Municipal Services Corporation (MSC) whereby the former Redevelopment Agency agreed to convey to the MSC properties owned by the former Redevelopment Agency and the MSC agreed to accept the properties and to use the properties in a manner consistent with the Redevelopment Plan. (Resolutions 2011-03 and Redevelopment Resolution 612.) The properties conveyed to the MSC were the Mayfair Block properties (11600 and 11690 San Pablo Avenue and 1925 Kearney), the Eastshore Block Properties (1133-041 San Pablo Avenue, 6111 Potrero, and 1718 Eastshore), the Civic Center Property (10930-10940 San Pablo Avenue) and the Cerrito Theater property (10066-72 San Pablo Avenue). Subsequent to the dissolution of the Redevelopment Agency, the State Controller's Office and the California Department of Finance ordered the reversal of the transfer of the properties to the MSC, claiming that the transfers violated the Redevelopment Dissolution Laws. The City, the MSC and the Successor Agency to the former Redevelopment Agency dispute the State's determination regarding the validity of the transfers of the property and currently have pending an appeal with the California Court of Appeal on this matter.

In an effort to move forward with the potential development of the former Redevelopment Agency properties, the Successor Agency in December prepared and

the Department of Finance approved a Long Range Property Management Plan (LRPMP) related to the former Redevelopment Agency properties (SA Resolution 2015-03). The LRPMP called for the Mayfair Block and the Eastshore Block to be transferred to the City for future development. The LRPMP called for the Civic Center Property to be transferred to the City as a government purpose property. The LRPMP called for the Cerrito Theater to be sold with the sales proceeds to be distributed to the taxing entities and allowed for the City to acquire the property pursuant to a compensation agreement with the taxing entities. The action before the City Council tonight is to approve conveyance of the Eastshore and Civic Center properties. The theater will come before the Council for consideration at a future date.

Despite the continuing dispute with the California Department of Finance and the State Controller's Office, the MSC had authorized the return of the properties to the Successor Agency. Upon return of the properties to the Successor Agency, the Successor Agency will convey the Properties to the City of El Cerrito in accordance with the LRPMP. The conveyance of the properties to the Successor Agency and then conveyance of the properties from the Successor Agency to the City will allow subsequent purchasers of the properties to obtain title insurance and will insure that clean title can be granted to subsequent purchasers.

FINANCIAL CONSIDERATIONS

The properties are being conveyed to the Successor Agency at no cost and the conveyance to the City will also be at no cost. Conveyance of the properties is the first step toward disposition and development of the Mayfair Block and Eastshore Block properties. Development of these properties is consistent with the San Pablo Avenue Specific Plan and is expected to generate future property taxes to the City as well as other taxing entities as well as place underutilized properties into viable use.

LEGAL CONSIDERATIONS

These actions are consistent with the Long Range Property Management Plan and the Dissolution Law and have been reviewed by the Successor Agency Counsel

Reviewed by:



Scott Hanin
City Manager

Attachment:

1. Resolution

RESOLUTION NO. 2016-XX

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER EL CERRITO REDEVELOPMENT AGENCY ACCEPTING CONVEYANCE OF CERTAIN FORMER EL CERRITO REDEVELOPMENT AGENCY PROPERTIES AND AUTHORIZING CONVEYANCE OF THOSE PROPERTIES TO THE CITY OF EL CERRITO PURSUANT TO THE SUCCESSOR AGENCY'S ADOPTED AND APPROVED LONG RANGE PROPERTY MANAGEMENT PLAN

WHEREAS, prior to the dissolution of the El Cerrito Redevelopment Agency (the "Dissolved RDA"), the Dissolved RDA owned certain properties (the "Properties") located within the City of El Cerrito Redevelopment Project Area (the "Project Area") and more particularly described on Exhibit A attached hereto and incorporated herein; and

WHEREAS, prior to dissolution of the Dissolved RDA, the Dissolved RDA transferred the Properties to the El Cerrito Municipal Services Corporation ("MSC") pursuant to certain conveyance agreements; and

WHEREAS, upon dissolution of the Dissolved RDA in accordance with California Law, the Successor Agency to the El Cerrito Redevelopment Agency (the "Successor Agency") succeeded to all the rights and obligations of the Dissolved RDA; and

WHEREAS, the Successor Agency has been ordered by the California State Controller's Office and the California Department of Finance to reverse the transfers of the Properties to the MSC; and

WHEREAS, the City, the MSC and the Successor Agency continue to dispute the Controller's and the Department of Finance's orders and the validity of those orders is the subject of a pending appeal with the California Court of Appeal; and

WHEREAS, notwithstanding the ongoing dispute over the validity of the transfers of the Properties to the MSC, the Successor Agency, in accordance with Health and Safety Code Section 34191.5 prepared and the Department of Finance approved a Long Range Property Management Plan ("LRPMP") including the Properties which calls for the Properties to be transferred to the City for future development and governmental purposes; and

WHEREAS, the MSC has agreed to return the Properties to the Successor Agency and the Successor Agency has determined that acceptance of the Properties is in the best interest of the Successor Agency; and

WHEREAS, the LRPMP calls for the Properties to be transferred to the City for future development and governmental purposes; and

WHEREAS, the Successor Agency has determined that it is in the best interest of the Successor Agency for the Successor Agency to convey the Properties to the City for uses consistent with the LRPMP; and

WHEREAS, pursuant to Section 15061(b)(3) of the CEQA Guidelines, CEQA review of the conveyance of the Properties is not required because it can be seen with certainty that conveyance of the Properties will not alter the existing use of the Properties and that prior to

any development of the Properties compliance with CEQA will be required.

NOW THEREFORE, BE IT RESOLVED

1. The governing board of the Successor Agency finds that the above recitals are accurate.

2. The Successor Agency Governing Board hereby approves the acceptance of the Properties and approves execution of any documents necessary to accept conveyance of the Properties from the MSC to the Successor Agency by the Executive Director, including Certificates of Acceptance, grant deeds, quitclaim deeds and all ancillary documents.

3. The Successor Agency hereby approves the conveyance of the Properties to the City in accordance with the LRPMP and the approves the execution of any documents necessary to convey the Properties to the City by the Executive Director, including grant deeds, quitclaim deeds, reconveyances and all ancillary documents.

4. This Resolution shall take immediate effect upon its adoption

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

I CERTIFY that at a regular meeting on September X, 2016 the City Council acting as the Successor Agency to the Former El Cerrito Redevelopment Agency 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 September XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

EXHIBIT A
PROPERTIES

Future Development Properties:

1. Mayfair Block :
 - a. 1925 Kearny St.;
 - 11690 San Pablo Avenue;
 - 11600 San Pablo Avenue
 - b.
2. Eastshore Block
 - a. 11335-41 San Pablo Ave.
 - b. 6111 Potrero
 - c. 1718 Eastshore

Government Purpose Property:

3. Civic Center
 - a. 10930/10940 San Pablo Ave.



AGENDA BILL

Agenda Item No. 6(A)

Date: September 20, 2016
To: El Cerrito City Council
From: Michael J. Bond, Fire Marshal
Lance J. Maples, Fire Chief
Subject: Abatement of Fire Hazard Public Nuisances on Two Properties Pursuant to El Cerrito Municipal Code Chapter 16.26

ACTION REQUESTED

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

BACKGROUND

The Fire Department has completed its annual fire hazard abatement program. The purpose of this program is to remove weeds, dry grass, stubble, brush, rubbish, litter and other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard.

