



AGENDA

REGULAR CITY COUNCIL MEETING

Tuesday, April 21, 2015 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
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** – *Councilmember Jan Bridges.*

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. **PRESENTATION** – *None*

5. **ADOPTION OF THE CONSENT CALENDAR** – **Item Nos. 5A through 5H**

A. Minutes for Approval

Approve the April 7, 2015 Special City Council and April 7, 2015 Regular City Council

meeting minutes.

B. Affordable Housing Week Proclamation

Approve a proclamation recognizing May 8 through May 17, 2015 as Affordable Housing Week in the City of El Cerrito and confirming the City's commitment to work to support affordable housing at the local, regional and state level and encouraging all residents of El Cerrito to participate in Affordable Housing Week activities to raise awareness about the importance of affordable housing for families and communities.

C. National Sexual Assault Awareness Month Proclamation

Approve a proclamation joining the United States Government and the State of California in proclaiming the month of April 2015 as Sexual Assault Awareness Month in the City of El Cerrito and recognizing the important work performed by anti-sexual violence advocates and support service programs and promoting the belief that all community members must be part of the solution to end sexual violence.

D. Portal to Portal Overtime Pay for Employees Assigned to Emergency Response

Adopt a resolution authorizing portal to portal reimbursement for all personnel assigned to emergency incidents through the California Fire Assistance Agreement (CFAA).

E. Establish Speed Limits for Arlington Blvd. from Cutting Blvd. to Thors Bay Road and Barrett Avenue from West City Limits to Arlington Blvd.

Adopt a resolution establishing the following speed limits in miles per hour (mph) on two speed zones in the City of El Cerrito to allow for enforcement of these limits using radar, laser or other electronic device in conformance with State of California requirements: 1) Arlington Blvd. – Cutting Blvd. to Thors Bay Road 25 mph; and 2) Barrett Avenue – West City Limits to Arlington Blvd. 25 mph.

F. Agreement with BKF Engineers for the Ohlone Greenway BART Station Area Access, Safety and Place-making (ASP) Improvements Project

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with BKF Engineers to provide engineering and design services for the Ohlone Greenway BART Station Area Access, Safety and Place-making (ASP) Improvements Projects, City Project No. C3076, Federal Project No. CML-5239(025) in an amount not to exceed \$420,100 and contract term from April 21, 2015 to December 31, 2016.

G. Authorize Examination of Transactions and Use Tax Records, Including Amending an Existing Contract with Hinderliter, de Llamas & Associates

Adopt a resolution authorizing the City Manager and his designees to examine transactions and use tax records related to Measure R (2014) and to execute an amended agreement with Hinderliter, de Llamas & Associates (HDL) to add examination of the Measure R transaction use tax records. The resolution is required by the Board of Equalization. HDL's services have an estimated annual cost of \$4,000.

H. Quarterly Investment Report for Period Ending March 31, 2015

Receive and file the City's Quarterly Investment Report for the period ending March 31, 2015.

6. PUBLIC HEARING

2015-2023 Housing Element Update Adoption

Conduct a public hearing and upon conclusion consider taking the following actions: 1) Adopt a resolution making findings and approving the Initial Study/Negative Declaration prepared for the 2015-2023 Housing Element Update; and 2) Adopt a resolution adopting the 2015-2023 Housing Element Update and Amending the 1999 General Plan accordingly. *Exempt from CEQA.*

7. POLICY MATTERS – None

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regular City Council meeting is Tuesday, May 5, 2015 at 7:00 p.m. at City Hall, 10890 San Pablo Avenue, El Cerrito, California.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, April 7, 2015 – 6:45 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, April 7, 2015 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
Councilmember Gabriel Quinto

6:45 p.m. ROLL CALL

Present: Councilmembers Abelson, Bridges, Lyman and Mayor Friedman

Absent: Councilmember Quinto

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Friedman convened the special City Council meeting at 6:45 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – *No speakers*

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

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

Action: Interview conducted. The City Council, by mutual consent, appointed Margo Parisi to the Human Relations Commission (HRC) for a term ending March 1, 2018.

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

ROLL CALL

Present: Councilmembers Abelson, Bridges, Lyman and Mayor Friedman

Absent: Councilmember Quinto

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

Mayor Friedman convened the regular City Council meeting at 7:07 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Pro Tem Lyman announced that Assemblymember Thurmond's office will be holding office hours in El Cerrito on Wednesday April 22, July 22 and November 25 from noon to 4:00 p.m. at City Hall.

Councilmember Abelson announced that Earth Day in El Cerrito will be observed on April 18. There will be lots of work projects including picking up cigarette butts along San Pablo Avenue. Cigarette butts are very toxic. If they are not picked up they go into the creeks, stormwater system and Bay. Councilmember Abelson stated that one can go online to register at earthday@ci.el-cerrito.ca.us or come to the Community Center for an assignment. Everyone who volunteers gets a free vegetarian, mostly organic, lunch.

Mayor Friedman announced that the City Council interviewed Margo Parisi earlier this evening and appointed her to the HRC. Mayor Friedman also reported the he recently attended the Mayors Conference in Pinole with Councilmember Abelson and Mayor Pro Tem Lyman. There was a very interesting presentation regarding a countywide program designed to ensure opportunity and alleviate and eliminate poverty. More information about the program can be obtained from the website cutpovertycc.org. Mayor Friedman along with Councilmember Quinto, Chief Moir and several police officers attended a Good Friday prayer breakfast at St. Peters CME Church. Several weeks ago Mayor Friedman and Chief Moir along with other Mayors and Police Chiefs from Assembly District 15 attended a forum hosted by Assemblymember Thurmond regarding police/community relations. Mayor Friedman thanked Assemblymember Thurmond for his leadership and for getting out in front of this important societal issue.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Maria Alegria, Assembly District 15 Field Representative, stated that Assemblymember Thurmond and his staff are excited about the upcoming satellite office hours in El Cerrito. The office will be open from 12-4 p.m. Constituent services and information regarding the Department of Motor Vehicles, veterans benefits, unemployment and disability insurance, state taxes, professional conduct and licensing complaints, and Covered California will be offered. Additionally, Assemblymember Thurmond will be hosting an Education Town Hall on April 16 from 5:30-7:00 p.m. at the Ed Roberts Campus in Berkeley. The Town Hall will focus on early attendance intervention and chronic absenteeism. Ms. Alegria invited all to attend. There will be many stakeholders present that are involved in education.

Al Miller, El Cerrito, informed the community that the local branch of the NAACP will be convening a town hall on "Race Relations and Trust in our Community" on April 18 from 10:00 a.m. to 12:00 p.m. at St. Peters CME Church, 5324 Cypress Avenue in El Cerrito. Police Chief Moir and Richmond Deputy Police Chief Brown will discuss what they have done to enhance race relations and trust in their communities. Mayor Friedman will offer welcoming remarks. Light refreshments will be served. All community members are invited to join this event. Mr. Miller noted that there is a need to continue communication throughout all communities as tragically, a white police officer shot an African American man in South Carolina today. The El Cerrito community event will offer an opportunity for anyone to ask questions, make comments and have any concerns addressed. Mr. Miller also announced that the El Cerrito Library Foundation along with the Rotary Club and the El Cerrito Library will conduct a work party at the library as part of the Earth Day Celebration. Volunteers are welcome.

Kristen Pursley, Pinole, Communities Organized to Support Adult School, thanked the City Council for considering support for state funding education for older adults. It is important to support these programs and that the state government hears from local governments.

Maris Arnold, Berkeley, WCCUSD English as a Second Language Teacher, also spoke in support of funding for older adult education. Programs include health education and fitness activities which help to reduce Medicare expenses. Seniors continue to give back to their community by volunteering and often hear about volunteer opportunities at Senior Centers and from classes that they attend. A loss of these volunteers is a loss to the community as a whole.

Janet Johnson, Richmond, retired WCCUSD Adult School Teacher, asked the Council to sign and send the letter on behalf of the Committee on Aging to Governor Brown. The El Cerrito senior population is 15-20%. Senior programs are a lifeline for many older adults.

4. PRESENTATION

A. El Cerrito Library Update – *Presentation by Liz Ruhland, Senior Community Library Manager.*

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5H

Moved, seconded (Lyman/Abelson; Ayes – Councilmembers Abelson, Bridges, Lyman and Mayor Friedman; Noes – None; Abstain – None; Absent – Councilmember Quinto) and carried to approve Consent Calendar Item Nos. 5A through 5D and 5G and 5H in one motion as indicated below. Item No. 5E was removed from the Consent Calendar by Mayor Friedman and Item No. 5F was removed at the request of Councilmember Abelson and voted on separately.

A. Minutes for Approval

Approve the March 17, 2015 Special City Council and March 17, 2015 Regular City Council meeting minutes.

Action: Approved minutes.

B. Earth Day Proclamation

Approve a proclamation declaring April 18, 2015 as Earth Day in the City of El Cerrito and encouraging all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Action: Approved proclamation.

C. Calendar Years 2012 and 2013 Growth Management Program Compliance Checklist

Adopt a resolution approving the Calendar Years 2012 and 2013 Growth Management Program (GMP) Compliance Checklist for allocation of Fiscal Years 2013-14 and 2014-15 Measure J, Local Street Maintenance and Improvement Funds by the Contra Costa Transportation Authority (CCTA). *Exempt from CEQA.*

Action: Adopted Resolution No. 2015–24.

D. Goldfarb & Lipman LLP Contract Amendment

Adopt a resolution authorizing the City Manager to amend the consultant legal services agreement with Goldfarb & Lipman LLP for Fiscal Year 2014-15 to increase the not-to-exceed amount from \$34,500 to \$45,500.

Action: Adopted Resolution No. 2015–25.

E. Joint Application with Eden Housing, Inc. for Affordable Housing and Sustainable Communities Program Funds for the El Cerrito Senior Mixed Use Apartments Transit-Oriented Development Project

Adopt a resolution approving and authorizing the City as co-applicant with Eden Housing, Inc. to apply for Affordable Housing and Sustainable Communities Program funds for the El Cerrito Senior Mixed Use Apartment Transit-Oriented Development Project. *Exempt from CEQA.*

Action: Removed at the request of Mayor Pro Tem Lyman who acknowledged the hard work of Ms. Myall, Senior Housing Program Manager, who will be leaving the city. Moved, seconded (Lyman/Abelson: Ayes – Councilmembers Abelson, Bridges, Lyman and Mayor Friedman; Noes – None; Abstain – None; Absent – Councilmember Quinto) to adopt Resolution No. 2015–26.

F. Support Continued Funding for Older Adult Education Programs in the California State Budget

Upon recommendation of the El Cerrito Committee on Aging, authorize Mayor Friedman to sign and direct letters to Governor Brown, Senator Hancock and Assemblymember Thurmond in support of continued funding for Older Adult Education in the Proposition 98 General Fund for the Adult Education Block Grant.

Action: Removed at the request of Councilmember Abelson who acknowledged the work of the Committee on Aging in drafting the letter for the Council’s consideration. Moved, seconded (Abelson/Bridges: Ayes – Councilmembers Abelson, Bridges, Lyman and Mayor Friedman; Noes – None; Abstain – None; Absent – Councilmember Quinto) to approve the recommendation.

G. Authorize Annual Report for Landscape and Lighting Assessment District for Fiscal Year 2015-16

Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988-1 report for fiscal year 2015-16.

Action: Adopted Resolution No. 2015–27.

H. Quarterly Investment Report for Period Ending December 31, 2014

Receive and file the City’s Quarterly Investment Report for the period ending December 31, 2014.

Action: Received and filed.

**6. PUBLIC HEARING
Extension of Massage Establishment Moratorium**

Staff recommends that the City Council conduct a public hearing and upon conclusion adopt the attached interim urgency ordinance making findings and extending a temporary moratorium on the establishment or relocation of new and existing massage establishments for ten months and fifteen days to become effective upon the expiration of the current moratorium.

Presenter: Sky Woodruff, City Attorney.

Mayor Friedman opened the public hearing. No speakers.

Moved, seconded (Lyman/Abelson; Ayes – Councilmembers Abelson, Bridges, Lyman and

Mayor Friedman; Noes – None; Abstain – None; Absent – Councilmember Quinto) and carried to close the public hearing.

Action: Moved, seconded (Bridges/Lyman; Ayes – Councilmembers Abelson, Bridges, Lyman and Mayor Friedman; Noes – None; Abstain – None; Absent – Councilmember Quinto) and carried to adopt Urgency Ordinance No. 2015-04 making findings and extending a temporary moratorium on the establishment or relocation of new and existing massage establishments for ten months and fifteen days to become effective upon the expiration of the current moratorium.

7. POLICY MATTERS – None

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS – No reports

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 7:50 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4 El Cerrito Library Update

1. Brochure entitled “The Big Read” – Submitted by Liz Ruhland, Senior Community Library Manager.
2. El Cerrito Library 2015 Annual Report – Submitted by Liz Ruhland, Senior Community Library Manager.
3. Vegetable Gardening in El Cerrito – Submitted by Liz Ruhland, Senior Community Library Manager.

Other:

4. NAACP Town Hall on Race Relations and Trust in our Community – *Submitted by Al Miller, El Cerrito.*
5. Assemblymember Tony Thurmond Launches Satellite Office Hours in El Cerrito – *Submitted by Maria Alegria, Assembly District 15 Field Representative.*

CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
May 8 to May 17, 2015 as the 19th Annual East Bay Affordable Housing Week
"Here to Stay: Building Inclusive Communities"

WHEREAS, quality affordable housing is vital to building healthy, safe, vibrant, and diverse communities; and

WHEREAS, affordable homes are the solution to homelessness, and provide support to seniors, families, youth, veterans, and people with disabilities; and

WHEREAS, rising housing costs have led to increasing displacement, overcrowding, and homelessness that threatening our region's diversity and economic prosperity; and

WHEREAS, creating new permanent affordable homes and preserving and improving existing rental housing helps our residents maintain community roots and encourages racial and economic diversity for generations; and

WHEREAS development of affordable homes close to public transit and jobs can help reduce greenhouse gas emissions and provide low income families better access to opportunities and amenities; and

WHEREAS, empowering residents living in affordable housing as advocates helps to shape better housing, tenant protections, and development policies; and

WHEREAS, non-profit organizations, local jurisdictions, community organizations and many others continue to build inclusive communities by providing shelter, homes and support for low-income people and those with special needs; and

WHEREAS, East Bay Housing Organizations have organized Affordable Housing Week for 19 years and in this year will feature 21 events acknowledging the need for and contributions of affordable housing.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims May 8 through May 17, 2015 as Affordable Housing Week in the City of El Cerrito and confirms the City's commitment to work to support affordable housing at the local, regional and state level and encourage residents of El Cerrito to participate in Affordable Housing Week activities to raise awareness about the importance of affordable housing for families and communities.

Dated: April 21, 2015

Mark Friedman, Mayor

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
April 2015 is National Sexual Assault Awareness Month***

WHEREAS, April is Sexual Assault Awareness Month to draw attention to the fact that sexual violence including rape, sexual assault and sexual harassment is widespread and impacts every member of our community; and

WHEREAS, 1 in 5 women and 1 in 71 men will be raped at some point in their lives, and 1 in 5 women and 1 in 16 men are sexually assaulted during their time in college; and

WHEREAS, child sexual abuse prevention and education must be a priority to confront the reality that 1 in 4 girls and 1 in 6 boys will experience a sexual assault before the age of 18; and

WHEREAS, in California there were 9,714 forcible rapes in 2013 and 169 forcible rapes reported in Contra Costa County in the same year; with an increasing number affecting adolescents; and

WHEREAS, we must work together to educate our community about sexual violence prevention, support our victims and speak out against harmful attitudes and actions; and

WHEREAS, many citizens of Contra Costa County are working to provide quality services and assistance to sexual assault survivors; and dedicated volunteers help staff 24-hour hotlines, respond to emergency calls and offer support, comfort and advocacy during medical exams, criminal proceedings, and throughout the healing process; and

WHEREAS, staff and volunteers of Community Violence Solutions and its Rape Crisis Center, Children's Interview Center, Prevention Dept., and Anti-Trafficking Project programs in Contra Costa County are promoting education by offering training to schools, churches, and civic organizations, as well as medical, mental health, law enforcement, education, and criminal justice personnel regarding sexual assault issues; and

WHEREAS, Community Violence Solutions requests public support and assistance as it continues to work toward a society where all women, children, and men can live in peace, free from violence and exploitation.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of El Cerrito hereby joins the United States Government and State of California in proclaiming the month of April 2015 as Sexual Assault Awareness Month and recognizes the important work performed by anti-sexual violence advocates and support service programs in promoting the belief that all community members must be part of the solution to end sexual violence.

Dated: April 21, 2015

Mark Friedman, Mayor



AGENDA BILL

Agenda Item No. 5(D)

Date: April 21, 2015
To: El Cerrito City Council
From: Lance Maples, Fire Chief
Subject: Portal to Portal Overtime Pay for Employees Assigned to Emergency Response

ACTION REQUESTED

Adopt a resolution authorizing portal to portal reimbursement for all personnel assigned to emergency incidents through the California Fire Assistance Agreement (CFAA).

BACKGROUND

The El Cerrito Fire Department participates in the California Fire Service and Rescue Emergency Mutual Aid System. The CFAA is the negotiated reimbursement mechanism for local government fire agency responses under the Mutual Aid System. The CFAA provides for reimbursement of portal to portal overtime to City employees while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response. The City is currently reimbursed for portal to portal overtime costs. In order to be eligible for continued reimbursement, the City Council must approve the attached resolution.

STRATEGIC PLAN CONSIDERATIONS

Approval of the proposed resolution with the California Fire Service and Rescue Emergency Mutual Aid System is consistent with *El Cerrito Strategic Plan* Goal A- Deliver exemplary government services and Goal B- Achieve long-term financial stability.

ENVIRONMENTAL CONSIDERATIONS

There are no identifiable environmental effects or opportunities associated with this agreement.

FINANCIAL CONSIDERATIONS

Authorizing portal to portal overtime pay for employees ensures that the City continues to be eligible for reimbursement through the CFAA.

Reviewed by:

Scott Hanin
City Manager

Attachments:

1. Resolution

RESOLUTION 2015-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING PORTAL TO PORTAL OVERTIME REIMBURSEMENT FOR ALL PERSONNEL ASSIGNED TO EMERGENCY INCIDENTS THROUGH THE CALIFORNIA FIRE ASSISTANCE AGREEMENT (CFAA).

WHEREAS, the City of El Cerrito is a public agency located in the County of Contra Costa, State of California; and

WHEREAS, it is the City's desire to provide fair and legal payment to all its employees for time worked; and

WHEREAS, the City has in its employ, Fire Department response personnel including: Fire Chief, Battalion Chief, Captain, Captain/Paramedic, Engineer, Engineer/Paramedic, Firefighter and Firefighter/Paramedic; and

WHEREAS, the City will compensate its employees portal to portal while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response; and

WHEREAS, the City will compensate its employees overtime in accordance with their current Memorandum of Understanding while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito authorizes portal to portal overtime reimbursement for all personnel assigned to emergency incidents through the California Fire Assistance Agreement and that the conditions set forth in this resolution, as stated above, take effect upon adoption by the City Council of the City of El Cerrito.

I CERTIFY that at a regular meeting on April X, 2015 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April XX, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: April 21, 2015

To: El Cerrito City Council

From: Melissa L. Tigbao, Engineering Manager / Senior Engineer
Yvetteh Ortiz, Public Works Director / City Engineer

Subject: Establish Speed Limits for Arlington Boulevard from Cutting Boulevard to Thors Bay Road and Barrett Avenue from West City Limits to Arlington Boulevard

ACTION REQUESTED

Adopt a resolution establishing the following speed limits in miles per hour (mph) on two speed zones in the City of El Cerrito to allow for enforcement of these limits using radar, laser or other electronic device in conformance with State of California requirements:

Arlington Boulevard – Cutting Boulevard to Thors Bay Road	25
Barrett Avenue – West City Limits to Arlington Boulevard	25

BACKGROUND

To satisfy requirement of Section 40802 Speed Traps of the California Vehicle Code (CVC), engineering and traffic surveys (“speed surveys”) are required to establish speed limits on collector and arterial streets where speed enforcement involves the use of radar, laser or other electronic speed measuring device. These surveys must be conducted in accordance with applicable laws and standards provided in the CVC and the California Manual on Uniform Traffic Control Devices (MUTCD). A speed zone is a segment of roadway on which a speed limit has been established as reasonable and safe based on a speed survey.

In 2012, the City conducted speed surveys for several speed zones including a few along Arlington Boulevard and Barrett Avenue. The speed survey results indicated that 30 mph speed limit, an increase from the existing speed limit of 25 mph, was appropriate for Arlington Boulevard from Cutting Boulevard to Thors Bay Road and the entire length of Barrett Avenue. Given the geometric and land use characteristics of both of these roadways, Public Works staff recommended deviating from the speed survey results. Public Works staff, in consultation with the Police Department, recommended that a speed limit of 25 mph be applied per CVC Section 22352, which establishes a prima facie speed limit of 25 mph on most of our City’s streets due to their residential character. For streets classified as collectors or arterials, the City may choose to allow the prima facie speed to govern, but only non-electronic methods may be used for

conducting speed enforcement such as pacing or enforcement of other regulations such as school speed zones must be applied. Since maintaining the speed limit at 25 mph relied on the CVC Section 22352, no action by the City Council was required to maintain it.

Over the last few years, Public Works staff explored implementation of various traffic calming measures along Arlington Boulevard and Barrett Avenue. Several improvements were already planned at Madera Drive and Brewster Drive (North) on Arlington Boulevard as part of the federally funded Arlington Boulevard Safe Routes to School Project. The improvements consisting of curb bulb-outs, flashing crosswalk lights and enhanced traffic signing and striping were completed in 2013. Most recently, as part of the Traffic Safety and Management Program, radar speed feedback signs were installed at four other locations on Arlington Boulevard and Barrett Avenue. Subsequently, Public Works staff engaged Whitlock & Weinberger Transportation, Inc. (W-Trans), one of our on-call transportation engineering firms, to evaluate and prepare new speed surveys for the two subject speed zones.

ANALYSIS

The speed surveys were performed in accordance with the requirements set forth in the CVC, MUTCD and established traffic engineering practices. The signed and stamped speed surveys are attached as Exhibit A to the Resolution. A summary of the study and recommendations is provided below.

The speed surveys must include considerations for prevailing speeds, collision records, and traffic and roadside conditions not readily apparent to the driver. Prevailing speeds are determined from the 85th-percentile speed of free-flowing traffic. This is the speed at or below which 85 percent of the observed vehicles are traveling. Experience has shown that 85 percent of drivers operate at speeds that are reasonable and prudent for the specific roadway conditions and regardless of speed limit signs or enforcement. Therefore, the 85th percentile speed is the first indicator of a speed limit that might be imposed subject to other factors of collision experience, traffic volumes, road features and other special situations. The MUTCD allows for establishment of a speed limit that is 5 mph below the nearest 5-mph increment of the 85th percentile speed, based on these factors.

W-Trans recommends maintaining the existing 25 mph speed limits on the two surveyed zones. The recommended speed limit for both zones includes the allowed 5-mph reduction as discussed above. The Police Department supports maintaining the existing speed limit of 25 mph on Arlington Boulevard from Cutting Boulevard to Thors Bay Road and Barrett Avenue from west city limits to Arlington Boulevard.

Public Works staff recommends that the City Council establish the recommended speed limits to allow for enforcement using radar, laser or other electronic device in conformance with State of California requirements. The use of electronic devices is generally preferred because it provides for more efficient and effective enforcement.

STRATEGIC PLAN CONSIDERATIONS

Approval of the proposed speed zones is consistent with El Cerrito Strategic Plan Goal E
– Ensure the public's health and safety.

FINANCIAL CONSIDERATIONS

Approval of this resolution will have no financial impact given that the existing speed limit signs do not have to be replaced.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin, City Manager

Attachment:

1. Accompanying Resolution

RESOLUTION 2015-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL ESTABLISHING SPEED LIMITS FOR ARLINGTON BOULEVARD FROM CUTTING BOULEVARD TO THORS BAY ROAD AND BARRETT AVENUE FROM WEST CITY LIMITS TO ARLINGTON BOULEVARD

WHEREAS, engineering and traffic surveys (“speed surveys”) are required to establish speed limits on streets that are functionally classified as collector or arterial streets and where speed enforcement involves the use of radar, laser or other electronic speed measuring device; and

WHEREAS, the Public Works Department engaged the services of Whitlock & Weinberger Transportation, Inc. (W-Trans) to evaluate and prepare speed surveys for two zones; and

WHEREAS, W-Trans prepared the speed surveys in accordance with the requirements set forth in the California Vehicle Code (CVC), California Manual on Uniform Traffic Control Devices (MUTCD) and established traffic engineering practices; and

WHEREAS, the Public Works and Police Departments have reviewed the speed survey recommendations.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby establishes the following speed limits based on the speed surveys, attached hereto as Exhibit A, to allow for enforcement of these limits using radar, laser or other electronic device in conformance with State of California requirements:

Speed Zone	Speed Limit (miles per hour)
Arlington Boulevard from Cutting Boulevard to Thors Bay Road	25
Barrett Avenue from West City Limits to Arlington Boulevard	25

BE IT FURTHER RESOLVED, that the Public Works Director / City Engineer is authorized to post the speed limits as appropriate in accordance with this resolution.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file certified copies of this resolution with the El Cerrito Police Department and Contra Costa Superior Court.