Notices were sent to 369 parcel owners notifying them that hazards existed on their parcels. With support and help from the Fire Department all but two property owners abated the hazards on their parcels.

The property owners identified in Exhibit A failed to abate the fire hazards on their property. For these properties the City has followed a statutory procedure to remove the hazardous conditions. This procedure is specified in the July 19, 2016 Agenda Bill and Resolution No. 2016-58. The owners of the properties identified in Exhibit A were notified that if they did not abate the hazardous conditions on their property, the City would do so. They were given the opportunity at a public hearing to object to the City's plan to abate these conditions. On July 20, 2016, the City then sent the owners of the properties identified in Exhibit A, a second notice, informing them that the City would perform abatement through its own staff or through private contract. The property owners identified in Exhibit A failed to abate the hazards and the City then performed the abatement work through private contractors.

Agenda Item No. 6(A)

Notice has been sent to the owners of the properties identified in Exhibit A informing them of a scheduled hearing before the City Council on September 20, 2016 to confirm the costs of the abatement work performed on their properties.

ANALYSIS

The fire hazard abatement procedure provides ample due process for the affected property owners, well beyond the minimum procedure statutorily required. The most important part of the procedure is that the property owners listed in Exhibit A were given the opportunity to contest whether their property constituted a public nuisance and a fire hazard at a public hearing before the City Council. The property owners did not contest the designation, nor did the property owners voluntarily abate the nuisance conditions. The City Council therefore directed City staff to abate said conditions.

This matter appears before the City Council for the sole purpose of confirming the abatement costs already incurred by the City for the properties identified in Exhibit A. At this hearing, the City Council should review the reasonableness of the costs of abatement as specified, and then determine the abatement costs to be assessed. Resolution No. 2016-59 provides for confirmation of the report of abatement costs, and the attached Exhibit B specifies the administrative costs associated with each of the properties. Once confirmed by the City Council, the costs of abating the nuisance will be forwarded to the County Auditor by September 28, 2016 for assessment to the individual property and a lien will be recorded with the County Recorder.

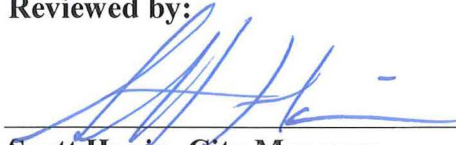
FINANCIAL CONSIDERATIONS

The abatement work has been completed by contract labor and the City has paid the contractors a total of \$1,250.00 for their work. The City and County administrative costs of \$2,026.50 have been added, bringing the total cost to \$3,275.50. These costs include 1) Fire Department investigation, boundary determination and supervision of the contract labor; and 2) City Administration costs for the program. In order for the City to fully recover the direct and indirect costs of \$3,275.50 already incurred for the abatement work performed, the City Council should confirm the staff report on the costs of abatement at this time so that these costs can be forwarded to the County for collection from the property owner.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the process.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Exhibit A – Property List
3. Exhibit B – Costs

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CONFIRMING THE REPORT OF THE COSTS OF ABATEMENT OF PUBLIC NUISANCE CONDITIONS RESULTING FROM THE PRESENCE OF WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON THE PRIVATE PROPERTY DESIGNATED HEREIN UNDER THE AUTHORITY CONTAINED IN EL CERRITO MUNICIPAL CODE SECTION 16.26

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

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26 the El Cerrito City Council declared, through Resolution No. 2016-58, that the properties identified herein in Exhibit A constitute a public nuisance because the presence of weeds, rubbish, litter or other flammable material on the properties created a fire hazard, a menace to the public health, or were otherwise noxious or dangerous; and

WHEREAS, through Resolution No. 2016-59 the City Council directed, under the further authority of El Cerrito Municipal Code Section 16.26, that notice be provided to the owners of the properties identified in Exhibit A informing the owners that if they did not abate the nuisance conditions, that these conditions would be abated by the City, and that upon confirmation, the abatement costs would constitute a lien upon the properties until paid; and

WHEREAS, through Resolution No. 2016-59 the City Council further directed that a public hearing be scheduled at which time the owners of the properties identified in Exhibit A could present objections to the designation of their property as a public nuisance and objections to the abatement of these public nuisance conditions by the City; and

WHEREAS, notice designating the properties identified in Exhibit A a public nuisance and informing the owners of the properties of the right to object to such designation and proposed abatement by the City was provided to the owners of the properties as required by Government Code Sections 39560 through 39588; and

WHEREAS, the owners of the properties identified in Exhibit A did not appear at the July 19, 2016 public hearings to contest the public nuisance designation or to object to the abatement of the public nuisance conditions by the City; and

WHEREAS, at the conclusion of the July 19, 2016 public hearings, the City Council, by Resolution No. 2016-59 for Exhibit A, directed the City Manager or designee to abate those public nuisance conditions as provided for by El Cerrito Municipal Code Section 16.26 and Government Code Section 39560 through 39588

WHEREAS, the City Council further directed that the City Manager or designee to keep an account of the cost of abatement for each property on which work was performed and that a report be prepared and presented to the City Council so that, after notice and hearing, these abatement costs could be confirmed as a special assessment

against the property; and

WHEREAS, after the adoption of Resolution No. 2016-58 a second notice was mailed to the owners of the properties identified in that resolution again informing the property owners that if they did not abate the public nuisance conditions on the properties, that the City would abate these nuisance conditions and assess the abatement costs against the properties; and

WHEREAS, as required by El Cerrito Municipal Code Section 16.26 the El Cerrito City Council conducted a hearing on September 20, 2016 at which an opportunity was given to voice objections regarding the report and the assessment of the abatement costs for the properties identified in Exhibit A of this Resolution. Notice of the hearing was provided to the owners of the properties; and

WHEREAS, at the September 20, 2016 hearing, the property owners were given the opportunity to object and protest the report and the abatement costs assessed. The property owners were also given the opportunity to present evidence in support of their arguments; and

WHEREAS, such testimony provided at the public hearing included a description of the public nuisance conditions which existed at the property prior to the abatement, a description of the services required to abate those conditions, the cost to the City in abating those conditions and such other matters deemed relevant by the City Council; and

WHEREAS, the City Council does hereby conclude that the abatement costs as contained in Exhibit B, B-1 through B-2, as such costs may have been modified by the City Council after a review of the evidence, are fair and reasonable. This determination is based on the evidence submitted by the property owners, the evidence submitted by City staff, the evidence concerning the nuisance conditions which existed at the property prior to abatement, the evidence concerning the scope of services required to abate those conditions, and such other matters deemed relevant by the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does hereby confirm the report of the costs of abatement as contained in Exhibit B, B-1 through B-2 of this Resolution.