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

I CERTIFY that at a regular meeting on April 21, 2015 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 April XX, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor

Attachment: Exhibit A

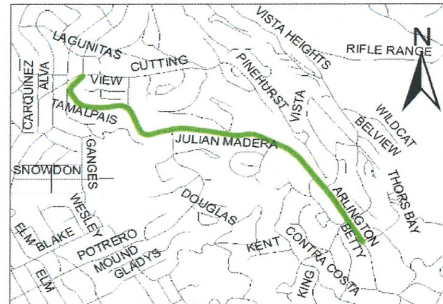


City of El Cerrito
Engineering and Traffic Survey

Street: Arlington Boulevard **From:** Cutting Boulevard **To:** Thors Bay Road

Street Conditions

Posted Limit: 25 mph
Width: 36-40 feet
Lanes: 2
Configuration: Undivided
Parking: Discontinuous
Bike Facility: None
Sidewalks: Discontinuous
Land Use: Residential
Character: Urban
Terrain: Hilly



Observations and Evaluation

Volume (ADT):	5,450 vpd	Vehicles Sampled:	121
Segment Length:	1.23 miles	85th Percentile Speed:	28 mph
Collisions:	9 crashes	Mean (50th Percentile) Speed:	25 mph
Evaluation Period:	3 years	Pace:	21 to 31 mph
Collision Rate:	1.23 c/mvm (collisions per million vehicle miles)	Percent in Pace:	92.6%
Statewide Average Rate:	3.05 c/mvm		

(Additional details provided on the next sheet)

Conditions Not Readily Apparent to the Driver:

This roadway segment has several curves which limit sight distance, including the southerly areas where there are gaps in the sidewalk. Arlington Boulevard is a designated Class III route in the 2007 Circulation Plan for Bicyclists and Pedestrians, and the presence of bicyclists and pedestrians in the road in these sight-obstructed areas represent a condition drivers may not be aware of until entering such curves.

Conclusions and Recommendations

With an 85th percentile speed of 28 mph, the nearest 5 mph increment is 30 mph, which is higher than reasonable due to the roadway's limited sight distance combined with the need for bicyclists and pedestrians to share the road in some areas. It is recommended that the posted speed limit of **25 mph** be retained in accordance with the provisions of Sections 627, 22357, 22358 and 40802 of the *California Vehicle Code*.

25 mph

Recommended
Speed Limit

April 13, 2015
Date

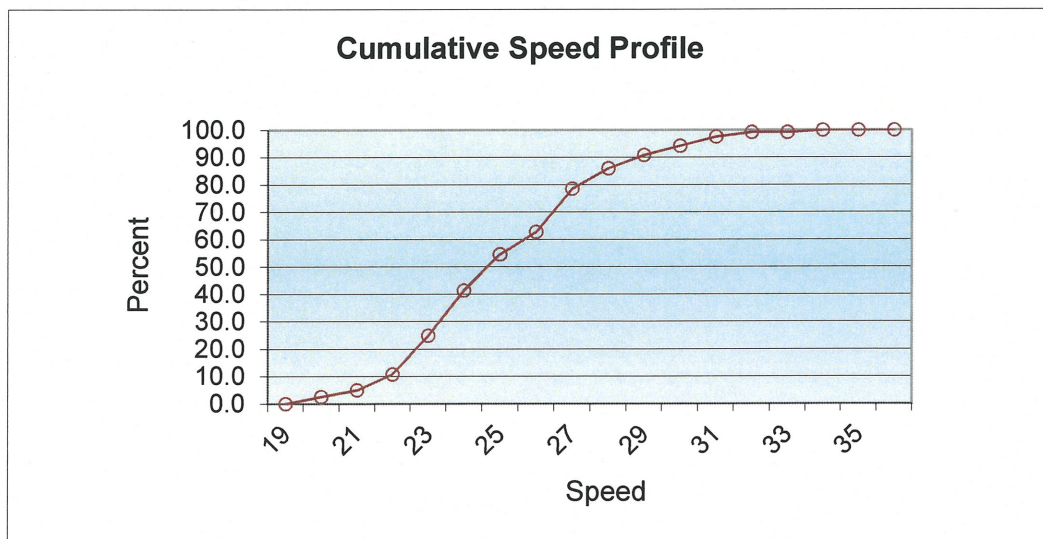
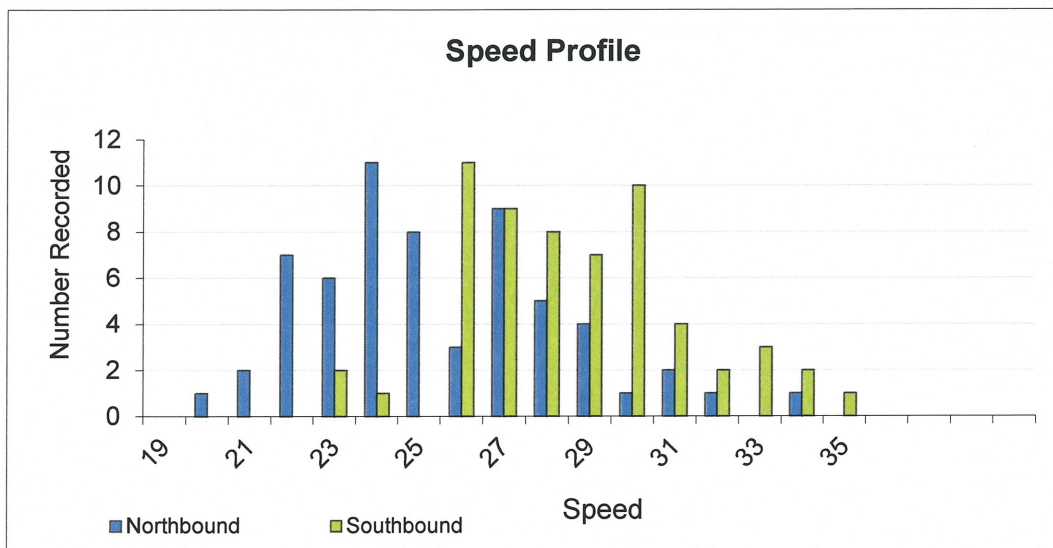
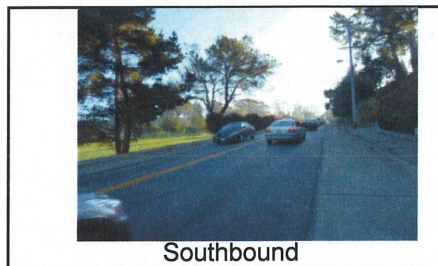
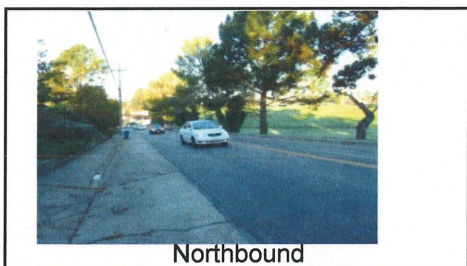


M. Yung
Mary Jo Yung P.E.

Street: Arlington Boulevard

From: Cutting Boulevard

To: Thors Bay Road



Date Data Collected:

2/26/15

Start Time: 13:15

Weather:

Clear

Day of the Week:

Thursday

End Time: 14:15

Recorder:

NDS



AGENDA BILL

Agenda Item No. 5(F)

Date: April 21, 2015

To: El Cerrito City Council

From: Yvetteh Ortiz, Public Works Director/City Engineer
Melanie Mintz, Interim Community Development Director

Subject: Consulting Services Agreement with BKF Engineers for the Ohlone Greenway BART Station Area Access, Safety and Placemaking (ASP) Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025)

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with BKF Engineers (“Consultant”) to provide engineering and design services for the Ohlone Greenway BART Station Area Access, Safety and Placemaking (ASP) Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025) in an amount not to exceed \$420,100 and contract term from April 21, 2015 to December 31, 2016.

BACKGROUND

Project Description

The project was conceptually developed in the City’s Ohlone Greenway Master Plan that was adopted in 2009. The City’s General Plan emphasizes the need to create pedestrian-friendly places, including enhancements to the usability and aesthetic of the Greenway. The El Cerrito Circulation Plan adopted in 2007 identifies the Ohlone Greenway crossings as opportunity sites for crosswalks and lighting improvements. The goals of the project are to improve bicycle and pedestrian routes to transit, commercial nodes and housing; bring new vibrancy to a Priority Development Area to encourage housing development; increase user safety and accessibility at the El Cerrito Plaza and El Cerrito del Norte BART Stations; and improve the integration of the two BART Stations with the surrounding community.

The Ohlone Greenway is a heavily used, multi-use path that runs the entire length of the City of El Cerrito, connecting the two BART Stations within the City. The Greenway also connects to regional mixed-use paths in Richmond and Albany. Per the Ohlone Greenway Master Plan, the City has been implementing projects along the Greenway to enhance its usability and contribute to reduced vehicle-miles travelled and a healthier, more connected community. There remains a strong need for improvements at the two BART stations where the Greenway currently becomes narrower and has an irregular alignment (especially as compared to other sections of the Greenway, which were

Agenda Item No. 5(F)

recently improved as part of the BART Earthquake Safety Program construction) and where higher pedestrian, bicycle, automobile and bus traffic contribute to increased conflicts between all modes of travel.

The project is located along the Fairmount Avenue to Central Avenue and Hill Street to Cutting Boulevard blocks of the Ohlone Greenway as well as these arterial street crossings of the Greenway. The project will improve the Greenway through the two BART stations including widening the path or adjacent shoulders and enhancing landscaping, installing new and enhanced crosswalks, and establishing “high use pedestrian zones” on the arterial streets with new striping, special pavement, and improved signage including flashing lights to complement other recently flashing crosswalk installations along the Greenway. On eastbound Hill Street, the project will reconfigure the two through lanes and add a pedestrian bulb-out or other traffic calming features near the driveway to the Safeway Store to increase pedestrian safety and improve intersection operations. Placemaking elements such as native landscaping, seating and lighting will also be included to increase the sense of connectivity to the rest of the Greenway and establish a strong sense of place at these transportation gateways to the community. Finally, as a part of this project, the existing Ohlone Greenway surveillance system will be upgraded and expanded between the two BART Stations to improve security along the Greenway.

The project design will be coordinated with a pedestrian side path that is to be constructed in Spring 2015 on the west side of the Greenway path between Hill Street and the Safeway Store front entrance, as well as, improvements being designed by BART as part of their del Norte BART Station Modernization Project. City staff and BART staff have been working closely together in developing this project concept and on several other efforts around the two BART Stations. All project elements will also be consistent with the recently adopted San Pablo Avenue Specific Plan and Complete Streets Plan, and be coordinated with the City’s Active Transportation Plan, which is currently under development and scheduled for adoption in Summer 2015.

Grant Application

In June 2013, the City Council adopted Resolution 2013-29 applying for approximately \$3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission’s (MTC’s) OneBayArea Grant (OBAG) Program for design and construction of the project, committing the necessary non-federal match, and assuring the project would be completed per federal requirements. Also in June 2013, the Contra Costa Transportation Authority (CCTA) notified the City that our grant application had been selected for award. The Metropolitan Transportation Commission (MTC) formally approved the award in September 2013.

The OBAG Program requires a minimum 11.47% percent local match in non-federal funding for each phase of the project. BART has committed to providing \$300,000 in funding from the Measure J Project No. 10002-01, “Transit Oriented Development (TOD) and Access Improvements at El Cerrito Plaza & del Norte BART Stations.” The

Agenda Item No. 5(F)

additional required funding has been provided by a portion of the Park In-Lieu funds contributed by Safeway as part of development of their del Norte Store.

Caltrans Local Assistance Process

The source of the federal grant funds is the Congestion Mitigation and Air Quality Improvement Program (CMAQ). Transportation projects funded by these types of funds must go through a rigorous administrative process through the Caltrans Office of Local Assistance. Furthermore, there are strict funding deadlines associated with these funds. Over the last year, City staff has worked through the Caltrans process to request authorization to proceed with the design of the project, which included a field review, preliminary environmental studies, and other required documentation. These steps needed to be completed before the City could begin the consultant selection process, which is described below. The upcoming deadlines are fast approaching. Final design and right-of-way certification for the project must be completed by September 30, 2015, and the formal request for authorization to proceed with construction must be submitted to Caltrans Local Assistance no later than November 1, 2015.

ANALYSIS

City staff released the Request for Proposals (RFP) for the Ohlone Greenway BART Station Area ASP Improvements Project, Engineering and Design Services on February 13, 2015. The availability of the RFP was posted on the City's website and the RFP was then emailed to civil engineering, landscape architect, and architects on the City's consultant list. The City received numerous requests for the RFP through the website portal and, in total, the RFP was emailed to 135 firms.

The City received four proposals from consultant teams by the due date of March 9, 2015. A consultant selection panel consisting of City and BART staff reviewed the proposals based on the evaluation criteria listed in the RFP. Cost cannot be used as a rating factor. These are listed below.

Understanding of the work to be done	20%
Experience and past performance on similar kinds of work	20%
Quality of staff for work to be done	20%
Approach to delivering project including work plan and schedule	15%
Capability of developing cost-effective and innovative design	15%
Familiarity with state and federal procedures	10%

Agenda Item No. 5(F)

The selection panel short-listed three consultant teams for interviews. The interviews were conducted on March 23, 2015, and the panel developed the final ranking of the consultant teams as follows:

1. BKF Engineers
2. MIG, Inc.
3. Golden Associates

While the RFP required proposers to submit a detailed work plan with anticipated tasks and estimated hours by team member, a cost proposal was not submitted because cost cannot be a factor in developing the ranking per federal requirements. Only short-listed teams submitted sealed cost proposals at the time of the interviews and only the top-ranked team's proposal was opened for negotiation purposes. City staff then worked with the BKF team to agree on a final contract that will deliver the services required at a fair and reasonable cost to the City. At the completion of successful negotiations with the BKF team and if approved by the City Council, the remaining sealed envelopes containing cost proposals will be returned to the other two teams.

The BKF team is supported by several specialized consulting firms including PlaceWorks, Avila Project Management, Fehr & Peers Transportation Consultants, LSA Associates, Security By Design Inc., Brookwater, YEI, and Construction Surveys. The team has a strong civil and landscaping architecture mixtures; expertise in urban design, multi-modal transportation, environmental studies, and security systems; familiarity with and sensitivity to local issues; and extensive experience with the administration of federally-funded transportation projects. The design contract includes all engineering and design related services, including permitting, environmental studies and clearance, public outreach, development of construction documents, bidding assistance and design assistance during construction.

Projects using federal funds are subject to Part 26, Title 49, Code of Federal Regulations (CFR) entitled "Participation by Disadvantaged Business Enterprises (DBE) in the Department of Transportation Financial Assistance Program." The consultant teams were required to make a good faith effort to incorporate the services of DBEs in their proposal. The City determined a goal of 4.7% of participation of DBEs in this contract. BKF's proposal exceeded the City's DBE goal by including a commitment of 11%.

STRATEGIC PLAN CONSIDERATIONS

Approval of this agreement is consistent with El Cerrito Strategic Plan Goal D – Develop and rehabilitate public facilities as community focal points; Goal C – Deepen a sense of place and community identity by promoting strong neighborhoods; and Goal F – Foster environmental sustainability citywide by encouraging alternative modes of transportation to the single occupancy vehicle. Consistent with the federal grant goals, the project will improve connectivity, enhance sense of place, bring new vibrancy and support the higher-density transit-oriented neighborhoods adjacent to BART as a place where developers want to build and people want to live, work and visit.

ENVIRONMENTAL CONSIDERATIONS

In 2009, the City completed an Initial Study and Negative Declaration per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master Plan. The project is consistent with the Master Plan and will not have a significant effect on the environment.

National Environmental Policy Act (NEPA) clearance is pending additional technical studies to be completed as part of BKF's scope of services. Caltrans, which provides oversight for federally-funded projects, has reviewed the preliminary environmental studies for NEPA clearance and it is anticipated that the project will be categorically excluded from the requirements of preparing an environment assessment or environmental impact statement. The NEPA document will be reviewed and approved by Caltrans prior to final design of the project.

FINANCIAL CONSIDERATIONS

The estimated cost implementation of the Ohlone Greenway BART Station Area ASP Improvements Project is \$3,930,570. The Project is funded by the federal OBAG grant of \$3,468,000 and, as described above, two other sources for the local match including \$300,000 in BART Measure J funds and \$149,387 Park In-Lieu funds that were transferred and appropriated to the CIP Fund. The current funding total is \$3,917,387.

The estimated project expenditures are summarized below.

<i>Planning/Environmental</i>	<i>\$13,253</i>
<i>Design</i>	
Consultant	\$420,100
City Staff	\$10,000
Misc./Contingency	\$19,900
<i>Design Subtotal</i>	<i>\$450,000</i>
<i>Construction</i>	<i>\$3,467,317</i>
Total	\$3,930,570

The project is in the Fiscal Year (FY) 2014-15 and FY 2015-16 Capital Improvement Program (CIP), and an expenditure allocation of \$545,000 is included in the FY 2014-15 Adopted Budget in the CIP Fund to cover the design phase expenses.

Staff is recommending an additional funding transfer of Park In-Lieu funds of \$13,183 from the Ohlone Greenway, Hill Street to Blake Street, CIP Project No. C3069 to cover the total estimated project expenditures including construction starting next fiscal year. This recommended budget amendment will be brought forward to Council as part of the FY 2015-16 budget process.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution

RESOLUTION 2015--XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH BKF ENGINEERS (“CONSULTANT”) TO PROVIDE ENGINEERING AND DESIGN SERVICES FOR THE OHLONE GREENWAY BART STATION AREA ACCESS, SAFETY AND PLACEMAKING (ASP) IMPROVEMENTS PROJECT, CITY PROJECT NO. C3076, FEDERAL PROJECT NO. CML-5239(025) IN AN AMOUNT NOT TO EXCEED \$420,100 AND CONTRACT TERM FROM APRIL 21, 2015 TO DECEMBER 31, 2016.

WHEREAS, the Ohlone Greenway BART Station Area Access, Safety and Placemaking (ASP) Improvements Project is intended to improve bicycle and pedestrian routes to transit, commercial nodes and housing; bring new vibrancy to a Priority Development Area to encourage housing development; increase user safety and accessibility at the El Cerrito Plaza and El Cerrito del Norte BART Stations; and improve the integration of the two BART Stations with the surrounding community; and

WHEREAS, the project is located along the Fairmount Avenue to Central Avenue and Hill Street to Cutting Boulevard blocks of the Ohlone Greenway as well as these arterial street crossings of the Greenway; and

WHEREAS, the project will improve the Greenway through the two BART stations including widening the path or adjacent shoulders and enhancing landscaping; installing new and enhanced crosswalks; establishing “high use pedestrian zones” on the arterial streets with new striping, special pavement, and improved signage including some flashing lights; reconfiguring the two eastbound lanes on Hill Street and adding a pedestrian bulb-out or other traffic calming features near the Safeway driveway; installing placemaking elements such as native landscaping, seating and lighting; and expanding and upgrading the existing Ohlone Greenway surveillance system; and

WHEREAS, in June 2013, the City Council adopted Resolution No. 2013-29 applying for approximately \$3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission’s (MTC’s) OneBayArea Grant (OBAG) Program for design and construction of the project, committing the necessary non-federal match, and assuring the project would be completed per federal requirements; and

WHEREAS, MTC subsequently awarded the City \$3,468,000 in federal funds; and

WHEREAS, the non-federal local matching funds include \$300,000 from the BART Measure J Project No. 10002-01, “Transit Oriented Development (TOD) and Access Improvements at El Cerrito Plaza & del Norte BART Stations” Project and \$149,387 in Park In-Lieu funds that were transferred and appropriated to the CIP Fund; and

WHEREAS, City staff released the Request for Proposals (RFP) for engineering and design services for the project on February 13, 2015, posted the availability of the RFP on the City's website, and in total sent the RFP to 135 firms; and

WHEREAS, the City received four proposals from consultant teams by the due date of March 9, 2015; and

WHEREAS, a consultant selection panel consisting of City and BART staff reviewed the proposals based on the evaluation criteria listed in the RFP and short-listed three consultant teams for interviews; and

WHEREAS, the BKF Engineers team emerged as the top-rank consultant team and the negotiated contract will deliver the services required at a fair and reasonable cost to the City; and

WHEREAS, the project is in the Fiscal Year (FY) 2014-15 and FY 2015-16 Capital Improvement Program (CIP), and an expenditure allocation of \$545,000 is included in the FY 2014-15 Adopted Budget in the CIP Fund to cover the design phase expenses; and

WHEREAS, the City completed an Initial Study and Negative Declaration in 2009 per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master Plan, and the project is consistent with the Master Plan and will not have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to execute a consulting services agreement with BKF Engineers ("Consultant") to provide engineering and design services for the Ohlone Greenway BART Station Area Access, Safety and Placemaking (ASP) Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025) in an amount not to exceed \$420,100 and contract term from April 21, 2015 to December 31, 2016.

I CERTIFY that at a regular meeting on April 21, 2015 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

* * * * *

Agenda Item No. 5(F)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April XX, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor



AGENDA BILL

Agenda Item No. 5(G)

Date: April 21, 2015
To: El Cerrito City Council
From: Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Authorize Examination of Transactions and Use Tax Records, Including Amending an Existing Contract With Hinderliter, de Llamas & Associates

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to amend an existing agreement with Hinderliter, de Llamas & Associates (HDL) and allow his designees to examine transactions and use tax records related to Measure R (2014). The resolution is required by the Board of Equalization (BOE). HDL's additional services have an estimated annual cost of \$4,000.

BACKGROUND/ANALYSIS

In November 2014, El Cerrito voters approved an extension of Measure R at the one percent rate for twelve years. Extension of this general sales tax will allow the City to maintain critical services provided to the community.

The City has engaged the assistance of tax consultants to help effectively manage tax revenues for many years and in 2008 HDL was selected as the City's sales tax consultant. HDL has assisted staff by providing annual revenue estimates for budgeting and cash flow management, monitoring, identification and initiating correction of reporting errors with BOE as well as assist with the preparation of required compliance reports and other ad hoc reports as needed.

With the recent extension of Measure R, an amended agreement and resolution is required by the BOE, naming HDL as the City's tax consultant. The resolution provides the authority required by BOE for HDL to access the City's records and review financial transactions related to sales tax to accurately provide El Cerrito with the auditing and reporting services requested. It also authorizes the City Manager and his designees to review those records.

FINANCIAL CONSIDERATIONS

The annual estimated cost for reporting and auditing for these services is \$4,000. The costs for these services are included in the City's adopted budget each year. No additional appropriation is being requested.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution

RESOLUTION 2015--XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING
EXAMINATION OF TRANSACTIONS AND USE TAX RECORDS AND AMENDING THE
EXISTING CONTRACT WITH HINDERLITER, de LLAMAS & ASSOCIATES

WHEREAS, pursuant to Ordinance No. 60, as amended by Ordinances 146 N.S, 323 N.S., 83-15, 88-5 and 2010-10, the City of El Cerrito entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of local transactions and use taxes; and

WHEREAS, the City Council of the City of El Cerrito deems it necessary for authorized representatives of the City to examine confidential transactions and use tax records of the State Board of Equalization pertaining to transactions and use taxes collected by the Board for the City pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board records and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from the transactions and use tax records of the Board; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code requires that any person designated by the City shall have an existing contract to examine the City's sales and use tax records.

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

Section 1. That the City Manager or other officer(s) or employee(s) of the City (hereafter referred to as City) designated in writing by the City Manager to the State Board of Equalization (hereafter referred to as Board), is hereby appointed to represent the City with authority to examine transactions and use tax records of the Board pertaining to transactions and use taxes collected for the City by the Board pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of City transactions and use taxes by the Board pursuant to the contract.

Section 2. That the City's existing contract with Hinderliter, de Llamas and Associates is hereby amended to add thereto the examination of the transactions and use tax records of the City pertaining to transactions and use taxes collected for the City by the Board. The fee for transactions tax related audit and recovery work will be 25% plus \$100 monthly charge for transaction district tax reports of all new transactions tax or related use tax recovered for those specific quarters identified as being missing and/or deficient.

Section 3. That Hinderliter, de Llamas and Associates is hereby designated to examine the transactions and use tax records of the City pertaining to transactions and use taxes collected for the City by the Board. The entity designated by this section meets all of the following conditions:

- (a) Has an existing contract with the City to examine those transactions and use tax records;
- (b) Is required by that contract to disclose information contained in, or derived from, those transactions and use tax records only to the officer(s) or employee(s) authorized under Section 1 of this resolution to examine the information.
- (c) Is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- (d) Is prohibited by that contract from retaining the information contained in, or derived from those transactions and use tax records, after that contract has expired.

The information obtained by examination of Board records shall be used only for purposes related to the collection of City transactions and use taxes by the Board pursuant to the contract between the City and the Board.

Section 4. The City Clerk of the City is hereby directed to certify adoption of this Resolution and to send a copy to:

State Board of Equalization
Local Tax Section MIC:27
P O Box 942879
Sacramento, CA 94279-0001

I CERTIFY that at the regular meeting on April 21, 2015, the El Cerrito City Council passed this resolution by the following vote:

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

Agenda Item No. 5(G)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April 21, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor



AGENDA BILL

Agenda Item No. 5(H)

Date: April 21, 2015
To: El Cerrito City Council
From: Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Quarterly Investment Report for Period Ending March 31, 2015

ACTION REQUESTED

Receive and file the City's Quarterly Investment Report for the period ending March 31, 2015.

QUARTERLY INVESTMENT REPORT REVIEW

The Quarterly Investment Report for January 2015 – March 2015 shows that the City's investments had a par value of \$1,526,716 as of March 31, 2015. During the quarter interest of approximately \$100 was earned and a debt service payment for the Swim Center was made totaling \$18,428.

The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$2,706 is invested in pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF) and \$1,524,010 is held in money market funds.

FINANCIAL CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and maximum efficiency of the City's cash management system. The ultimate goal is to enhance the City's economic condition while protecting the funds at all times. The City's investments comply with the "Authorized Investments" section of the Investment Policy.