BE IT FURTHER RESOLVED that the costs of abatement shall be levied as a special assessment against the property and that these costs shall be certified to the auditor of Contra Costa County so that the costs of abatement shall be collected at the same time and in the same manner as ordinary municipal taxes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution confirming the abatement costs for the properties identified in Exhibit A of this Resolution shall be filed with the County Auditor on or before September 28, 2016.

BE IT FURTHER RESOLVED that the City Manager or designee shall take such action as may be necessary to record the abatement costs for the property identified in Exhibits A and B of this Resolution with the County Recorder as a lien against the property as provided for in El Cerrito Municipal Code Section 16.26

Agenda Item No. 6(A)
Attachment 1

I CERTIFY that at a regular meeting on September 20, 2016 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on September X, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

EXHIBIT A

El Cerrito
List of Real Abated Properties
9-20-2016

<u>APN</u>	<u>Street Address</u>
504-414-004	520 Village Dr.
503-311-023	7573 Terrace Dr.

Agenda Item No. 6(A)
Attachment 3
Exhibit B1 – Page 1

FIRE SAFETY CLEARING
510-541-2130

Aug. 29, 2016

INVOICE# 47001-.
To: El Cerrito Fire Dept.
Property: 520 Village Dr.
El Cerrito, CA. 94530

-Weed Abatement, Brush Control
-Dead wood, hazards

.

*as per City of El Cerrito Fire Dept. codes and reg.

TOTAL DUE.....\$750.00
Thanks, hope everything looks O.K.
Please make check payable to:
Teo Carlone
1224 Masonic Ave.
Berkeley, CA. 94706

Thanks for the work. Hope everything looks O.K.

EXHIBIT B-1 page 2

REPORT ON ABATEMENT OF FIRE HAZARDS EL CERRITO FIRE DEPARTMENT

Property:

Parcel Number: [504-41-4004](#)
Property Address: 520 VILLAGE DR, EL CERRITO, CA 94530
Contact Address: 520 VILLAGE DR, EL CERRITO, CA 94530

Owner' Name: KIRWAN, BERNAL E

Abatement Work Performed:

Description: Clear weeds, vines, deadwood and brush front and back yard. Limb up and prune trees, haul away debris.

Date Work Performed: August 15, 2016

Work Performed By: Fire Safety Clearing
1224 Masonic Ave
Berkeley, CA. 94706
510- 541-2130

Contracted Costs..... \$750.00

Administrative Costs: Fire Department Administration, Investigation,
Boundary determination and supervision fees
5 Hr X \$193.00/hr..... \$965.00

Property Tax collection fee N/C

County Recording and
Administration fees N/C

TOTAL ABATEMENT COST: \$ 1715.00

Certified by: _____ Date: _____
Chris Renshaw
Fire Prevention Officer

Exhibit B-1 page 3

**EL CERRITO CITY ADMINISTRATIVE COST
WORK SHEET**

520 Village Dr.

5/23/2016 - Initial inspection and notice.....	15 min @ \$193.00/hr.....	\$48.25
7/18/2016 – Re-inspection	15 min @ 193.00/hr.....	48.25
7/19/2016 - Office work and attend for City Council Meeting Abatement Hearing	60 min @ 193.00/hr.....	193.00
7/20/2016 – Second notice.....	15 min @ 193.00/hr.....	48.25
8/10/2016- Re-inspection.....	15 min @ 193.00/hr.....	48.25
8/11/2016 - Vendor bid inspection.....	30 min @ 193.00/hr.....	96.50
8/15/2015 - Vendor observation / inspection.....	30 min @ 193.00/hr.....	96.50
9/20/2016 - Office work and attend City Council Meeting Cost Hearing	60 min @ 193.00/hr.....	193.00
9/28/2016 - County Record Abatement Martinez.....	60 min @ 193.00/hr.....	193.00
TOTAL ADMINISTRATIVE COST.....		\$ 965.00

Exhibit B2 page 1

FIRE SAFETY CLEARING
510-541-2130

Aug. 29, 2016

INVOICE# 47002-.

To: El Cerrito Fire Dept.

Property: 7573 Terrace Dr.

El Cerrito, CA. 94530

-Weed Abatement, Brush Control

-Dead wood, hazards

.

*as per City of El Cerrito Fire Dept. codes and reg.

TOTAL DUE.....\$500.00

Thanks, hope everything looks O.K.

Please make check payable to:

Teo Carlone

1224 Masonic Ave.

Berkeley, CA. 94706

Thanks for the work. Hope everything looks O.K.

EXHIBIT B-2 page 2

REPORT ON ABATEMENT OF FIRE HAZARDS EL CERRITO FIRE DEPARTMENT

Property:

Parcel Number: [503-311-023](#)
Property Address: 7573 TERRACE DR, EL CERRITO, CA 94530
Contact Address: 7573 TERRACE DR, EL CERRITO, CA 94530

Owner' Name: BRITZ, BARBARA R

Abatement Work Performed:

Description: Clear weeds front and side yard, haul away debris.

Date Work Performed: August 15, 2016

Work Performed By: Fire Safety Clearing
1224 Masonic Ave
Berkeley, CA. 94706
510- 541-2130

Contracted Costs..... \$500.00

Administrative Costs: Fire Department Administration, Investigation,
Boundary determination and supervision fees
5.5 Hrs X \$193.00/hr..... \$1061.50

Property Tax collection fee N/C

County Recording and
Administration fees N/C

TOTAL ABATEMENT COST: \$ 1561.50

Certified by: _____ Date: _____

Chris Renshaw
Fire Prevention Officer

EL CERRITO CITY ADMINISTRATIVE COST WORK SHEET

7573 Terrace Dr.

5/23/2016 - Initial inspection and notice.....	15 min @ \$193.00/hr.....	\$48.25
7/18/2016 – Re-inspection	15 min @ 193.00/hr.....	48.25
7/19/2016 - Office work and attend for City Council Meeting Abatement Hearing	60 min @ 193.00/hr.....	193.00
7/20/2016 – Second notice.....	15 min @ 193.00/hr.....	48.25
8/10/2016- Re-inspection.....	15 min @ 193.00/hr.....	48.25
8/11/2016 - Vendor bid inspection.....	30 min @ 193.00/hr.....	96.50
8/15/2016 - Vendor observation / inspection.....	60 min @ 193.00/hr.....	193.00
9/20/2016 - Office work and attend City Council Meeting Cost Hearing	60 min @ 193.00/hr.....	193.00
9/28/2015 - County Record Abatement Martinez.....	60 min @ 193.00/hr.....	193.00

TOTAL ADMINISTRATIVE COST.....	\$ 1061.50
--------------------------------	------------



AGENDA BILL

Agenda Item No. 6(B)

Date: September 20, 2016
To: El Cerrito City Council
From: Sean Moss, Senior Planner
Margaret Kavanaugh-Lynch, Development Services Manager
Subject: PL14-0171 El Dorado Townhomes Tentative Subdivision Map

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution approving the Tentative Subdivision Map for Planning Application PL14-0171, including changes to the project proposed by the applicant.

BACKGROUND

The applicant, Urban Community Partners submitted an application for a Tentative Subdivision Map and Design Review for a residential townhome project on December 17, 2014. For complete background information on the project and a complete description of the project please see the July 19, 2016 agenda bill included as Attachment 3.