Reviewed by:

Scott Hanin
City Manager

Attachment:

1. City of El Cerrito Quarterly Investment Report For Period Ending March 31, 2015

City of El Cerrito

Quarterly Investment Report For the Period Ending March 31, 2015

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	LAIF	CA State Treasurer	\$2,706.06	\$2,706.06	0.24%	N/A	100.00	\$2,706.06
Solar Project Financing	Prime Money Market	Deutsche Bank Prime Money Market	Deutsche Bank	\$10,169.30	\$10,169.30	0.01%	N/A	100.00	\$10,169.30
Swim Center Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$166,928.14	\$166,928.14	0.01%	N/A	100.00	\$166,928.14
City Hall Debt Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$603,372.11	\$603,372.11	0.01%	N/A	100.00	\$603,372.11
Street Improvement Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$743,540.57	\$743,540.57	0.01%	N/A	100.00	\$743,540.57
TOTALS, as of March 31, 2015				\$1,526,716.18	\$1,526,716.18				\$1,526,716.18

I certify that this report is in compliance with the City of El Cerrito Investment Policy and that there are adequate funds available to meet the next six months of estimated expenditures as required by the California Government Code 53646.



Lisa Malek-Zadeh, Finance Director/City Treasurer



AGENDA BILL

Agenda Item No. 6

Date: April 21, 2015
To: El Cerrito City Council
From: Hilde Myall, Housing Program Manager
Margaret Kavanaugh-Lynch, Development Services Manager
Melanie Mintz, Interim Community Development Director
Subject: 2015-2023 Housing Element Update Adoption

ACTION REQUESTED

Conduct a public hearing and upon conclusion:

1. Adopt a resolution making findings and approving the Initial Study/Negative Declaration prepared for the 2015-2023 Housing Element Update; and
2. Adopt a resolution adopting the 2015-2023 Housing Element Update and Amending the 1999 General Plan accordingly.

BACKGROUND

California Government Code Section 65300 requires each city and county to adopt a General Plan to guide the physical development of the jurisdiction. The El Cerrito General Plan establishes a vision for the City's long-term growth and enhancement, and provides strategies and implementing actions to achieve this vision. State law requires that General Plans address seven topics (or "elements"): Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. The City of El Cerrito Housing Element was last adopted and certified in 2012.

The Housing Element is the only General Plan element that must be reviewed and certified by the state and the only element with a regulated update cycle. Along with all other Bay Area jurisdictions, the City must complete an update to its Housing Element by January 2015. The element must be adopted by City Council no later than May 31, 2015, after review by the California Department of Housing and Community Development (HCD), to avoid State penalties.

The Housing Element describes housing-related needs and resources in the community, particularly the availability, affordability, and adequacy of housing, and establishes a strategy to address housing needs for community members across the economic and social spectrum.

Housing Element Components

To meet statutory requirements, housing elements must include the following components:

- ***Review and evaluation of the current Housing Element:*** a detailed description of accomplishments toward implementing the programs from the City's current Housing Element, as well as an analysis of the continued appropriateness and feasibility of each program for the new planning cycle.
- ***Needs assessment:*** a detailed analysis of demographic and employment/income trends, housing conditions and affordability, and special housing needs.
- ***Constraints analysis:*** an examination of potential constraints to housing development including governmental factors such as land use regulations and non-governmental factors such as the cost of land and availability of financing.
- ***Resources:*** a detailed inventory of land available for housing development and a demonstration of the City's capacity to meet its Regional Housing Needs Allocation (RHNA), as well as a description of administrative and financial resources available to assist with the development, improvement, and preservation of housing in the community.
- ***Policies, programs and quantified objectives:*** a plan to address the City's identified housing needs, and mitigate and remove (to the extent feasible) constraints to housing development.

ANALYSIS

Update Process

City staff and the housing element consultant, Mintier Harnish, initiated work on an update to the Housing Element for the 2015 to 2023 planning period in July 2014 and completed a draft for the Planning Commission's consideration, review, and comment. City staff and the consultant completed a public outreach process that included an online survey, two public workshops (held on July 19, 2014 and August 13, 2014) and a stakeholder round table discussion (held on November 20, 2014).

As detailed in the schedule in Table 1, the Draft 2015-2023 Housing Element Update was released for public review on November 10, 2014, and presented to the Planning Commission on December 4, 2014 and the City Council on December 16, 2014. Following these meetings staff made revisions based on direction from the City Council. These changes are described below. The draft was submitted to the HCD for review on December 24, 2014. On February 12, 2015, the City received a letter from HCD confirming that the draft Housing Element was conditionally compliant with state housing law. In March 2015, following receipt of the HCD conditional compliance letter, staff incorporated HCD comments into the document and prepared the Final Draft 2015-2023 Housing Element (Attachment 3). The Planning Commission held a duly noticed public hearing on March 18, 2015 and, at its conclusion, adopted resolutions recommending the approval of the Initial Study/Negative Declaration for the project and recommending City Council adoption of the 2015-2023 Housing Element.

Following City Council consideration and adoption, scheduled for April 21, 2015, the Housing Element will then be resubmitted to HCD for final review and certification.

Table 1. Housing Element Update Schedule

Stage	Time Frame	Event/Milestone
Gather information and develop draft	July 1, 2014	Launched web page and online survey
	July 19, 2014	Public workshop
	August 13, 2014	Public workshop
Release and refine draft	November 10, 2014	Release of draft Housing Element
	November 20, 2014	Stakeholder round table meeting
	December 4, 2014	Planning Commission special meeting
	December 16, 2014	City Council meeting
HCD Review	December 24 - February 12	Initial HCD review (letter of conditional compliance dated February 12)
CEQA Document	January 9 - February 9	Circulation of Initial Study/Negative Declaration
Finalize and adopt	March 18, 2015	Planning Commission adoption hearing
Housing Element	April 21, 2015	City Council adoption hearing
Certification	June - July	Final HCD review and certification (up to 90 days)

Revisions to the Draft Housing Element

Since the Draft Housing Element Update was last presented to the City Council on December 16, 2014, changes have been made to the document. Following guidance from the City Council at the December 16th meeting, staff made revisions as indicated below:

A. Policy and Program Revisions

- Modified Policy H3.5 to indicate policy goal to encourage housing to match housing needs established by local and regional entities for persons with developmental disabilities.
- Modified Program H1.6 (formerly H1.5) – Eviction for Good Cause Ordinance was modified to indicate the ordinance would be vetted.
- Modified Table A4 – Potential Sites to reinstate site 67, Madera property, and indicate that the property has been purchased for open space.

B. Housing Needs Analysis, Formatting and Grammatical Revisions

The City Council recommended incorporation of the changes requested by the Planning Commission as indicated below:

- Modified Section I.E.2 discussion of Housing Needs Survey to add discussion of survey response rate and omit discussion of findings;
- Modified Section II.B.1.a discussion of Historical, Existing and Forecast Growth to clarify discussion of historical population trends; and
- Modified Figure II-1 Population Trends to revise the y-axis of the table to zero.

In addition, staff and the consultant made several technical, formatting and grammatical corrections including: 1) the addition of Table II-15 Employment Projections on page 25; 2) the correction of the order of Section III table numbers, 3) the correction of the site identification numbers on the sites inventory map; and 4) text updates to reflect the final reading and adoption

on January 6, 2015 of Zoning Ordinance amendments related to transitional and supportive housing.

HCD Review

As previously noted, the Draft Housing Element Update was submitted to HCD for the initial compliance review on December 24, 2014. Based on work previously completed to comply with state housing law, the draft Housing Element qualified for HCD's streamlined review process. Under streamlined review, HCD reviews only areas of the document in which there have been substantive changes from the previous certified Housing Element, resulting in a reduced turnaround time. Following a brief period of correspondence with HCD in which staff and the consultant provided responses to questions to confirm HCD's understanding of City policies, the City received a letter of conditional compliance on February 12, 2014 (Attachment 5). HCD was complimentary of the City's land use policies and housing programs and initiatives.

During review, HCD offered comments that were addressed by staff in the Final Draft Housing Element as indicated below:

Added New Program H1.4 – Evaluate Displacement – to help support the goals of H1.1 and H1.2 to conserve and improve the City's existing supply of housing, the City will participate, as appropriate, in studies of regional housing need and displacement, and consider policies or programs to address the displacement of lower income residents.

Modified Program H1.5 – Monitoring of Assisted Units – to clarify the notification provisions to tenants of at-risk housing and to detail City efforts to preserve at-risk units and outreach to tenants.

Modified Program H2.6 – Assist in Affordable Housing Development – to specify an annual review of funding opportunities.

Added New Program H2.11 – Plan for Infrastructure to Support Development – to reinforce City's efforts in the San Pablo Avenue Specific Plan Area to partner with other public agencies to plan for infrastructure improvements to support future development.

Staff is supportive of the above revisions as consistent with the vision and intent of the adopted San Pablo Avenue Specific Plan and the goals of the Plan Bay Area, which is the region's Sustainable Communities Strategy. Staff is recommending the inclusion of the revisions in the Housing Element. HCD reviewed the proposed program revisions and will maintain conditional approval if they are included in the Housing Element.

If no substantive changes, other than those discussed above, are made to the Housing Element during the adoption process, HCD will certify the 2015-2023 Housing Element without comment during its final review of the adopted document. The certification review may take up to 90 days.

STRATEGIC PLAN CONSIDERATIONS

Preparation of the 2015-2023 Housing Element update is consistent with *El Cerrito Strategic Plan* Goal A – Deliver exemplary government services and Goal C – Deepen a sense of place and community identity. The Housing Element update supports the City in ensuring that “programs and services are inclusive of people of diverse backgrounds” (Goal A) by providing a resource that presents demographic and economic data regarding El Cerrito's population, and by planning for the housing needs of residents at all income levels and including those with special

needs. The Housing Element policies and programs reinforce the “promote strong neighborhoods” strategy (Goal C) and the “re-imagine underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development” strategy (Goal C) by an explicit focus on neighborhood preservation and encouragement of new housing development. As an element of the City’s General Plan, the Housing Element update helps the City “plan for the needs of the community now and in the future” (Goal C) based on the eight year cycle of the 2014-2023 period.

ENVIRONMENTAL CONSIDERATIONS

Adoption of the 2015-2023 Housing Element Update requires review under the California Environmental Quality Act (“CEQA”).

The Initial Study and Negative Declaration prepared for the City’s 2015-2023 Housing Element Update (Attachment 4) identified no significant impacts. The 2015-2023 Housing Element is a policy document consistent with the City’s General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development based on existing land use designations and zoning. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan Environmental Impact Report (EIR) and the SPASP EIR. The 2015-2023 Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

FINANCIAL CONSIDERATIONS

There are no direct costs associated with the action requested tonight. The Housing Element is a long-range planning and policy document. Potential funding sources for implementation of housing policy programs are presented in Section IV – Housing Policy Program of the draft document. The Housing Element is not a budget document and does not commit or appropriate funds.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this agenda bill, resolutions, the 2015-2023 Housing Element update, the Initial Study/Negative Declaration and all documents associated with the action requested in this agenda bill.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution Approving the Initial Study/Negative Declaration for the Housing Element Update
2. Resolution adopting the 2015-2023 Housing Element and amending the 1999 General Plan Accordingly
3. Final Draft 2015-2023 El Cerrito Housing Element
4. Initial Study/Negative Declaration for the 2015-2023 Housing Element Update
5. HCD Conditional Approval Letter for the City of El Cerrito

RESOLUTION 2015-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING THE INITIAL STUDY/NEGATIVE DECLARATION FOR THE 2015-2023 HOUSING ELEMENT UPDATE OF THE CITY'S GENERAL PLAN

WHEREAS, in connection with the preparation of the 2015-2023 Housing Element Update, the City prepared and circulated an Initial Study and proposed Negative Declaration, finding that no significant impacts would result from 2015-23 Housing Element Update's policies and programs; and

WHEREAS, the Initial Study and proposed Negative Declaration have been submitted to the Contra Costa County Recorder's Office and the State Clearinghouse in accordance with Article 6, Section 15073 of the CEQA Guidelines; and

WHEREAS, the public review period for the proposed Negative Declaration commenced on January 9, 2015 and ended on February 9, 2015; and

WHEREAS, on March 18, 2015 the Planning Commission held a duly noticed public hearing, reviewed and considered the staff report and attachments thereto, the 2015-2023 Housing Element Update, the Initial Study/Negative Declaration, all public comments and other relevant documents, reports and testimony, and adopted Planning Commission Resolution PL15-03 making findings and recommending that the City Council of El Cerrito adopt the Negative Declaration for the 2015-2023 Housing Element Update; and

WHEREAS, on April 21, 2015, the City Council of the City of El Cerrito held a duly noticed public hearing, and has reviewed and considered the staff report and attachments thereto, the 2015-2023 Housing Element Update, the Initial Study/Negative Declaration, all public comments and other relevant documents, reports and testimony; and

WHEREAS, the City Council of the City of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The proposed Negative Declaration has been prepared in accordance with the California Environmental Quality Act.
2. The proposed Negative Declaration adequately addresses the impacts of the project and all public comments have been addressed.
3. The proposed Negative Declaration has been considered pursuant to the Article 6, Sections 15070, 15072 and 15074 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct and incorporated by reference.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito does hereby approve the Negative Declaration for the 2015-2023 Housing Element Update.

I CERTIFY that at a regular meeting on April 21, 2015 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April XX, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor

RESOLUTION 2015-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING THE 2015-2023 HOUSING ELEMENT UPDATE AND AMENDING THE 1999 GENERAL PLAN ACCORDINGLY

WHEREAS, California Government Code Section 65300 requires each city and county to adopt a General Plan including seven mandatory elements, one of which is the Housing Element; and

WHEREAS, state law requires cities to revise the housing elements of their General Plans periodically and Bay Area housing elements are due by May 31, 2015, for the 2015 to 2023 planning period; and

WHEREAS, the City of El Cerrito held public meetings on July 19, 2014 and August 13, 2014 to discuss revising the Housing Element of the General Plan; and

WHEREAS, the City of El Cerrito prepared and circulated a Draft 2015-2023 Housing Element Update to the general public and local agencies and organizations for public review; and

WHEREAS, on December 24, 2014, the Draft 2015-2023 Housing Element Update of the General Plan (2015-23 Housing Element) was submitted to the California Department of Housing and Community Development (HCD) for initial compliance review as required by state law; and

WHEREAS, on February 12, 2015, the City received a response letter from HCD indicating that the 2015-2023 Housing Element Update was in conditional compliance with state law; and

WHEREAS, on March 18, 2015, the Planning Commission held a duly noticed public hearing, and, after review and consideration of the staff report and attachments thereto, the 2015-2023 Housing Element, the Initial Study/Negative Declaration, all public comments and other relevant documents, reports and testimony, adopted Planning Commission Resolution PL15-04 making findings and recommending that the City Council adopt the Draft 2015-2023 Housing Element; and

WHEREAS, notice for the City Council's consideration of the 2015-2023 Housing Element was provided pursuant to Government Code Section 65090; and

WHEREAS, the provisions of the Government Code, 65350, et. seq. have been complied with, including that the City has not previously adopted four amendments to the mandatory elements of the General Plan in calendar year 2015; and

WHEREAS, in connection with the preparation of the 2015-2023 Housing Element, the City prepared and circulated an Initial Study/Negative Declaration, finding that no significant impacts would result from its policies and programs; and

WHEREAS, on April 21, 2015, the City Council of the City of El Cerrito held a duly noticed public hearing, and has reviewed and considered the staff report and attachments thereto, the 2015-

2023 Housing Element, the Initial Study/Negative Declaration, all public comments and other relevant documents, reports and testimony.

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

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

The 2015-23 Housing Element will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.

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

The 2015-23 Housing Element retains internal consistency with other General Plan elements and the City's Planning Regulations. Policies and programs in the 2015-23 Housing Element do not call for changes to land use regulations or other measures that would require revisions to existing plans.

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

The 2015-23 Housing Element will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.

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

The policies and implementation programs in the 2015-23 Housing Element will not have a significant adverse impact on the environment. No significant impacts were identified in the Initial Study completed for this project. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

BE IT FURTHER RESOLVED, that after careful consideration of facts, exhibits, correspondence, testimony and other evidence submitted in this matter, and, in consideration of the findings, the City Council of the City of El Cerrito hereby adopts the 2015-2023 Housing Element and amends the 1999 General Plan accordingly.

I CERTIFY that at a regular meeting on April 21, 2015 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April XX, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor

Agenda Item No. 6|

**Attachment 3: El Cerrito Final Draft 2015-2023
Housing Element Update, March 2015**

can be viewed at:

<http://www.el-cerrito.org/DocumentCenter/View/4448>



General Plan Amendment
2015-2023 Housing Element Update
INITIAL STUDY & NEGATIVE
DECLARATION

December 2014

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A BACKGROUND

1. Project Title: City of El Cerrito 2015-2023 Housing Element Update

2. Lead Agency Name and Address: City of El Cerrito
Community Development Department
10890 San Pablo Ave.
El Cerrito, CA 94530

3. Contact Person and Phone Number: Margaret Kavanaugh-Lynch
Development Services Manager
City of El Cerrito
(510) 215-4330

4. Project Location: Citywide

5. Project Sponsor's Name and Address: City of El Cerrito
Community Development Department
10890 San Pablo Ave.
El Cerrito, CA 94530

6. General Plan Designation: N/A

7. Zoning: N/A

8. Project Description Summary:

The proposed project is an update of the Housing Element of the City of El Cerrito General Plan. See further discussion that follows in the "Description of Project" section.

B DESCRIPTION OF PROJECT

This Initial Study provides environmental analysis pursuant to the California Environmental Quality Act (CEQA) for the proposed City of El Cerrito General Plan Housing Element Update (proposed project). The project site to be affected by the Housing Element Update is the area within the city limits.

State law requires this Housing Element Update (California Government Code Section 65580 – 65589.8). The Draft Housing Element identifies residential sites adequate to accommodate a variety of housing types for all income levels and needs of special population groups defined under State law (California Government Code Section 65583); analyzes governmental constraints to housing maintenance, improvement, and development; addresses conservation and improvement of the condition of the existing affordable housing stock; and outlines policies to promote housing opportunities for all persons.

The Initial Study focuses on whether the proposed project may cause significant effects on the environment. In particular, consistent with CEQA Guidelines Section 21083.3, this Initial Study is intended to assess any effects on the environment that are peculiar to the proposed project or to the parcels on which the project would be located that were not addressed or analyzed as significant effects in an environmental impact report (EIR), or which substantial new information shows will be more significant than described in the General Plan EIR or a more recent specific plan or planned development EIR.

The Housing Element is adopted as part of the General Plan. The City of El Cerrito adopted its current General Plan in 1999. The 1999 General Plan underwent extensive environmental review in the form of an EIR. Since 1999, the City has adopted one specific plan consistent with the General Plan: the San Pablo Avenue Specific Plan (SPASP). The SPASP has been adopted and its EIR contains a comprehensive evaluation of the effects of implementing the El Cerrito General Plan as amended by the SPASP. The SPASP amends the City's General Plan for the Specific Plan Area and the SPASP EIR supersedes the 1999 General Plan EIR within the Specific Plan Area. The General Plan EIR and SPASP EIR are comprehensive in their analysis of the environmental impacts associated with future development in the city, based on specified land use designations and related densities and population projections. This includes discussion of a full range of alternatives and growth inducing impacts associated with urban development in the city. The EIRs for the El Cerrito General Plan and SPASP are comprehensive documents and are hereby incorporated by reference pursuant to State CEQA Guidelines Section 15150.

The Housing Element is a policy document consistent with the General Plan and adopted specific plan. The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

Housing Element Overview

The Housing Element is one of seven mandatory elements to a local jurisdiction's General Plan. Jurisdictions in the nine-county San Francisco Bay Area, including El Cerrito, must update their housing elements based on an eight year planning period that begins in 2015. California Government Code Section 65583 requires a jurisdiction's Housing Element include the following components:

- A review of the previous Element's goals, policies, objectives, and programs to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element.
- An assessment of housing need and an inventory of resources and constraints related to meeting these needs.
- A statement of goals, policies, and quantified objectives related to the maintenance, preservation, improvement, and development of housing.
- A policy program that provides a schedule of actions that the City is undertaking or intends to undertake to implement the policies set forth in the Housing Element.

The housing element must address the City's fair share of the regional housing need and specific State statutory requirements, but it ultimately should reflect the vision and priorities of the local community. The Regional Housing Needs Allocation (RHNA) planning period (January 1, 2014 to October 31, 2022) is slightly different from the Housing Element planning period of January 31, 2015 to January 31, 2023. The 2014-2022 RHNA, prepared by ABAG, assigns El Cerrito a need for 398 housing units, including 100 very low-income units, 63 low-income units, 69 moderate-income units, and 166 above moderate-income units. The City is mandated by State Housing Element Law to demonstrate it has adequate sites available through appropriate zoning and development standards and with the required infrastructure for a variety of housing types and income levels. The City must demonstrate it has capacity or adequate sites to accommodate the projected need for housing through the 2014-2022 RHNA planning period.

The City has ample capacity to accommodate these units as demonstrated by the site inventory found in Appendix A of the Housing Element. New housing that is at various stages of planning, approval, and construction will offer 251 units that will count towards meeting the City's RHNA in the 2014-2022 period. Vacant and underutilized sites can accommodate an additional 943 units. After accounting for capacity from units under construction, approved projects, and potential sites, El Cerrito has a surplus of 810 lower-income units, 25 above moderate-income units, and 796 total units. There is a deficit of 39 moderate-income units, but this need is covered by the surplus in the lower-income categories.

The El Cerrito Housing Element is organized into four parts:

- Introduction - Explains the purpose, process, and contents of the Housing Element.
- Housing Needs Assessment and Inventory - Describes the demographic, economic, and housing characteristics of El Cerrito and analyzes the current and projected housing needs in El Cerrito.
- Resources and Constraints - Analyzes the actual and potential governmental and nongovernmental constraints to the rehabilitation, preservation, conservation, and construction of housing.
- Housing Policy Program - Details specific policies and programs the City of El Cerrito will carry out over the planning period to address the City's housing goals.

Supporting background material is included in the following appendices:

- Appendix A: Sites Inventory
- Appendix B: At-Risk Assisted Units
- Appendix C: Review of Past Performance

- Appendix D: Summary of Community Outreach
- Appendix E: Consistency with State Law
- Appendix F: Glossary of Terms

C DETERMINATION

On the basis of this initial study:

☒ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier General Plan EIR and San Pablo Avenue Specific Plan EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier General Plan EIR or San Pablo Avenue Specific Plan EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



Margaret Kavanaugh-Lynch

Date

1/6/15

City of El Cerrito

For

D PROJECT SETTING

The Housing Element will be the adopted policy and program document applicable to housing issues throughout the incorporated city limits of El Cerrito.

E OTHER PUBLIC AGENCIES APPROVAL

None

F ENVIRONMENTAL IMPACTS

The following section adapts and completes the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist is used to describe the impacts of the proposed project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Potentially Significant With Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	✗
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	✗
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	✗
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	✗

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to scenic vistas, scenic resources, or visual character, and will not create sources of substantial light or glare that adversely affect views. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential aesthetic-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The Housing Element will not result in effects upon scenic vistas. Any specific housing project that might result in a physical change to a scenic vista will be subject to the CEQA review process.

b: Policies and programs in the Housing Element will not damage or affect scenic resources as they are consistent with other General Plan policies and programs established to preserve natural features. The City of El Cerrito is not located within a State-designated scenic highway and therefore the Housing Element would not result in impacts to historic buildings within a State scenic highway.

c: The Housing Element will not alter or reduce City standards and guidelines for visual quality. Other General Plan policies and planning programs are established to achieve high visual and design standards in the community.

d: The Housing Element will not, in and of itself, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	✗
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	✗
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	✗
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	✗
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	✗

Discussion:

a-e: The City of El Cerrito is an established urbanized area. The Housing Element will have no impact regarding agricultural resources. The El Cerrito General Plan Land Use and Circulation Diagram (page 4-13), indicates that no land in El Cerrito is designated for agricultural uses. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to farmland, forestland, Williamson Act contracts, timberland, or timberland-zoned Timberland Production. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential agriculture- and forestry-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	✗
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	✗
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	✗
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	✗
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	✗

Discussion:

a-e: Ambient air quality is described in terms of compliance with State and Federal standards, and the levels of air pollutant concentrations considered safe to protect the public health and welfare. These standards are designed to protect people most sensitive to respiratory distress, such as the elderly, very young children, persons with asthma or other illnesses, and persons engaged in strenuous work or exercise. The EPA has established national ambient air quality standards (NAAQS) for seven air pollution constituents. As permitted by the Clean Air Act, California has adopted more stringent air emissions standards and expanded the number of regulated air constituents.

The California Air Resources Board (CARB) is required to designate areas of the state as attainment, nonattainment, or unclassified for any state standard. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “nonattainment” designation indicates that a pollutant concentration violated the standard at least once. Contra Costa County is currently (2014) in nonattainment for ozone and particulate matter, 2.5 microns (PM_{2.5}).

The City of El Cerrito is located in Contra Costa County, which falls within the San Francisco Bay Area Air Basin, along with Alameda, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties. The Bay Area Air Quality Management District (BAAQMD) is the agency responsible for monitoring air quality conditions in Contra Costa County, including the City of El Cerrito, and for carrying out enforcement activities to maintain air quality with applicable State and Federal standards. BAAQMD’s duties include: adopting and enforcing rules and regulations concerning air pollutant sources, permitting and inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, and conducting public education campaigns.

The Housing Element has a policy encouraging development near existing transit facilities, thus contributing to mitigation of air quality impacts. Housing Element Policy H5.4 states that the City will “encourage the location of multifamily housing near transit centers where living and/or working environments are within walkable distances in order to reduce auto trips to work, roadway expansion and air pollution.” General Plan policies identified in the General Plan EIR as mitigation for air quality include LU5.5 Pedestrians and Bicycles, T1.3 Bicycle Circulation, T1.4 Pedestrian Circulation, and T2.2 Transit First Policy. These policies will be enhanced by the development patterns supported by Housing Element Policy H5.4, above.

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to air quality or plans for air quality, or produce pollutants or odors. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential air quality-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact. Short-term air quality impacts resulting from construction of the sites, such as dust generated by clearing and grading activities, exhaust emissions from gas- and diesel-powered construction equipment, and vehicular emissions associated with the commuting of construction workers will be subject to BAAQMD rules/protocols.