At the July 19 meeting, the City Council conducted a public hearing, heard public testimony and discussed the project. During the discussion, the Council expressed concerns regarding the project. The Council's concerns generally related to the accessibility of the units and the mix of unit types, in particular as it relates to affordability. Although the units met the required accessibility standards of the Building Code and Fair Housing Act, with bedrooms and bathrooms on the ground level of some units, the Council was concerned that that none of the primary living areas of kitchens would be accessible to individuals who were not able to access stairways.

Although the issues surrounding the existing land use (RV park) were discussed in more detail in the July 19, 2016 agenda bill (see Attachment 3), the City Council expressed concern regarding the elimination of living options with lower rents. The Council's discussion focused mainly on the inclusion of smaller units as a way to achieve units that had a lower price point and therefore a wider range of affordability.

Due to these concerns, the Council continued the consideration of the project to the September 20 meeting and directed the applicant to return with a revised project that addressed the Council's concerns.



Zoning Standards

The site lies within the RM (Multifamily Residential) zoning district, just outside the San Pablo Avenue Specific Plan Area. The table below has been updated to reflect the modifications made to the project since the July 19 meeting.

Table 1

	Zoning Standard	Current Proposal	Previous Proposal	Comment
Maximum Density	35 du/ac	35 du/ac	32du/ac	The project includes 29 units on 0.84 acres plus 3 accessory units, for a total of 33 dwelling units. Accessory units do not count towards density.

Agenda Item No. 6(B)

	Zoning Standard	Current Proposal	Previous Proposal	Comment
Maximum Lot Coverage	60% for lots less than 30% slope	47.6%	47.6%	
Maximum Height	35 ft.	35 ft.	35 ft.	
Setbacks				
Front	10 ft.	10 ft.	10 ft.	
Sides	5 ft.; 10 ft. for portions of buildings taller than 25 ft.	10 ft.	10 ft.	All buildings would be 35 ft. in height therefore 10 ft. is required in all locations.
Rear	15 ft.	Over 45 ft.	Over 45 ft.	Only a small portion of the project adjacent to Central Park and an adjacent parcel would be classified as a rear property line.
Parking Setback	20 ft.	Over 20 ft.	Over 20 ft.	All parking will be located on internal private streets.

Agenda Item No. 6(B)

	Zoning Standard	Current Proposal	Previous Proposal	Comment
Parking				
Number of Curb Cuts	1 per lot for sites less than 1 acre	2 total	2 total	3 residential lots are proposed as well as two parcels for private drives and one for open space/bio retention, for a total of 6 lots.
Vehicle Parking	2 spaces/unit (56 spaces total)	50 spaces total	54 spaces total	Applicant will be required to apply for a parking waiver under the revised proposal.
Bicycle Parking	Long Term: 1 space per 4 units (7 total) Short Term: 2 spaces minimum	27 long term spaces and 2 short term spaces	27 long term spaces and 2 short term spaces	27 units (each plan except Plan 'C') contain space in the garage that is not required for automobile parking that can accommodate long-term bike parking, in addition to other storage space
Landscape/Open Space				
Maximum paving on street facing yard	50%	<50%	<50%	

	Zoning Standard	Current Proposal	Previous Proposal	Comment
Minimum site area that must be devoted to landscaping	15% of the site	18% of the site	18% of the site	6,587 square feet of the site will be landscaped
Minimum requirements for common open space	150 sq. ft./unit minus private open space provided in excess of requirement	1,191 sq.ft.	1,191 sq.ft	Required common open space = (29 units x 150 sq.ft.) – 3,250 sq.ft. of excess private open space = 1,100 sq.ft.
Minimum requirements for private open space	80% of units must be provided with private open space. Min 50 sq. ft. for above ground level spaces	83% of units have private open space. 3,250 sq. ft. of private open space provided in excess of requirement.	89% of units would have private open space.	80% of units (23 units) must provide a minimum of 50 sq. ft. of private open space (1,150 sq. ft. total).

ANALYSIS

For additional analysis, please see the July 19, 2016 agenda bill included as Attachment 3. The discussion below focuses primarily on the modifications made to the plans since the July 19, 2016 City Council meeting.

Modifications to the Plans

The applicant has made several modifications to the plans to address the City Council concerns which were voiced at the July 19 meeting. In order to address concerns regarding the unit mix of the project, the applicant has added two ground level one bedroom units. In addition, each of the three 'B' units has been redesigned to include a studio accessory living unit (in-law unit) on the ground floor. The one bedroom units would be 478 square feet each and the accessory living units would be 271 square feet each. Together, these changes add 5 new residential units—two for sale, and three potential rentals.

The accessory living units would be on the same parcel as the main living unit and would function as an accessory use to the primary townhome unit. These units will be required to comply with the development standards that the Zoning Ordinance establishes for second units. Specifically, the units cannot be sold apart from the primary unit and the property owner must reside on the property. Practically, these units will provide rental options in the project. However, accessory living units do not count as independent units for the purposes of unit count or density.

By including these two new smaller unit types into the project, the applicant is providing both for-sale units at a lower price point as well as rental units that will presumably rent for less than most other El Cerrito rental options.

In order to address the issue of accessibility, the applicant has designed each of these five new ground floor units (both the one bedroom units and the accessory dwelling units) to be fully accessible, including doors with accessible clearances and required clearances adjacent to fixtures. In addition, the stairways of the remaining 27 units have been modified to allow stair lifts to be added to all units. Stair lifts will be an option available to purchasers at the time of sale or can be added later.

In order to accommodate the changes described above, the applicant will be required to seek a waiver from the parking requirements established by the Zoning Ordinance. Four parking spaces have been removed from the project as a result of the modifications, which took space from garages in initially proposed units to create the additional proposed units. Some of the 'A' units have been redesigned as 'D' units with only a one car garage. In addition, the two new 'C' units will not feature off-street parking. The 'B' units will still feature two-car garages, but the accessory living units will not have off-street parking. Pursuant to the Zoning Ordinance, each unit of 2 bedrooms or larger requires 2 covered parking spaces; each 1-bedroom unit requires 1 covered parking space; and each Accessory Living Unit requires an uncovered parking space. A parking waiver will therefore be required for 1 covered parking space for each 'D' unit; 1 covered parking space for each 'C' unit and 1 uncovered parking space for each 'D' unit for a total deficit of 9 parking spaces (6 covered and 3 uncovered). To accommodate these changes, the draft resolution includes a condition of approval requiring the applicant to submit an application for a parking waiver. This subsequent application would be the purview of the Planning Commission and would not need to return to the City Council, unless the decision is appealed. It is worth noting, that although the project previously conformed with the parking requirement in the Zoning Ordinance, some members of the Planning Commission expressed a desire for the project to include less parking when the Commission reviewed the project in May 2016.