IV. BIOLOGICAL RESOURCES

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	✗
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	✗
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	✗
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	✗
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	✗
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	✗

Discussion:

a-f: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. Policies and implementation measures contained in the General Plan EIR as mitigation measures include LU6.1 Natural Features, R1.1 Habitat Protection, R1.2 Rare and Endangered Species, R1.3 Potential Environmental Impacts, R1.7 Creek Protection, R1.8 Creek Improvements, and R1.9 Cerrito Creek. In addition, Mitigation Measure 6-1 of the SPASP EIR ensures development within the Specific Plan Area will avoid the removal of trees, shrubs, or weedy vegetation during the bird nesting period. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to biological habitats. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

V. CULTURAL RESOURCES

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	✗
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	☐	☐	✗
c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	☐	☐	☐	✗
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	✗

Discussion: Any evidence of cultural resources that might be unearthed in the process of construction becomes immediate grounds for the halting all construction until the extent and significant of any find is properly catalogued and evaluated by archaeological and cultural resource authorities recognized as having competence by the State of California. Furthermore, if it can be concluded that a project will cause damage to a unique archaeological or paleontological resource, appropriate mitigation measures shall be required to preserve the resource in-place, in an undisturbed state. Mitigation measures may include, but are not limited to, planning construction to avoid the site, deeding conservation easements, or capping the site prior to construction.

Adoption of the 2015-2023 Housing Element will not have an impact on any cultural resources, as the Housing Element does not propose any development. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The pattern, distribution, and intensity of development within the City of El Cerrito will be consistent with the City's General Plan and with the SPASP. Potential impacts upon cultural resources are addressed through the implementation of General Plan policy R1.3, which encourages development patterns that minimize impacts on the City's biological, visual and cultural resources. In addition, Mitigation Measures 7-1, 7-2, and 7-3 of the SPASP EIR ensure that the City will determine the possible presence and impacts of the action on historic, archaeological, and paleontological resources. Implementation of these measures reduced impacts to cultural resources within the Specific Plan area to less-than-significant. The Housing Element Update does not include

any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to cultural resources. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

VI. GEOLOGY AND SOILS

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?	☐	☐	☐	✗
ii. Strong seismic ground shaking?	☐	☐	☐	✗
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	✗
iv. Landslides?	☐	☐	☐	✗
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	✗
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	✗
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?	☐	☐	☐	✗
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	✗

Discussion: Soils, geology, and seismicity conditions are important aspects of all development projects in the San Francisco Bay Area. Although most projects have little or no effect on geology, any project involving construction will have some effect on soils and topography; and all may be

affected by certain geologic events, such as earthquakes, and are protected through existing building codes and regulations. Adoption of the 2015-2023 Housing Element will not have an impact on any geological or soil resources, as the Housing Element does not propose any development.

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to geology and soils. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a.i, a.ii, a.iii, a.iv: With respect to seismic-related hazard of ground rupture, ground failure/liquefaction, and landslide, the Housing Element will have no impact. Development approved under the auspices of the Housing Element, as part of the overall General Plan, will be consistent with the mitigation measures contained in the General Plan, resulting in a less-than-significant level of impact.

b: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in substantial soil erosion or loss of topsoil. The General Plan EIR identifies policies which mitigate potential impacts regarding soil erosion: H1.1 Location of Future Development, H1.2 Development Review, H1.3 Geotechnical Review, H1.4 Soils and Geologic Review, and R1.6 Runoff Water Quality. The Housing Element is consistent with the referenced policies and other elements of the El Cerrito General Plan.

c and d: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in a project on unstable or expansive sites. Specific development proposals would be subject to CEQA analysis of site-specific geotechnical investigation.

e: Sewer systems are available for the disposal of wastewater. New development is not allowed to use septic tanks or alternative wastewater disposal systems.

VII. GREENHOUSE GAS EMISSIONS

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the atmosphere?	☐	☐	☐	✗
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	✗

Discussion:

a-b: It is widely recognized that anthropogenic emissions of greenhouse gases and aerosols are contributing to changes in the global climate, and that such changes could have adverse effects on the environment, the economy, and public health. Under CEQA, an analysis of the physical and environmental consequences of climate change and the contributions of individual development projects to this cumulative effect is therefore required. General guidelines for preparing CEQA climate change analyses were released by the California Office of Planning and Research (OPR). The GHG analysis can also use approaches prepared by a number of professional associations and agencies that have published suggested approaches and strategies for complying with CEQA's environmental disclosure requirements. Such organizations include the California Attorney General's Office (AGO), the California Air Pollution Control Officers Association (CAPCOA), the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), and the Association of Environmental Professionals (AEP).

In September 2006, the Governor signed AB 32, the California Global Warming Solutions Act (Health and Safety Code Section 38500 et. seq.). The Act codifies the executive order reduction of statewide GHG emissions to 1990 levels by the year 2020. This change, which is estimated to be a 25 to 35 percent reduction from current emission levels, will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012.

On September 30, 2008, Governor Schwarzenegger signed Senate Bill (SB) 375 into law. This legislation links transportation and land use planning with the CEQA process to help achieve the GHG emission reduction targets set by AB 32. Regional transportation planning agencies are required to include a sustainable community strategy (SCS) in regional transportation plans. The SCS must contain a planned growth scenario that is integrated with the transportation network and policies in such a way that it is feasible to achieve AB 32 goals on a regional level. SB 375 also identifies new CEQA exemptions and stream lining for projects that are consistent with the SCS and qualify as Transportation Priority Projects (TPP). TPPs must meet three requirements: 1) contain at least 50 percent residential use; commercial use must have floor area ratio (FAR) or not less than 0.75; 2) have a minimum net density of 20 units per acre; and 3) be located within one-half mile of a major transit stop or high quality transit corridor included in the regional transportation plan.

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments' (ABAG) Plan Bay Area is the Bay Area's Regional Transportation Plan (RTP)/Sustainable

Community Strategy (SCS). The Final Plan Bay Area was adopted on July 18, 2013. The SCS sets a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. According to Plan Bay Area, the Plan meets a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

In 2008, MTC and ABAG initiated a regional effort (FOCUS) to link local planned development with regional land use and transportation planning objectives. Through this initiative, local governments identified Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). PDAs and PCAs form the implementing framework for Plan Bay Area.

- PDAs are transit-oriented, infill development opportunity areas within existing communities that are expected to host the majority of future development.
- PCAs are regionally significant open spaces for which there exists broad consensus for long-term protection but nearer-term development pressure.

Overall, well over two-thirds of all regional growth by 2040 is allocated within PDAs. PDAs are expected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs. The City's housing goals and policies are consistent with ABAG's vision for concentrated growth within the region's PDAs. There is one PDA within the El Cerrito City Limits: the San Pablo Avenue Corridor. The boundaries of the San Pablo Avenue Specific Plan match the boundaries of El Cerrito's only PDA, the San Pablo Avenue Corridor PDA. Many of the sites that are included in the Housing Element adequate sites analysis are located within this area. After accounting for capacity from units under construction, approved projects, and potential sites approximately 85 percent of the units included in the sites inventory are within the San Pablo Avenue Corridor PDA.

Energy conservation standards for new residential and commercial buildings were originally adopted by the California Energy Resources Conservation and Development Commission in June 1977 and most recently revised in 2008 (Title 24, Part 6 of the California Code of Regulations [CCR]). In general, Title 24 requires the design of building shells and building components to conserve energy. On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11, Title 24) was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations). Part 11 establishes voluntary standards on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. Some of these standards have become mandatory in the 2010 edition of the Part 11 code.

City Action

Since 2006, the El Cerrito City Council has consistently supported local, regional, and state initiatives to reduce greenhouse gas (GHG) emissions. In February 2011 the City Council passed Resolution 2011-12 adopting GHG emission reduction targets of 15 percent below 2005 levels by the year 2020 and 30 percent below 2005 levels by 2035 for both municipal operations and the El Cerrito community. The City also adopted a Climate Action Plan (CAP). In addition to providing leadership on this important issue, development of a CAP helps prepare El Cerrito for a quickly evolving legislative framework set by the State as part of its implementation of AB 32.

Since 2005, the City has undertaken the following activities to pursue a more sustainable urban form.

- Completed 158 units and entitled 185 units of multifamily housing along the San Pablo Avenue corridor, including 56 affordable units;
- Worked with Caltrans to take possession of sidewalks on San Pablo Avenue, aka State Route 123;
- Completed the award-winning San Pablo Avenue Streetscape Improvement Program, including improved pedestrian access and street furniture, upgraded bus stops, 75 new bicycle racks, new Bay-Friendly median and sidewalk plantings that save 1.5 million gallons of water per year, and new rain gardens to clean storm water run-off;
- Leveraged the restoration of the Cerrito Theater to catalyze private investment on the "Theater Block;"
- Restored Baxter Creek and created Baxter Creek Gateway Park;
- Extended Ohlone Greenway to connect with the Richmond Greenway;
- Adopted the Ohlone Greenway Master Plan;
- Secured funding to construct the Ohlone Greenway Nature Play Park near the El Cerrito BART Station;
- Adopted El Cerrito's first Circulation Plan for Bicyclists and Pedestrians;
- Completed 75 percent of bike facility improvements identified in the Circulation Plan;
- Adopted a Bicycle Parking Ordinance for new development;
- Worked with El Cerrito Trail Trekkers to restore and extend the City's network of public paths and trails;
- Planted 1,160 street trees;
- Adopted the San Pablo Avenue Specific Plan in partnership with the City of Richmond in September 2014;
- Secured funding to develop a comprehensive Urban Greening Plan.

Existing regulations and standards that would apply to any future residential development, summarized above, would significantly reduce GHG emissions associated with future projects. The actions that the City has taken show a commitment to reducing GHG emissions through green design, energy efficiency, and transit-oriented development. Adoption and implementation of the 2015-2023 Housing Element would follow applicable City policies and programs, which support the implementation of AB 32 and SB 375.

While future projects will still emit greenhouse gases, the Housing Element demonstrates adequate sites to meet the RHNA. As a policy document, the Housing Element will not, in and of itself, result in the emission of greenhouse gasses. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential GHG-related impacts cannot be assessed in a meaningful way until the type and location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	✗
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☐	✗
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	✗
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	✗
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	✗
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	✗
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	✗
h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	✗

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts from hazardous materials, airports, toxic emissions, wildfires, and other emergencies. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential hazards-related impacts are location-specific and cannot be assessed in a meaningful way

until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a through c: Residential development or conservation of the city's existing housing supply would not involve hazardous materials or processes that would result in creating hazardous material exposure or emissions within quarter mile of a school.

d: The Housing Element is a policy and action document, and does not in itself involve development proposals on specific sites. As such, there is no significant impact with respect to the list of hazardous sites compiled pursuant to Government Code Section 65962.5.

e: The project will not result in safety hazards related to aviation because the project does not in itself involve development proposals on specific sites. In addition, the nearest airport to El Cerrito is approximately 25 miles to the south, in Oakland, California.

f: The Housing Element will not result in hazards due to proximity to a private airstrip because the Housing Element does not in itself involve development proposals on specific sites. In addition, there are no private airstrips in the vicinity of the City of El Cerrito.

g: The project does not in itself involve development proposals on specific sites, and thus will not impair implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan.

h: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in exposure of people or structures to risk involving wildland fires. The General Plan EIR identifies 16 fire/emergency response policies that mitigate potential impacts of demand for fire protection. Of these, the following address wildland/urban interface fire protection specifically: Public Services policies PS2.10 and PS2.11, and Health and Safety policies H1.19, H1.20, and H1.21.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	✗
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	✗
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	✗
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	✗
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	✗
f. Otherwise substantially degrade water quality?	☐	☐	☐	✗
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	✗
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	☐	☐	☐	✗
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	☐	☐	☐	✗
j. Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	✗

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element

Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to water resources. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential water-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a through e: The potential for environmental impacts due to development was addressed in the General Plan EIR. The potential impacts were determined to be mitigated to a less-than-significant level by the following policies: GM5.1 Local Development Mitigation Program, GM5.2 Performance Standard Review, GM5.3 Capital Improvement Program, GM5.4 Contributions to Improvement, PS 3.5 Coordination with Service Providers, PS1.1 Development Review, PS4.1 Monitoring Storm Drain Needs, and R1.6 Runoff Water Quality.

f. The Housing Element will not result in hazards due to location of development within flood plains. The General Plan includes Policy H1.5 Flood Hazards that previously mitigated this potential impact to a less- than-significant level.

X. LAND USE AND PLANNING

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community?	☐	☐	☐	✗
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	☐	☐	☐	✗
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	☐	☐	☐	✗

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in physically dividing the community or conflict with any applicable habitat conservation plan or natural communities conservation plan. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential land use-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The Housing Element does not in itself involve development proposals on specific sites, and thus will not result in potential adverse impacts that may physically divide an established community.

b: The Housing Element is part of the General Plan. It has been analyzed and found to be consistent with the rest of the General Plan elements. The Housing Element is specifically consistent with the Land Use Diagram of the General Plan, as the potential for new housing production identified in the Regional Housing Needs Allocation can be accommodated with sites currently zoned to allow residential and/or mixed use development including residences.

c: No Habitat Conservation Plans or Natural Community Conservation Plans will be affected by the Housing Element, because none are in effect within the City of El Cerrito City Limits.

XI. MINERAL RESOURCES

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Mitigation Incorporated</i>	<i>With</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐		☐	✗
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐		☐	✗

Discussion:

a-b: The project will have no effect upon mineral resources as there are no mineral extraction activities or mineral resources in the vicinity of the project (which is City-wide in scope). The City of El Cerrito General Plan, Chapter 7, Resources and Hazards does not identify any mineral resources. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to mineral resources. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential mineral-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

XII. NOISE

Would the project result in:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Mitigation Incorporated</i>	<i>With</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐		☐	✗
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐		☐	✗
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing	☐	☐		☐	✗

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Mitigation Incorporated</i>	<i>With Less-Than- Significant Impact</i>	<i>No Impact</i>
without the project?				
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	✗
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	✗
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	✗

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to noise. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential noise-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a,b,c,d: The Housing Element will not result in exposure of persons to noise in excess of established standards or excessive vibration or groundborne noise, nor will there be permanent or temporary increases in ambient noise levels within the citywide project area. Any project proposals will be reviewed for conformance with the General Plan policies which mitigate potential noise impacts: H3.1, H3.2, H3.3, H3.4, H3.5, H3.7, and H3.8.

e: No airport is located in proximity to the project area.

f: No private airstrip is located in proximity to the project area.

XIII. POPULATION AND HOUSING

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Mitigation Incorporated</i>	<i>With</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐		☐	✗
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐		☐	✗
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐		☐	✗

Discussion: The Association of Bay Area Governments (ABAG) is tasked with allocating regional housing needs amongst the jurisdictions in the nine Bay Area counties, including those in Contra Costa County. El Cerrito's Regional Housing Needs Allocation (RHNA) is 398 housing units. As part of the 2015-2023 Housing Element update, a housing sites inventory was created to demonstrate El Cerrito's ability to fulfill its RHNA on sites already zoned for residential development. The Housing Element recommends various housing programs to assist in providing housing for all income levels including extremely low-, very low-, low-, moderate-, and above moderate-income households. The Housing Element sets forth programs and policies to facilitate housing conservation, maintenance, and diversity, and no aspect of the project involves the displacement of existing residents.

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts from population and housing. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The housing element is one part of the General Plan, which establishes policy to guide the orderly development of the community. El Cerrito is in an urbanized area and does not have any geographic areas where substantial growth-inducing impacts could be caused. Population growth foreseen by the General Plan and the SPASP is not a substantial increase that could result in a significant impact, because the growth contemplated is mitigated through all the general plan policies identified in the General Plan Final EIR and SPASP EIR.

b & c: The housing element will mitigate this potential impact of growth, in that several Housing Element policies address conservation and retention of housing stock:

- H1.1 Encourage neighborhood preservation and housing rehabilitation of viable older housing to preserve neighborhood character and, where possible, retain a supply of very low-, low-, and moderate-income units.
- H1.2 Discourage the conversion of residential uses to non-residential uses, unless there is a finding of clear public benefit and equivalent housing can be provided for those who would be displaced by the proposed conversion.
- H1.3 Maintain housing supply and reduce the loss of life and property caused by earthquakes by encouraging structural strengthening and hazard mitigation in all housing types.
- H1.5 Continue to regulate condominium conversions in accordance with Chapter 19.45 of the Zoning Ordinance.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Fire protection?	☐	☐	☐	☒
b. Police protection?	☐	☐	☐	☒
c. Schools?	☐	☐	☐	☒
d. Parks?	☐	☐	☐	☒

Discussion: The Housing Element will not, in and of itself, result in environmental impacts associated with the construction of new or additional facilities, needed as a result of reduced public service performance objectives. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential public services-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: Adoption of the 2015-2023 Housing Element would not impact police protection services in a way that would require the construction or modification of public facilities. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to fire protection to be mitigated to a less than Significant level with the following mitigating policies: PS2.1, PS2.2, PS2.3, PS2.4, PS2.5, PS2.6, PS2.7, PS2.8, PS2.9., PS2.10, PS2.11, PS2.12, H1.17, H1.18, H1.19, and H2.1.

b: Adoption of the 2015-2023 Housing Element would not impact police protection services in a way that would require the construction or modification of public facilities. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to police services to be mitigated to a Less than Significant level with the following mitigating policies: LU4.6, CED 2.4, PS1.7, PS1.1, PS1.2, PS1.3, PS1.4, PS2.1, PS3.1, and PS5.3.

c: School-related impacts depend upon the location and intensity of a project, by students generated per household, and the capacity of facilities in a given attendance area. Legislative requirements for school development fees ensure that new development will provide necessary facilities to meet projected needs, should housing projects be ensure. However, State law does not require developers to provide for school sites within their developments. Any development project will be conditioned to pay current school impact fees in effect at the time of building permit issuance. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to schools to be mitigated to a Less than Significant level with the following mitigating policies: CF1.8, PR1.6, and PS3.5. In addition, Section 15.3.3 of the SPASP EIR determines that impacts to public schools within the Specific Plan Area would be considered less-than-significant and no mitigation is required.

d: Park-related impacts also depend upon the location and intensity of a project. The purpose of park fees is to fund the design and construction of parks and park improvements required to mitigate the impact of new development. Any future residential development will be subject to applicable park improvement fees in effect at the time of building permit issuance. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to parks to be mitigated to a less than Significant level with the following mitigating policies: PR1.1, PR1.2, PR1.3, PR1.4, PR1.5, PR1.6, PR1.7, PR1.8, PR1.9, PR1.10, PR1.11, PR1.12, PR1.14, PR2.1, PR2.2, and PR2.3. In addition, Section 15.3.3 of the SPASP EIR determines that impacts on parks and recreation facilities within the Specific Plan Area would be considered less-than-significant and no mitigation is required.

XV. RECREATION

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	✗
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	✗

Discussion:

a and b:

The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to parks or recreational facilities. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential recreation-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to recreation to be mitigated to a less than Significant level with the following mitigating policies: PR1.1, PR1.2, PR1.3, PR1.4, PR1.5, PR1.6, PR1.7, PR1.8, PR1.9, PR1.11, PR1.12.

XVI. TRANSPORTATION AND CIRCULATION

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	✗
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	✗
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	✗
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	✗	☐
e. Result in inadequate emergency access?	☐	☐	☐	✗
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	✗

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to traffic load or capacity, levels of service, air traffic patterns, or adopted policies relating to alternative transportation, and would not increase hazards due to design features or result in poor emergency access. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential traffic-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a-b: The project will have no adverse affect, such as substantial increase in traffic or traffic in excess of an established level of service standard, because the project will generate no new vehicular traffic.

c. The Housing Element will have no effect upon air traffic patterns, as the amount of housing growth contemplated by the City's General Plan will not result in changes to patterns of air traffic. Nor will the Housing Element involve locational changes that result in safety risks, because the plan does not address specific development proposals.

d. Normal City review procedures address conformance with safety standards, reducing potential impact to a less-than-significant level.

e. The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to emergency access to be mitigated to a less than significant level with the following mitigating policies: Policy PS2.11, PS2.12.

f: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to parking capacity to be mitigated to a less than Significant level with the following mitigating policies: T4.1, T4.2, T4.3, and T4.4.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant With Mitigation Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	✗
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	✗
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	✗
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	✗
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	✗
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	✗
g. Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☐	✗

Discussion: The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

The Housing Element will not, in and of itself, result in impacts to public utilities service for communication, water, sewer, solid waste disposal, and storm drainage. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential utilities-related impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

a: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to wastewater treatment requirements to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, PS2.8, and PS3.5.

b: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to wastewater treatment facilities to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, and PS3.5

c: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to new stormwater drainage facilities to be mitigated to a less than significant level with the following mitigating policies: S4.1, PR2.3, PS4.1, R1.6, R1.7, R1.8, R1.9, H1.14, and H1.15.

d: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to water supplies to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, PS2.8, and PS3.5

e: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to adequate capacity to provide wastewater treatment to be mitigated to a less than significant level with the following mitigating policies: GM5.1, GM5.2, GM5.3, GM5.4, and PS3.5.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Mitigation Incorporated</i>	<i>With</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐		☐	✗
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	☐	☐		☐	✗
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐		☐	✗
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐		☐	✗

Implementation of the Housing Element will not create any significant or adverse impacts. Potential site-specific impacts that cannot be known at this time will be addressed in conjunction with any development proposal submitted for the individual project sites. The Housing Element is a policy document consistent with the General Plan and San Pablo Avenue Specific Plan (SPASP). The Housing Element identifies sites designated for residential development. The anticipated development capacity was previously evaluated for potential environmental impacts in the General Plan EIR and SPASP EIR. The Housing Element Update does not include any changes to land use designations, zoning, building heights and intensities, or residential densities.

G DISCUSSION OF ENVIRONMENTAL EVALUATION

The project provides substantial benefits, including environmental benefits, to the community. Following are discussions of the project's environmental benefits.

Environmental benefits: Adoption of the Housing Element is part of the ongoing planning process for orderly, rational development of the community. As such, the Housing Element does not have specific environmental benefits, but will result in beneficial effects of contributing to environmentally beneficial aspects of the General Plan, such as establishing policy and programs "to assure that future development responds to neighborhood character, site features, environmental constraints and the availability of public services and adequate roadway capacity" (General Plan EIR, page 5-1). The General Plan will also "allow the development of additional housing, including affordable housing, which could have a beneficial impact of increasing affordable housing opportunities and

creating an environment where housing is combined successfully with office, retail and transit uses. The policies in the Draft Plan would reduce potential impacts related to population growth, and concentration to a less than significant level..." (General Plan EIR, page 5-1).

Potential Adverse Impacts: The project will not have any potentially significant adverse impacts. The Housing Element does not control density or location of development. As discussed in the project description, the Housing Element must be consistent with the other General Plan elements. As required by State law, the Housing Element addresses internal consistency of the General Plan. The 2014-2022 RHNA, prepared by ABAG, assigns El Cerrito a need for 398 housing units, including 100 very low-income units, 63 low-income units, 69 moderate-income units, and 166 above moderate-income units. The City has ample capacity to accommodate these units as demonstrated by the site inventory found in Appendix A of the Housing Element. New housing that is at various stages of planning, approval, and construction will offer 251 units that will count towards meeting the City's RHNA in the 2014-2022 period. Vacant and underutilized sites can accommodate an additional 946 units. After accounting for capacity from units under construction, approved projects, and potential sites, El Cerrito has a surplus of 810 lower-income units, 25 above moderate-income units, and 796 total units. There is a deficit of 39 moderate-income units, but this need is covered by the surplus in the lower-income categories. As a policy and action document, the Housing Element is consistent with the rest of the General Plan adopted in 1999 and with the San Pablo Avenue Specific Plan adopted in 2014. The General Plan EIR prepared for the 1999 General Plan Update is relied upon for its identification of mitigation measures applicable to the General Plan as a whole, which are referenced in the General Plan Final EIR, pages 2-2 through 2-10. The SPASP amends the City's General Plan for the Specific Plan Area and the SPASP EIR supersedes the 1999 General Plan EIR within the Specific Plan Area and is relied upon for its identification of mitigation measures associated with development within the Specific Plan Area, which are referenced in the SPASP EIR, pages 2-4 through 2-31.

H POTENTIALLY SIGNIFICANT IMPACTS

There are no potentially significant impacts as a result of this project.

I MITIGATION OF POTENTIALLY SIGNIFICANT IMPACTS

No mitigation measures are proposed to be adopted with the Negative Declaration for the City of El Cerrito General Plan Housing Element.

J REFERENCES

City of El Cerrito General Plan, 1999

City of El Cerrito General Plan Final EIR, 1999

San Pablo Avenue Specific Plan, 2014

San Pablo Avenue Specific Plan EIR, 2014

El Cerrito Climate Action Plan, 2013

K EXHIBITS

Draft 2015-2023 El Cerrito Housing Element

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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February 12, 2015

Ms. Hilde Myall, Housing Program Manager
Community Development Department
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear Ms. Myall:

RE: City of El Cerrito's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of El Cerrito's draft housing element update which was received for review on December 24, 2014, along with additional revisions received on February 12, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on January 30, 2015 with you and your consultant, Ms. Chelsey Norton Payne.

The draft housing element with revisions meets the statutory requirements of State housing element law. The draft housing element with revisions will comply with State housing element law (GC, Article 10.6) when they are adopted and submitted to the Department, in accordance with GC Section 65585(g).

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. The City utilized ABAG's pre-approved housing element data.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

HCD Review of El Cerrito's Housing Element
February 12, 2015
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Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates your efforts and dedication of Ms. Chelsey Norton Payne in preparation of the housing element and looks forward to receiving El Cerrito's adopted housing element. If you have any questions or need additional technical assistance, please contact Mario Angel, of our staff, at (916) 263-7442.

Sincerely,



Paul McDougall
Housing Policy Manager