Table 2

Revised Project					
Unit	Count	Percentage	Number of Bedrooms	Proposed Off-Street Parking/Unit	Required Off-Street Parking/Unit
A	20	69.0%	3	2 spaces	2 spaces
B	3	10.3%	4	2 spaces	2 spaces
C	2	6.9%	1	0 spaces	1 spaces*
D	4	13.8%	3	1 spaces	2 spaces*
Accessory Living Unit (Part of 'B' Units)	3	-	Studio	0 spaces	1 spaces*

* As noted above, a parking waiver will be required.

Unit Mix

The Housing Element of the El Cerrito General Plan contains policies which encourage a diversity of unit types and sizes citywide. Specifically, policy H2.8 reads:

Encourage diversity of unit size and number of bedrooms within multifamily housing developments and strive to provide family housing of 3 to 4 bedroom units within projects.

The General Plan provides a broad vision for the City's future growth and development. General Plan policies are generally citywide goals that are intended to be evaluated at a citywide level unless they specifically state otherwise. The intent of the General Plan policy stated above is to achieve diversity of unit types and sizes as new development occurs throughout El Cerrito, with an emphasis on providing housing that can accommodate families.

Looking at projects currently in the pipeline, staff anticipates that much of the future development proposed within the San Pablo Avenue Specific Plan will be proposed with a majority of 1 and 2 bedroom units. The following table shows pipeline projects and the size and number of proposed units. Please note that these projects are in various stages of development and information on the table is subject to change. (Creekside is

under construction; 5730 El Dorado has approved entitlements; the planning application for 10135 San Pablo Avenue is incomplete and a proposal was selected for the Mayfair project, but no application has been submitted.) The table shows that nearly half of the units proposed in these pipeline projects are 1-bedroom units and that over 85 percent are 2-bedroom and smaller.

Table 3

	Studio		1-bedroom		2-bedroom		3-bedroom		4-Bedroom	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Creekside Walk	3	2.3%	63	49.2%	56	43.8%	6	4.7%	0	-
Mayfair	53	22.7%	115	49.1%	49	20.9%	17	7.3%	0	-
10135 San Pablo Ave	0	-	25	34.7%	13	18.0%	33	45.8%	1	1.4%
5730 El Dorado St	1	11.1%	4	44.5%	1	11.1%	3	33.3%	0	-
Total	57	12.9%	207	46.7%	119	26.9%	59	13.3%	1	0.2%

Other cities in the Easy Bay region are seeing development of similar unit mixes and unit sizes. Staff conducted a review of applications currently pending in Berkeley. Due to the different format of information available for various projects, staff was not able to compile the information into a table. However, the vast majority of the proposed units that staff observed were 1- and 2-bedroom units. Three- and four-bedroom units are less feasible to develop as part of for-rent projects since the rent premium achieved for larger units does not often balance the additional square footage required to build larger units. When the market favors development of rental units, it is likely that fewer large units will be developed. The market will continue to dictate the mix of units built in El Cerrito and the region. One of the goals of the San Pablo Avenue Specific Plan is to “encourage practical and market-friendly development.”

The General Plan’s emphasis on producing 3- and 4-bedroom multi-family units is intended to provide an alternative unit type (larger multi-family units) which can accommodate families but which can provide more affordable family housing than the traditional single-family model. Townhome units typically feature small yards, but they are attached to one another, therefore requiring less land than single-family homes and therefore, they usually sell at a lower price point than comparable single-family homes.

Policy H2.8 is a citywide policy and the development of the larger units described in the policy is encouraged whenever they are economically feasible to build.

Unit Type

The Housing Element identifies 345 townhome (single family attached) units in El Cerrito. This represents 3.2% of the city's total housing stock. The Housing Element also notes that in Contra Costa County as a whole and across the entire State of California, the percentage of townhome units is approximately 7% of the total housing stock.¹ Using GIS, staff also performed a search of the city for townhome units. Staff identified 214 parcels in the city that contained townhome units. It is possible that a discrepancy exists because the Department of Finance figures contained in the Housing Element include the Vista Heights townhome community at the end of Rifle Range Road, which uses an El Cerrito mailing address but which is located in the City of Richmond. Most townhomes in El Cerrito reside in three neighborhoods: Rose Park on Richmond Street between Schmidt Lane and Portola Drive; Wildwood off of Navellier Street; and Country Club Vista at the end of Cutting Blvd. There are also a small number of small townhome complexes near the El Cerrito del Norte BART station.

The nearest townhome units to the site are five units on San Luis Street in the City of Richmond. There are no existing for-sale multi-family units in the southern portion of El Cerrito. The nearest for-sale multi-family units in El Cerrito are on Kearney Street at Moeser Lane. Rose Park and Wildwood were built in 1972 and Country Club Vista was built in 1985. Staff has not identified any townhomes in El Cerrito which were built after 1988.

Community Concerns

Condominium Conversion

City staff and Council have received a letter from a member of the public asserting that this project amounts to a condominium conversion and the requirements of Chapter 19.45: Condominium Conversions of the El Cerrito Municipal Code should apply.

Section 19.45.020 establishes the applicability of Chapter 19.45. Section 19.45.020 states:

The regulations set forth in this chapter shall apply to the conversion of existing multiple family rental housing to condominiums.

Section 19.46.030 of the Municipal Code defines multiple family residential as "Three or more dwelling units on a single lot. Types of multiple-family dwellings include: townhouses, garden apartments, and other apartment buildings." It is important to remember that the existing use of the property is an RV park. The Municipal Code does

¹ Source: Department of Finance City/County/State Population and Housing Estimates, 2014

not list RVs as a type of multiple-family dwellings. Consequently, to be encompassed within the meaning of the term, RVs would have to be similar in nature to the types of housing expressly listed. They are not. Townhouses, garden apartments, and apartment buildings, are permanent structures built on a foundation and generally intended to remain in the place where they are constructed. RVs are a form of trailer or camper, built on a single chassis, and “self-propelled, truck-mounted, or permanently towable on the highways” (Health & Safety Code § 18010.) Although RVs are a form of habitation, they are therefore not within the meaning of multiple-family dwellings, and the provisions of the Municipal Code that regulate condominium conversions do not apply to them.

In addition to limiting its applicability to existing multiple family rental housing, Chapter 19.45 goes on to require a “physical elements report” of the existing multi-family rental structures which includes an evaluation of the condition of structural elements, an evaluation of any pest damage, an evaluation of existing soil conditions, and a statement of “repairs and improvements to be made by the applicant necessary to refurbish and restore the project to achieve a high degree of appearance and safety.” Typically in RV parks, what a tenant rents is the ground upon which an RV is parked, not a structure. An RV park generally does not have structures occupied by tenants but belonging to the property owner that would have to be evaluated prior to sale to a tenant. It is clear therefore, from both the applicability statement and the application requirements, that Chapter 19.45 applies to the conversion of existing structures from multi-family rental housing to condominiums. This determination has been made in consultation with the City Attorney.

Affordability

The issue of affordability was discussed in terms of unit types above. However, in the community dialogue about this project, the issue of permanent affordability has also been raised. The City does not currently have an inclusionary housing ordinance, through which below-market rate (BMR) units are required as a part of a market rate development. The project applicants are market rate developers and have stated that they bought the property and financed the project based upon the City’s adopted policies. Through the redesign, the project applicants aimed to address the issue of affordability through inclusion of a diversity of units types, a strategy often referred to as “affordable by design”. In the recent past and near future, the City has or will be adding 207 below market rate units to the housing stock in El Cerrito, including Ohlone Gardens (57; 2015), Creekside Walk (19; 2016-17), Hana Gardens (63; 2017-18) and Mayfair (68; estimated 2019). In the coming year, Community Development will also be embarking on developing an Affordable Housing Strategy to evaluate and propose a mix of policies and strategies for City Council to consider to be able to achieve its affordability goals. Currently, with the recently developed and proposed (“pipeline”) projects, listed above, the City is on track to exceed the Regional Housing Needs Allocation (RHNA) need as described in the Housing Element Table III-2.

California Environmental Quality Act Consistency

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15332: Class 32, Infill Development Projects, the project is exempt from review under CEQA.

Section 15332 of the CEQA Guidelines establishes following conditions for in-fill projects which are exempt from CEQA review:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

As discussed, above, the project is consistent with the General Plan and the RM zoning district.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The project is within the City of El Cerrito and the site is 0.84 acres.

- (c) The project site has no value as habitat for endangered, rare or threatened species.*

The San Pablo Avenue Specific Plan EIR did not identify any “candidate, sensitive, or special- status species” with habitat in the San Pablo Avenue Specific Plan Area. While the site is not within the San Pablo Avenue Specific Plan Area, the site sits about 150 feet from the plan area. The site has been extensively disturbed by past development and no longer provides suitable habitat for any special-status animal or plant species.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The applicant commissioned Traffic Analysis, a Noise Impact Assessment, an Air Quality Impact Assessment, a Water Quality Impact Assessment, and prepared a Stormwater Control Plan. These studies are included as Attachments 5-10 The studies concluded that the project would not have any significant effects in these areas.

- (e) The site can be adequately served by all required utilities and public services.*

The site is currently served by all utilities. Pursuant to the requirements of the Stege Sanitary District, the applicant has prepared a sewer capacity study which shows that existing sewers have capacity to serve the project.

General Plan Consistency

The project, with the proposed conditions of approval, is consistent with the El Cerrito General Plan and will implement the following General Plan policies:

LU1.2 Multifamily Neighborhoods. Ensure that new development in multifamily neighborhoods supports, rather than detracts from the existing residential character of the area.

The proposed project is consistent with the multifamily character of the surrounding neighborhood. The project will feature townhomes that will face the adjacent streets, add to surveillance of the street and integrate well into the surrounding community.

LU1.3 Quality of Development. Ensure that all multifamily or mixed-use development in residential areas addresses compatibility and quality of life issues.

The proposed project is consistent and compatible with the surrounding multifamily neighborhood. The project has been reviewed thoroughly to ensure that it will not negatively impact the surrounding neighborhood.

LU1.5 Suitable Housing. Promote suitably located housing and services for all age groups within the city. Variety of Housing Types. Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregational care, and garden apartments.

The project proposed includes 29 new townhome units and three accessory dwelling units. These housing types will provide new multifamily ownership housing opportunities to an area with few condominium units, in addition, two one-bedroom units and three accessory units will offer additional diverse housing types in the new development. *LU1.7 Maximum Density. Maintain the maximum multifamily density at 35 dwelling units per acre, except as otherwise provided in this Plan.*

The density of the proposed project is 35 units per acre.

LU1.8 Neighborhood Maintenance. Maintain the appearance of existing residential areas by discouraging paving of front yards and parkway strips, excessively wide curb cuts and driveways, and inappropriate fence materials in front yards.

The units will contain fenced and landscaped front yards. Two curb cuts will serve all of the units.

CD1.3 High-Quality Design. Encourage higher- quality design through the use of well-crafted and maintained buildings and landscaping, use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.

The proposal was revised to respond to the Design Review Board's preliminary comments. The project will be considered by the Design Review Board as required to ensure high-quality materials and design.

CD2.1 Street Frontages. Encourage street frontages that are safe, by allowing for surveillance of the street by people inside buildings and elsewhere, and are interesting for pedestrians. Require buildings in development centers and neighborhood commercial centers along San Pablo Avenue to be directly abutting sidewalks, with window openings and entries along the pedestrian frontage.

The townhome units will face Avila Street and El Dorado Street and will contain front yards along those street frontages as well as upper level balconies and street-facing windows which will allow for surveillance of the street.

CD3.2 Usable Open Spaces. Require the provision of usable open space in the form of ground-floor patios, upper- floor decks, and balconies, as well as common recreational facilities.

The units will feature a combination of ground-floor yards/patios and upper level balconies. The project also features landscaped common open space.

CD3.3 Site Landscaping. Improve the appearance of the community by requiring aesthetically designed screening and landscaping on public and private sites. Ensure that public landscaping includes entry areas, street medians, parks, and schools. Require landscaping for all private sites, yard spaces, parking lots, plazas, courtyards, and recreational areas.

The project incorporated landscaping as required by the Zoning Ordinance. The landscaping will be considered by the Design Review Board, as required, to ensure that it is of high-quality design and appropriate for the site.

CD3.4 Fencing. Require that residential streets maintain open front yards and not be enclosed with fences that exceed three feet in height. Allow fences up to six feet in height to enclose front yards along major arterials, heavily used pedestrian ways or to protect yards from deer and other animals.

All front yard fencing will be a maximum of 3 feet in height.

CD4.2 Building Articulation. Ensure that buildings are well articulated. Avoid large unarticulated shapes in building design. Ensure that building designs include varied building facades, rooflines, and building heights to create more interesting

and differentiated building forms and shapes. Encourage human scale detail in architectural design. Do not allow unarticulated blank walls or unbroken series of garage doors on the facades of buildings facing the street or the Ohlone Greenway.

The proposed building facades are well-articulated and will be considered by the Design Review Board, as required, to ensure a well-designed building form.

CD4.3 Front Yards. Provide front yards in residential areas with structures and parking lots stepped back along public streets in keeping with the character and setbacks of surrounding buildings. Ensure that yard spaces are landscaped appropriately to fit the surrounding context.

The project will feature landscaped front yards along both public street frontages. All off-street parking is accessed from internal private streets. On-site parking will not be visible from public streets.

CD5.1 Design Review Process. Continue design review and approval process for all new development, changes, additions, and modifications of existing buildings (except for single- family homes on existing lots).

The Design Review Board conducted Preliminary Conceptual Review of the project on October 7, 2015. The design elements of the project will be considered by the Design Review Board as required.

H1.6 Retain existing residential zoning and discourage non-residential uses in these zones. The City will strictly enforce the Zoning Code which states that non-residential uses in residential areas are limited to churches, daycares, and schools.

The project is within the RM (Multifamily Residential) zoning district. The project proposes a residential use in the district.

H2.1 Provide adequate residential sites for the production of new for-sale and rental residential units for existing and future residents.

The project will produce 29 new for-sale housing units and three accessory dwelling units.

H2.8 Encourage diversity of unit size and number of bedrooms within multifamily housing developments and strive to provide family housing of 3 to 4 bedroom units within projects.

Twenty-seven units within the project will contain 3 or 4 bedrooms which will improve the diversity of the City's housing stock by providing multi-family units which can accommodate families.

H5.5 Continue to enforce the State Energy Conservation Standards for new residential construction and additions to existing structures.

The units will exceed the energy requirements of Title 24 of the 2016 CalGreen building code by 27%.

Findings

Pursuant to Section 66473.5 of the California Government Code (Subdivision Map Act), the following findings must be made in order to approve the proposed Tentative Subdivision Map for the project:

The proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1.

The project will implement the following standards of the General Plan: LU1.2 Multifamily Neighborhoods, LU1.3 Quality of Development, LU1.5: Suitable Housing, LU1.7 Maximum Density, LU1.8 Neighborhood Maintenance, CD1.3 High-Quality Design, CD2.1: Street Frontages, CD3.2 Usable Open Spaces, CD3.3: Site Landscaping, CD3.4 Fencing, CD4.2: Building Articulation, CD4.3 Front Yards, CD4.5 Energy and Resources, CD5.1: Design Review Process, and H1.6, H2.1, H2.8, H5.2, and H5.5. As a result of assistance by the property owner to some residents, the project is consistent with H1.1 and H1.2. The project is not within the area of any adopted specific plan.

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 “promot[ing] strong neighborhoods.” The project also incorporates a “vision for underdeveloped and underutilized properties...that [includes] investment and/or new development.”

ENVIRONMENTAL CONSIDERATIONS

As discussed above, the project is exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects.

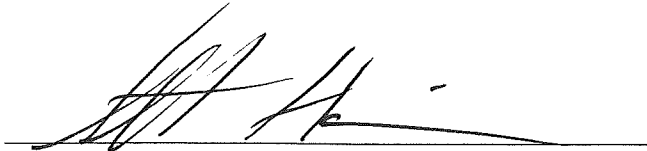
FINANCIAL CONSIDERATIONS

The development of infrastructure for the project will be financed through a combination of development impact fee programs and developer funding. The General Fund will not be used to pay for any of the infrastructure costs of this project.

LEGAL CONSIDERATIONS

The contents and preparation of the park closure report were the result of discussions between the City Attorney and the applicant's attorney. The City Attorney has reviewed the project and this report.

Reviewed by:

A handwritten signature in black ink, appearing to read 'Scott Hanin', is written over a horizontal line.

Scott Hanin, City Manager

Attachments:

1. Draft Resolution
2. Plans dated September 2, 2016
3. July 19, 2016 Agenda Bill
4. Closure Analysis Report, dated April 13, 2016
5. Traffic Impact Assessment, dated February 2015
6. Noise Impact Assessment, dated February 2015
7. Memorandum containing noise measurements, dated September 17, 2015
8. Air Quality Impact Assessment, dated February 2015
9. Water Quality Impact Assessment, dated February 2015
10. Stormwater Control Plan, dated January 30, 2015
11. Arborist Report, dated March 25, 2015
12. Geotechnical Feasibility Assessment, dated July 18, 2014
13. Planning Commission Resolution PC16-05
14. H. Gowdy correspondence

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING A TENTATIVE SUBDIVISION MAP CONSISTING OF 6 LOTS (3 RESIDENTIAL LOTS, 2 PRIVATE STREETS, AND ONE LOT FOR BIO-RETENTION/OPEN SPACE) FOR A PROJECT THAT INCLUDES 29 TOWNHOME CONDOMINIUM UNITS.

WHEREAS, the current addresses of the site are 5802, 5808 and 5828 El Dorado Street; and

WHEREAS, the current Assessor's Parcel Numbers of the site are 510-037-001, 510-037-002, 510-037-027, and 510-037-028; and

WHEREAS, the application number of the of the project is PL14-0171; and

WHEREAS, the title of the Tentative Subdivision Map is "El Dorado Townhomes"; and

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

WHEREAS, the zoning district of the site is RM (Multi-Family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15332: Class 32, Infill Development Projects; and

WHEREAS, on December 17, 2014, the applicant submitted an application for a Tentative Subdivision Map and Design Review; and

WHEREAS, on October 7, 2015, the Design Review Board conducted Preliminary Conceptual Design Review for the project; and

WHEREAS, on May 18, 2016, the Planning Commission passed a resolution recommending that the City Council approve the Tentative Subdivision Map for the project; and

WHEREAS, on July 19, 2016, the City Council conducted a public hearing for the project, and continued the item to the September 20, 2016 City Council meeting; and

WHEREAS, on September 20, 2016, the City Council, after due consideration of all evidence and reports offered for review does find and determine the following:

1. The project will implement the following standards of the General Plan: LU1.2 Multifamily Neighborhoods, LU1.3 Quality of Development, LU1.5: Suitable Housing, LU1.7 Maximum Density, LU1.8 Neighborhood Maintenance, CD1.3 High-Quality Design, CD2.1: Street Frontages, CD3.2 Usable Open Spaces, CD3.3: Site Landscaping, CD3.4 Fencing, CD4.2: Building Articulation, CD4.3 Front Yards, CD4.5 Energy and Resources, CD5.1: Design Review Process, and H1.6, H2.1, H2.8, H5.2, and H5.5. The project is not within the area of any adopted specific plan.

2. This application was deemed complete on March 23, 2016, contingent upon the applicant providing a report on the impacts of closure of the RV park on the existing residents, discussed further below. Based on the analysis in the staff report, staff recommends that the project has been designed in accordance of the Zoning Ordinance and General Plan of the City of El Cerrito.
3. The applicant has exceeded the requirements for open space for the project. In addition, the applicant shall pay fees to the West Contra Costa Unified School District in accordance with District's Master Fee Schedule.
4. The proposed use of the site is 29 residential dwelling units that shall be constructed in compliance with the building code in place at the time of the submittal of the building plans. The use and condition of the property when the project is complete shall comply with the municipal code.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby approves the Tentative Subdivision Map of Planning Application PL14-0171 subject to the following conditions:

Planning Division:

1. The project will be constructed substantially in conformance with the plans dated February 23, 2016. 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 nonissuance 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 vested, this Tentative Subdivision Map approval shall expire 24 months from the date of this action, unless extended by subsequent action of the City.
5. The applicant shall share the following conditions of approval with their general contractor for the project. The general contractor shall sign at the bottom of this list to acknowledge that he/she is aware of all these conditions of approval and will comply as directed.

Prior to the issuance of a building permit, this signed list shall be returned to the planning and building division and kept as part of the project file:

Agenda Item No. 6(B)

Attachment 1

- a. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- b. Cover all hauling trucks or maintain at least two feet of freeboard.
- c. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- d. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- e. Replant vegetation in disturbed areas as quickly as possible.
- f. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- g. Clear signage at all construction sites shall be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site or adjacent to the construction site.
- h. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- j. Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- k. All project construction activities shall be limited to the following hours: 7:00 a.m. to 6:00 p.m., Monday through Friday; and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and holidays.
- l. The applicant or contractor shall designate a Construction Noise Coordinator who is responsible for posting required signs, explaining the construction timeline, responding to noise complaints and managing noise through appropriate work practices and other appropriate measures. If complaints are received, the Coordinator shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem.

Agenda Item No. 6(B)
Attachment 1

- m. Signs shall be posted at the construction site, which provide the permitted construction hours, a day and evening contact number for Construction Noise Coordinator and a contact number for the City of El Cerrito.
- n. Notification shall be sent to the City and businesses, residences, or noise-sensitive land uses in proximity to the subject site, containing the construction schedule prior to the start of construction. Notice shall also be sent in advance of each expected loud activity or impulsive noise activity.
- o. Noisy stationary equipment (e.g. generators and compressors) and materials unloading and staging areas shall be located away from adjacent sensitive uses including adjacent residences.
- p. All construction equipment shall be in good working order with properly installed mufflers. Diesel engines shall not be idled unnecessarily.
- q. The removal of trees, shrubs, or weedy vegetation shall be avoided during the February 1 through August 31 bird nesting period and roosting bats to the extent possible. If no vegetation or tree removal is proposed during the nesting period, no further action is required. If it is not feasible to avoid the nesting period, the project applicant shall retain a qualified wildlife biologist to conduct a survey for nesting birds no sooner than 14 days prior to the start of removal of trees, shrubs, grassland vegetation, buildings, grading, or other construction activity. Survey results shall be valid for 21 days following the survey; therefore, if vegetation or building removal is not started within 21 days of the survey, another survey shall be required. The area surveyed shall include access roads, and staging areas, as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.
- r. In the event that an active nest is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.
- s. A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at work sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.
- t. In the event that subsurface cultural or paleontological resources are encountered during grading, digging or trenching construction activity, work in the immediate vicinity shall be stopped and a qualified archaeologist and/or paleontologist shall be retained to evaluate the finds following the procedures described in the San Pablo Avenue Programmatic Environmental Impact Report for this resource.

- u. Project personnel shall not collect cultural resources.
 - v. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply.
6. Prior to issuance of building permit, the applicant shall demonstrate compliance with Chapter 13.50: Art in Public Places of the El Cerrito Municipal Code to the satisfaction of the Zoning Administrator. The project shall be fully compliant with Chapter 13.50 prior to issuance of Certificate of Occupancy.
 7. The applicant shall submit a Stormwater Control Plan to the City for review and approval prior to issuance of building permit. The Stormwater Control Plan shall include a site plan, showing runoff reduction measures included in the project, along with project data form and completed checklists for each of the runoff measures.
 8. All required fees of the West Contra Costa Unified School District and the Stege Sanitary District shall be paid prior to issuance of building permit. The applicant shall submit proof of payment to the satisfaction of the Building Official.
 9. The applicant shall pay all outstanding City costs associated with the project, including but not limited to legal fees, to the satisfaction of the Community Development Director, prior to the issuance of a building permit.
 10. The applicant shall request a parking waiver and the Planning Commission shall consider the parking waiver prior to consideration of the project by the Design Review Board.

Public Works Department:

11. The applicant shall re-pave the section of Santa Clara Street between El Dorado Street and the Central Park entrance prior to issuance of Certificate of Occupancy.
12. The applicant shall construct an ADA compliant sidewalk and driveway (a path of travel including truncated domes) on El Dorado Street at Santa Clara Street prior to issuance of Certificate of Occupancy.
13. The applicant shall construct an ADA path of travel, including truncated domes, with a striped crosswalk, from the newly constructed sidewalk on Santa Clara Street to the park entrance prior to issuance of Certificate of Occupancy.
14. The applicant shall provide pedestrian safety measures for pedestrians crossing from the sidewalk to the park to the satisfaction of the Public Works Director. This may include but is not limited to a convex mirror, sensors, or similar device to alert drivers or pedestrians if there is a conflict.
15. The applicant shall construct ADA compliant curb ramps at the entrance on Avila Street prior to issuance of Certificate of Occupancy.

Agenda Item No. 6(B)

Attachment 1

16. The applicant shall replace sidewalk flags along the property frontage to meet City and ADA standards prior to issuance of Certificate of Occupancy. Sidewalk replacement locations will be at the discretion of the Public Works Director.
17. Any new street trees to be installed shall be from the City Master Tree List and be approved by the City Arborist before installation.
18. For any street tree, sidewalk and driveway work, applicant shall obtain a Public Works Encroachment Permit and pay all associated fees.
19. The applicant shall submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees for all earthwork and grading operations in excess of 50 cubic yards.
20. The applicant shall provide drainage plan for new roof and any rain leaders. 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.

Fire Department:

21. Building construction shall meet current Building, California Fire Codes, and the El Cerrito Fire Code.
22. Prior to the issuance of the building permit, the applicant is responsible to meet the following requirements to the satisfaction of the Fire Marshall:
 - a) Provide code analysis of required total firefighting water.
 - b) If required, plans for fire service underground shall be submitted for review, approval and permit under separate cover.
 - c) Fire Department Connections (FDCs) shall be in locations acceptable to the fire department for emergency operations.
 - d) Fire Department Connections (FDCs) shall be interconnected between all three buildings and shall be located on El Dorado and Avila.
 - e) All pathways required for Fire Department access shall remain open, clear and ungated.
 - f) "KNOX BOX" shall be installed with keys for all common areas.
 - g) Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
 - h) Smoke detectors shall be 120v powered with battery backup.
 - i) Smoke detectors shall be interconnected.

Agenda Item No. 6(B)

Attachment 1

- j) 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.
- k) Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
- l) Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.
- m) All electrical breakers shall be labeled.
- n) Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property. Address shall be either internally or externally illuminated.
- o) Automatic Fire Sprinklers shall be installed throughout the Complex.
- p) Fire sprinkler plans shall be submitted for review, approval and permit under separate cover.
- q) Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue in accordance with CBC 310.4.
- r) Escape or rescue windows shall be installed in accordance with CBC 310.4.

Steger Sanitary District:

- 23. The applicant shall submit a sewer capacity study to Steger Sanitary District for review and approval prior to issuance of building permit.

I CERTIFY that at a regular meeting on September 20, 2016 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 September XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



**September 20, 2016
Regular City Council Meeting**

**Agenda Item No. 6(B)
PL 14-0171 El Dorado Townhomes Tentative Subdivision Map**

Attachments 2-14 available on-line at:

2. [Plans dated September 2, 2016](#)
3. [July 19, 2016 Agenda Bill](#)
4. [Closure Analysis Report, dated April 13, 2016](#)
5. [Traffic Impact Assessment, dated February 2015](#)
6. [Noise Impact Assessment, dated February 2015](#)
7. [Memorandum containing noise measurements, dated September 17, 2015](#)
8. [Air Quality Impact Assessment, dated February 2015](#)
9. [Water Quality Impact Assessment, dated February 2015](#)
10. [Stormwater Control Plan, dated January 30, 2015](#)
11. [Arborist Report, dated March 25, 2015](#)
12. [Geotechnical Feasibility Assessment, dated July 18, 2014](#)
13. [Planning Commission Resolution PC 16-05](#)
14. [H. Goudey correspondence, dated September 12, 2016](#)

Hardcopies are available for review at:

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

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA