



AGENDA

SPECIAL CITY COUNCIL MEETING

Monday, February 6, 2012 – 6:30 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Monday, February 6, 2012 – 7:30 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Rebecca Benassini

Councilmember/Agency Chair Ann Cheng
Councilmember Janet Abelson

6:30 p.m. ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING

ORAL COMMUNICATIONS FROM THE PUBLIC

Comments are limited to 3 minutes per person and to this special agenda only.

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 scheduling of future interviews.

ROLL CALL

7:30 p.m. CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG – led by Mayor Jones.

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 limited to 3 minutes per person. Please 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

A. Proclamation in Recognition of Ernest S. Iiyama

Approve and present a proclamation recognizing the significant contributions of Ernest Iiyama to the El Cerrito community and the Japanese American community of the East Bay.

B. Presentation on Residential Animal Slaughter Regulations

Receive a presentation and provide direction to staff on whether to amend El Cerrito Municipal Code Title 7, "Animals," to include regulations on residential animal slaughter.

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

Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion unless a request for removal for discussion or explanation is received prior to the time Council votes on the motion to adopt.

A. Minutes for Approval

Approve the January 17, 2012 Special City Council and Concurrent City Council/Redevelopment Agency meeting minutes.

B. Application for Urban Forestry Grant Program Funds

Adopt a resolution which approves the following actions: 1) Filing an application for "Proposition 40 and 84" urban forestry grant program funds; 2) Certifies that the City has or will have sufficient funds to operate and maintain the project; 3) Certifies that funds under the jurisdiction of the City are available to begin the project; 4) Certifies that the City will expend grant funds prior to March 30, 2014; and 5) Authorizes the City Manager, or designee, to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the project.

C. Transportation Development Act Article 3 Pedestrian and Bicycle Project Funding

Adopt a resolution authorizing a request to the Metropolitan Transportation Commission (MTC) by the City of El Cerrito for an allocation of Transportation Development Act Article 3 Pedestrian and Bicycle Project Funding for Fiscal Year 2012/2013 to update the City's Circulation Plan for Bicyclists and Pedestrians.

D. Award Design Services Contract to The Planning Center/DC&E for the Ohlone Greenway Natural Area and Rain Garden Project

Adopt a resolution authorizing the City Manager to execute a professional services agreement with the Planning Center/DC&E ("Consultant") in an amount not to exceed \$135,000 to provide design services for the Ohlone Greenway Natural Area and Rain Garden project, and to approve

potential change orders in an amount not to exceed \$13,500.

E. Consulting Contract with the El Cerrito Municipal Services Corporation

Adopt a resolution authorizing the City Manager to enter into a contract with the El Cerrito Municipal Services Corporation to provide staffing and administrative services.

6. PUBLIC HEARINGS

A. 2007–2014 Housing Element Adoption

Conduct a public hearing and upon conclusion, adopt a Revised Housing Element, as approved by the State Department of Housing and Community Development (HCD) and the associated Initial Study/Negative Declaration.

B. Fees Related to Revisions to the Animals Ordinance

Conduct a public hearing and upon conclusion, consider adoption of a resolution amending the master fee schedule to add fees resulting from revisions to El Cerrito Municipal Code Title 7 “Animals” and amending Resolution No. 2011-30.

7. POLICY MATTERS

East Bay Regional Communication System Radio Purchase

Adopt a resolution authorizing the City Manager or his designee to purchase new base station, vehicle and portable radios which are P25 compliant in accordance with the East Bay Regional Communication System, (EBRCS) Joint Power Authority (JPA) for the Police, Fire, Public Works, and Recreation Departments; accept a grant of \$273,000 from the El Cerrito Municipal Services Corporation and appropriate the grant fund; and appropriate \$273,000 from the Vehicle and Replacement Fund; and accepts grants for \$2,802,400 from the Federal Emergency Management Agency (FEMA) and \$605,600 in matching funds from Fire Agencies.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Jones Assignments: Contra Costa County Mayors’ Conference, Crime Prevention Committee, Design Review Board, Disaster Preparedness Council Delegate, Municipal Service Corporation Chair, Pension Board Chair, Temporary Permits Committee, Tom Bates Regional Sports Field JPA, Underground Utilities Committee, West County Integrated Waste Management Authority Alternate and West County Mayors’ & Supervisors’ Association.

B. Mayor Pro Tem Lyman Assignments: Commission/Committee Rules Subcommittee, Contra Costa County Mayors’ Conference Alternate, Disaster Preparedness Council Alternate, Economic Development Board, Municipal Services Corporation Vice-Chair, Pension Board Alternate, Planning Commission, Tree Committee, West County Integrated Waste Management Authority Delegate and West County Mayors’ & Supervisors’ Association Alternate.

C. Councilmember Abelson Assignments: Association of Bay Area Governments (ABAG) General Assembly Alternate, Committee on Aging, Contra Costa Transportation Authority, Environmental Quality Committee, League of California Cities East Bay Division Delegate and West Contra Costa Transportation Advisory Committee Delegate.

D. Councilmember Benassini Assignments: Arts and Culture Commission, Park and Recreation Commission, Redevelopment Agency Vice-Chair, and Tom Bates Regional Sports Field JPA Alternate.

E. Councilmember Cheng Assignments: Association of Bay Area Governments (ABAG)

General Assembly Delegate, Commission/Committee Rules Subcommittee, Financial Advisory Board, Human Relations Commission, League of California Cities East Bay Division Alternate, Redevelopment Agency Chair and West Contra Costa Transportation Advisory Committee Alternate.

9. ADJOURN CITY COUNCIL MEETING

A meeting of the El Cerrito Municipal Services Corporation follows immediately after this City Council meeting. The next City Council meeting is scheduled on Tuesday, February 21, 2012 at 7:00 p.m. The meeting will take place in the City Council Chambers at City Hall, 10890 San Pablo Avenue, El Cerrito.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. 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.



Special City Council Meeting
6:30 p.m.

Date: February 6, 2012
To: Honorable Mayor and Members of the City Council
From: Cheryl Morse, City Clerk *CM*
Subject: Commission Interviews

FEBRUARY 6 INTERVIEW SCHEDULE

Candidates listed below are scheduled for interview this evening:

6:30 p.m.	Heidi Rand	[ACC 1 st and only]
6:45 p.m.	Luis Zavala	[ACC 1 st and only]
7:00 p.m.	Rick Murphy	[CSC and FAB]
7:15 p.m.	Deliberation	

BACKGROUND

The City Council will interview candidates for the Arts & Culture Commission and Financial Advisory Board this evening. Cristin Sethi, an additional Arts & Culture Commission candidate, will be scheduled for interview on February 21 or March 6.

ARTS & CULTURE COMMISSION (ACC)

There are two existing vacancies on this commission for terms ending January 1, 2013. Heidi Rand (ACC only), Luis Zavala (ACC only) and Cristin Sethi (ACC 1st, TC 2nd, DRB 3rd) have submitted applications listing the ACC as their 1st choice. Ms. Rand and Mr. Zavala are scheduled for interviews tonight and Ms. Sethi will be scheduled for February 21 or March 6 depending upon the Council's availability. Dianne Brenner, interviewed on January 17, listed the Arts Commission as her first and only choice and Robert Abele, interviewed on January 3 and appointed to the HRC, listed the Arts and Culture Commission as his third choice (EQC 1st, HRC 2nd).

FINANCIAL ADVISORY BOARD (FAB)

One vacancy exists on the FAB. Rick Murphy has submitted an application for the Financial Advisory Board and is scheduled for an interview tonight. Carla Hansen (PC 1st choice,

Special City Council Meeting Commission Applicant Interviews

FAB 2nd, and EDB 3rd) was interviewed on December 19 and appointed by the City Council to the Planning Commission on January 3.

CIVIL SERVICE COMMISSION (CSC)

Rich Murphy submitted an application for this commission and the FAB; he is scheduled for interview tonight. There are currently no vacancies on the CSC. Michael Aaronian and Eric Luttrell's first term ended January 1, 2012 and both were reappointed January 17 filling the two vacancies on the Civil Service Commission. Kim Marlia, interviewed on January 3 listed this Commission as his 1st and only choice.

DESIGN REVIEW BOARD (DRB)

There was one vacancy for the Design Review Board due to Gary Hill's second term expiration. Christophe Laverne was appointed December 19, 2011 to the Design Review Board. Cristin Sethi (ACC 1st, TC 2nd, DRB 3rd) listed the DRB as her 3rd choice and is scheduled for an interview tonight.

Other Vacancies and Status

CITIZENS STREET OVERSIGHT COMMITTEE (CSOC)

Council reappointed Aurelia Schultz on January 17 to this committee filling the last vacancy. Committee members Lynne Kessler and Al Miller completed their first term and were reappointed on January 3, 2012.

ECONOMIC DEVELOPMENT BOARD (EDB)

The Economic Development Board has three vacancies. Carla Hansen, who listed the EDB as her third choice, was interviewed December 19 and appointed by the City Council to the Planning Commission on January 3.

PARKS AND RECREATION (PRC)

Seth Kaplan's first term expired on January 1, 2012. Mr. Kaplan was reappointed on January 17 to fill the single vacancy. He also listed the EQC as his 2nd choice. Michael Aaronian who was interviewed January 3 and appointed to the Civil Service Commission, listed the Parks Commission as his second choice (CSC 1st and CPC 3rd).

Attachments:

1. Applicant Matrix
2. Candidate Applications
3. Interview questions for consideration
4. Current Vacancy and Appointment List

[illegible]



**February 6, 2012
Special City Council Meeting**

Commission Interviews – Attachments 2 & 3

Documents are also available for review at:

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

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA

2012 EL CERRITO BOARD AND COMMISSION APPOINTMENT LIST

Arts & Culture Commission (2 Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2013
_____	_____	1/1/2013

Citizens Street Oversight Committee (No Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
Al Miller	1/3/12	1/1/2016
Lynne Kessler	1/3/12	1/1/2016
Aurelia Schultz	1/17/12	1/1/2016

Civil Service Commission (No Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
Michael Aaronian	1/17/12	1/1/2016
Eric Luttrell	1/17/12	1/1/2016

Design Review Board (No Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
Christophe Laverne	12/19/11	1/1/2016

Economic Development Board (3 Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2013
_____	_____	1/1/2016
_____	_____	1/1/2016

(Page two on back)

**Commission Interviews
Attachment 4**

Financial Advisory Board (1 Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2016

Human Relations Commission (No Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
Gabriel Quinto	1/3/12	1/1/2016
Robert Abele	1/3/12	1/1/2016

Parks & Recreation Commission (No Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
Seth Kaplan	1/17/12	1/1/2016

Planning Commission (No Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
Time Pine	12/19/11	1/1/2016
Carla Hansen	1/3/12	1/1/2016

Updated: January 25, 2012

CITY OF EL CERRITO PROCLAMATION

RECOGNITION OF ERNEST S. IIYAMA AND HIS CONTRIBUTION TO THE EL CERRITO COMMUNITY

WHEREAS, Ernest S Iiyama was a resident of El Cerrito for over 50 years, husband to Chizu, father of Patti, Mark and Laura, and attended the University of California, Berkeley; and

WHEREAS, in 1934, Mr. Iiyama was one of the founders of the Oakland Chapter of the Japanese American Citizens League and the Nisei Young Democrats of the East Bay; and

WHEREAS, in 1942, along with more than 110,000 Japanese Americans, Mr. Iiyama was ordered to Topaz, Utah, one of ten Concentration Camps in the United States; and

WHEREAS, Mr. Iiyama returned to the Bay Area in 1956, supported the Civil Rights movement, protested against the War in Vietnam, and joined the Contra Costa Chapter of the Japanese American Citizens League and later was elected president; and

WHEREAS, Ernest Iiyama and his wife Chizu, became active in the National Coalition for Redress and Reparations seeking justice for the Japanese Americans incarcerated during World War II, and was one of seven who received reparations in Alameda County; and

WHEREAS, Mr. and Mrs. Iiyama were also prominent in the National Japanese American Historical Society, speaking for many years to schools in the El Cerrito community and universities throughout California about their internment during World War II. They also spoke at many Days of Remembrance commemorating the day President Franklin D. Roosevelt signed the order for the concentration camps; and

WHEREAS, in 2009, Mr. and Mrs. Iiyama received the Clifford Uyeda Peace and Humanitarian Award from the Day of Remembrance Consortium in honor of their lifetime activism; and

WHEREAS, Mr. Iiyama served on the Human Relations Committee for the Richmond Unified School District and on the Ad Hoc Committee, which later formed the Human Relations Commission of El Cerrito.

NOW THEREFORE, the City Council of El Cerrito does hereby proclaim its recognition of the significant contributions of Ernest Iiyama not only to the El Cerrito community but to the Japanese American community of the East Bay.

Dated: February 6, 2012

William C. Jones III, Mayor



AGENDA BILL

Agenda Item No. 4(B)

Date: February 6, 2012
To: El Cerrito City Council
From: Sky Woodruff, City Attorney
Karen Pinkos, Assistant City Manager
Subject: Direction on Residential Animal Slaughter Regulations

ACTION REQUESTED

Provide direction to staff whether to amend El Cerrito Municipal Code Title 7, "Animals", to include regulations on residential animal slaughter.

BACKGROUND

Beginning in 2009, the Environmental Quality Committee (EQC) and staff held a series of public meetings to address amendments to El Cerrito Municipal Code (ECMC) Title 7, "Animals." These amendments responded to an interest voiced by residents to keep certain animals that can be raised for sustainable purposes and food production. Based on these meetings and the recommendations of the EQC, Planning Commission, and City Council, staff developed a revised ordinance including new provisions for keeping chickens, bees, goats and other animals. The City Council passed Ordinance 2011-05 on November 21, 2011 with an effective date of April 1, 2012.

In its review of the ordinance on November 21, the Council requested that the City Attorney elaborate on the legal considerations and risks involved in choosing to regulate or not to regulate animal slaughter. The ordinance includes language that strengthened sanitation and nuisance requirements in order to address potential impacts of animal slaughter. This is the approach that staff recommended to mitigate any impacts resulting from animal slaughter on residentially zoned properties. The sanitation language in the ordinance requires areas where animals are to be kept clean and waste to be removed daily (or more often as necessary to maintain a sanitary environment). In addition, the ordinance contains an explicit reference to the ECMC Chapter governing nuisances so that the City has enforcement authority over any nuisance conditions which resulted from animal slaughter. Finally, the ordinance has a standard for animal noise in addition to the standards in the County Animal Code.

ANALYSIS

The attached memorandum from the City Attorney discusses various policy and legal issues the Council may consider when determining whether to regulate residential animal slaughter.

Reviewed by:



Scott Hanin, City Manager

Attachment:

1. City Attorney Memorandum on Animal Slaughter Regulations



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Oakland, California 94607
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www.meyersnave.com

Agenda Item No. 4(B)
Attachment 1

Sky Woodruff
Attorney at Law
swoodruff@meyersnave.com

DATE: January 31, 2012
TO: Hon. Mayor and City Council
City of El Cerrito
FROM: Sky Woodruff, City Attorney
BY: Erin E. Burg Hupp, Attorney
COPY: Scott, Hanin, City Manager
Karen Pinkos, Assistant City Manager
Jennifer Carman, Planning Manager
Sean Moss, Senior Planner
RE: **Animal Slaughter Policy Considerations and Options for Regulation**

I. Background

Since May of 2009, the Environmental Quality Committee, the Planning Commission and the City Council ("Council") have been working with the public to update the Animal Ordinance in order to allow the small scale, non-commercial keeping of backyard animals that are sources of food. On November 21, the Council reviewed the proposed draft of the Animal Ordinance. At that time, the staff report reflected this office's recommendation that, rather than specifically regulate residential slaughter, the Council should instead use existing nuisance abatement tools, with potential adjustments related to slaughter, to address the secondary effects of slaughter if El Cerrito residents choose to engage in the practice. The Council requested that this office elaborate on the legal considerations and risks involved in choosing to regulate or not to regulate animal slaughter. This memorandum summarizes the push and pull of the different policies affected by the options available to the Council for regulating residential slaughter (or not) and the legal risks involved based on various policy priorities the Council may choose.

II. Policy Considerations

In determining whether and how to address the issue of residential animal slaughter, we think it would be helpful to lay out for the Council the different policy interests at play so that the Council can prioritize its policy interests and consider how giving one policy goal a higher priority may incidentally affect another. For example, at the public hearing on Animal

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Re: Animal Slaughter Policy Considerations and Options for Regulation
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Ordinance, members of the public and representatives of the Animal Legal Defense Fund advised the Council that it could lawfully prohibit residential slaughter, even though doing so would affect recognized religious practice. Knowing that the Council may lawfully restrict religious exercise does not answer the question *whether* the Council wishes to adopt regulations or prohibitions that limit expressive activity. Thus, in considering its options for addressing residential animal slaughter, the Council may wish to weigh the different policies at play and its goals for regulation. The legal risks and considerations involved change depending on which policy goal the Council prioritizes. The law does not provide bright line rules. There are at least four main policy issues that the Council may want to weigh: 1) the implications of allowing the raising of animals, but prohibiting slaughter; 2) sanitation, nuisance and noise issues related to allowing or enacting no regulation particularly targeting slaughter; 3) incidental regulation of First Amendment expressive conduct – whether religious or speech, and even if such limitations would be constitutional; and 4) animal cruelty and welfare. We recommend that the Council consider which policy goals are most important and then assess the legal risks of furthering that policy goal before providing direction regarding developing a policy toward residential slaughter.

The first policy consideration is whether the Council would like to allow the keeping of animals, but ban slaughter. The Animal Ordinance was written to allow citizens to raise a limited number of animals (such as four chickens and one beehive; or goats and pigs with a administrative use permit) on private property for the purpose of consuming those animals and/or their by-products. One question the Council may wish to consider is whether banning slaughter for the purpose of consumption would be at odds with the purpose the of the Animal Ordinance to allow the ability of citizens to raise animals expressly for food production. Another consideration is the practical implications of banning slaughter such as the cost of having animals slaughtered at a slaughterhouse, whether such slaughterhouses exist near the City, or how citizens are slaughtering their animals under the current law.

Second, the Council may wish to consider how to most effectively regulate issues regarding the undesirable effects of slaughter, such as noise, sanitation, smell, and neighbor complaints. Would it be more efficient and cost-effective to regulate the effects of slaughter through nuisance and noise regulations, regulations concerning the keeping of animals, or the time-intensive task of crafting a general ban on slaughter? If the City chooses to allow slaughter, regulations requiring slaughter to occur indoors or a certain number of feet from the property line could minimize the effects the slaughter would have on neighbors, but they may also impair religious conduct or speech.

Third, the City may wish to consider whether it is willing to incidentally limit First Amendment rights regarding speech and religious expressive conduct as a result of a ban slaughter, or in the alternative, spend the time and City resources to craft a defensible ban that includes a religious and/or expressive carve out. In crafting a defensible ban, City staff may start with the considerations outlined below as well as those included in the ALDF

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From: Sky Woodruff, City Attorney
Re: Animal Slaughter Policy Considerations and Options for Regulation
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memorandum (which outlines two and a half pages of guidance staff and counsel may followed when drafting a defensible ban). A good example of a city currently considering backyard slaughter regulations in its urban farming ordinance is the City of Oakland, California. Oakland has devoted considerable employee time to researching the issues involved in a backyard slaughter ban or regulation, as well as holding several public hearings and workshops.

A fourth policy consideration is the welfare of backyard animals during the slaughter process. Those advocating animal *rights* would likely prioritize a ban on slaughter, possibly at the cost of truncating religious expression. Those advocating animal *welfare* may wish to allow slaughter under a regulated atmosphere to ensure that the killing is humane. In considering this policy objective, the Council may wish to determine where citizens would go to have their animals (chickens, rabbits, goats, and pigs) slaughtered for consumption if there is a City-wide ban on slaughter, and whether these places would be more humane than backyard slaughter. In other words, would banning slaughter within the City ultimately result in more or less humane slaughtering of the animals elsewhere? Or would transportation of the animal, and the method used by a citizen outside of City limits be more cruel than backyard slaughter? These issues have become an issue of national debate. On September 13, 2011, the columnist James McWilliams, for the national publication The Atlantic, wrote a piece about the possibility of inhumane treatment in backyard slaughter at the hand of inexperienced citizens using Oakland as a case study.¹ The article garnered a considerable amount of national debate between animal rights activists and urban farmers and put the spotlight of this debate on Oakland.

III. Legal Issues

A. Existing state and federal law regarding animal welfare and slaughter

State law only governs the slaughter of animals for the sale to and consumption by people other than the owner of the animal; federal law does not govern the slaughter of backyard animals, such as goats, chicken, and rabbits. Therefore, localities are left to determine how to regulate backyard slaughter in residential areas for the owner's consumption.

California state laws provide the following regarding animal cruelty:

- Cruelty to animals, including malicious mutilation, wounding or killing of a live animal, neglect of a live animal (and the same against those animals

¹ For the full article, go here: <http://www.theatlantic.com/health/archive/2011/09/the-locavore-movements-mistake-deregulating-animal-slaughter/244897/>

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protected by state or federal laws) is an offense subject to imprisonment or a fine not to exceed \$20,000.²

- Poisoning animals (except for predatory animals and livestock-killing dogs) is a misdemeanor.³
- Cruelty to animals being transported is prohibited.⁴
- Willful abandonment, neglect or failure to care for animals is prohibited.⁵
- Abandonment of domesticated animals is prohibited.⁶
- Confinement of animals is a misdemeanor if any person who keeps a confined animal fails to provide it with an adequate exercise area, or allows it to be injured or entangled so as not to reach adequate shelter, food and water.⁷

State law defines “animals” as “every dumb creature”⁸ and applies to the killing of animals. Statutory exceptions to the preceding prohibitions include the killing of animals for food; game animals; venomous reptiles; other dangerous animals that threaten life, limb or property; and scientific experiments performed by academic institutions.⁹

Additionally, there are state laws pertaining to health and sanitation of slaughter; however, these laws expressly exempt owners that slaughter animals for the owner’s own consumption (not for sale).¹⁰ The State also regulates some aspects of the commercial slaughter of cattle, such as the State law that requires euthanasia of “downer” animals unable to walk in commercial slaughterhouses.¹¹ However, this State law does not apply to the slaughter of common backyard animals at issue in the City’s Animal Ordinance.

Federal regulations occupy most of the field of law pertaining to commercial processing of animals for the consumption of and sale to others, but do not regulate the backyard slaughter of animals for consumption by the owner of such animals. For example, the

² Penal Code § 597(a)-(c).

³ Penal Code § 596.

⁴ Penal Code § 597(a).

⁵ Penal Code § 597f, 597.1.

⁶ Penal Code § 597(s).

⁷ Penal Code § 597t.

⁸ Penal Code § 599b, 599c.

⁹ *Id.*

¹⁰ See Section 19020 of the Food and Agriculture Code, which exempts the slaughter of certain livestock (cattle, sheep, swine, and goat) for the owner’s consumption.

¹¹ Penal Code § 599f. As an interesting aside, this law was recently invalidated by the United States Supreme Court in the case *National Meat Association v. Harris*. The Court held that California Penal Code section 599f is preempted by the Federal Meat Inspection Act, which regulates slaughterhouses’ handling and treatment of non-ambulatory pigs – essentially the same thing as Penal Code 599f.

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Federal Meat Inspection Act governs the sanitary regulation of commercial slaughterhouses.¹² The Federal Humane Slaughter Act (the "Slaughter Act") applies to the slaughter of cattle, calves, horses, mules, sheep and swine (NOT chickens, fish or rabbits).¹³ The Slaughter Act defines two humane methods of slaughter: 1) animals rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other rapid and effective means; or 2) slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith.

B. Legal Risks and Considerations

There are various legal considerations the Council should review once it determines its desired policy goals, whether that policy goal be: the promotion of urban farming; the control of nuisance factors and neighbor complaints; protecting religious freedom of expression; or animal rights and welfare.

1. Banning Slaughter (with or without religious exception)

If the Council wishes to ban slaughter, it must carefully craft a ban that would avoid constitutional issues and unintended restrictions on religion and speech. The Council may not directly and intentionally interfere with religious expression by adopting a regulation that bans specific religious conduct, such as animal sacrifice. Unfortunately, the leading case on this issue, *Church of Lukumi Babalu Aye v. City of Hialeah*,¹⁴ is not entirely applicable. In *Hialeah*, the city blatantly attempted to keep a certain church out of the city by adopting a series of animal slaughter regulations. The U.S. Supreme Court held that the city's ordinances were not neutral, nor of general applicability, and that the governmental interest asserted by the city did not justify its restraint on religious activity – the ordinances violated the First Amendment's Free Exercise Clause. However, as we explained in the staff report accompanying the Animal Ordinance, this case is not instructive since the Council is not interested in intentionally regulating a specific religious group, nor is it attempting to ban a certain church from the City. Few cities have chosen to directly regulate religious animal sacrifice. The City of San Francisco currently bans any religious slaughter in Section 1A of its Health Code.¹⁵ San Francisco would likely have a difficult time defending the prohibition, if challenged.

¹² 21 U.S.C. section 608; 9 CFR 416.

¹³ 7 U.S.C. 1901 et seq.

¹⁴ 508 U.S. 520 (1993).

¹⁵ San Francisco Health Code Article 1A.

[http://www.amlegal.com/nxt/gateway.dll/California/health/healthcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://www.amlegal.com/nxt/gateway.dll/California/health/healthcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

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If the Council's main policy goal is animal welfare, the Council may choose to enact a general ban on slaughter without reference to religious activities. The case *Employment Div., Department of Human Resources Res. of Oregon v. Smith*¹⁶ supports the notion that a city may constitutionally prohibit religious practice if the prohibition is incidental to an otherwise generally neutral regulation. As long as a general ban by the City did not intentionally restrict religious behavior on its face, and the City applied the law neutrally and without reference to religious practice, a court would apply the so-called rational basis test, which is a low level of scrutiny that requires only a legitimate government interest in the ban. The court would look at the record for the adoption of the ban and any findings that the Council made in adopting it. It is likely that such a ban, neutrally enforced, would therefore survive judicial scrutiny.

The Council's ability to ban residential animal slaughter is not, however, the only consideration. Among the policy questions that remain is whether the risk of (incidentally) prohibiting religious practice within the City's jurisdiction is outweighed by the reasons for adopting a ban on slaughter. In other words, is a general ban the most effective use of resources in order to address the Council's concerns regarding sanitation, noise, and animal welfare; or, could these concerns be minimized through other regulations that do not affect religious activity within the City or through enforcement of existing provisions of the Municipal Code? Further, the Council may wish to explore whether religious practice falls within the definition of inhumane treatment or whether an outright ban may incidentally cause increased inhumane killing of animals, depending on the other methods used to slaughter backyard livestock.

In considering whether to ban all residential animal slaughter, the Council should also be aware of "hybrid claims" in which a plaintiff alleges abridgement of free speech in conjunction with violation of the free exercise clause. In such a case, instead of the rational basis test, the court might apply the so-called strict scrutiny standard, which is notoriously difficult to pass. If the City's regulation was challenged as unconstitutional, the court would analyze whether the ordinance is impermissibly overinclusive (overbroad) or underinclusive (overly narrow).

As an example of "overbroad" regulation, in the case *United States vs. Stevens*, the Supreme Court invalidated a law that aimed to curb the market for "crush videos" (fetish videos in which an animal¹⁷ is crushed by a person, often with high heels) and other animal mutilation.¹⁸ The law banned *depictions* of cruelty "in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed" for sale or commerce but exempted depictions possessing "serious religious, political, scientific, educational, journalistic,

¹⁶ 494 U.S. 872 (1990).

¹⁷ Anything from invertebrates such as worms to mammals and reptiles.

¹⁸ *United States v. Stevens* 559 U.S. ___, 130 S.Ct. 1577 (2010).

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historical or artistic value.”¹⁹ The court found this to be “overbroad” and invalid under the First Amendment of the U.S. Constitution because it regulated depictions based on content. The First Amendment has permitted content-based restrictions on only a few historic categories of speech—including obscenity, defamation, fraud, incitement, and speech integral to criminal conduct. The Court found that the law may be applied unconstitutionally and therefore found it to be invalid. On the other hand, justifying a ban solely on animal rights would likely be invalidated as underinclusive – factory farms and slaughterhouses may arguably inflict greater cruelty on animals than backyard animal slaughter performed by an informed animal owner. Similarly, an ordinance that prohibits slaughtering animals for *food* may be found to be too narrow because it allows the killing of animals for other purposes.

Assuming that the Council does not wish to incidentally limit religious practice, City staff, legal counsel, and the Council would need to spend a great deal of time carefully crafting a ban on backyard animal slaughter with a religious carve-out and findings to support it. Such complex drafting exercises necessarily lead to uncertainty about the defensibility of the law, and thus about what behavior is actually allowed or prohibited. What constitutes slaughter would need to be clearly defined. Even with a religious exception, the regulations may also need to avoid regulating *how* animals are killed in order to avoid singling out Kosher or Halal slaughtering practices (Shechita and Dhabihah), which require a conscious animal. The City would need to enforce the restriction equally, enumerate substantial interests in regulating this conduct, and make appropriate findings regarding the reasons for such regulation, such as health and sanitation. It would be very important for the City to provide clear reasons for prohibiting backyard slaughter, bearing in mind that the factual record might not support a finding that factory farms and slaughterhouses cause less cruelty to animals than backyard animal slaughter performed by an informed animal owner. Thus, the findings adopted in association with such an ordinance would need to be specific and backed by an evidentiary record.

The Council should also consider the possible expense of defending challenges to a City ban on slaughter. In addition to its own legal fees, if a challenger prevailed in court, the City might be responsible for the prevailing party’s legal fees. Section 1983 of Title 42 of the United States Code creates tort-like liability for any deprivation of rights secured by the United States Constitution and federal law. Courts have ruled that local government agencies may be held liable under Section 1983. Moreover, local governing bodies and officials can be sued directly in their official capacities for monetary, declaratory, and injunctive relief for an allegedly unconstitutional ordinance.²⁰ It is not clear whether a plaintiff would succeed in

¹⁹ 18 U.S.C. Section 48.

²⁰ See, e.g. *Owen v. City of Independence*, 445 U.S. 622, 645 (1980) (Section 1983 creates tort liability that has no immunities for municipal constitutional violations.)

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challenging a City ban on animal slaughter under a Section 1983 claim, on the ground that the ban deprived the person of rights protected by the First Amendment. Several cases have held, however, that damages can be recovered under a Section 1983 claim when land is overregulated by a public entity.²¹ The threat of an adverse ruling on a Section 1983 case should be factored into the Council's analysis of this issue because the Civil Rights Attorney's Fees Awards Act of 1976 provides that a party who prevails in a Section 1983 action may be entitled to recover attorneys' fees.²² Thus, if the court ruled against the City in such a challenge, the City might have to pay damages to the plaintiff and might have to cover not only its own legal fees but also the attorneys' fees of the plaintiff.

2. Regulating Slaughter

As an alternative to an outright ban, the Council could choose to expressly allow backyard slaughter but regulate it so that it be performed in a sanitary and/or "humane" manner, or to prevent inadvertent viewing of the slaughter from adjoining properties. However, this is also a difficult drafting exercise – perhaps more difficult than an outright ban with a religious carve-out. The City would need similarly to ensure that the ordinance is not impermissibly overinclusive (overbroad) or underinclusive (overly narrow) (see discussion in previous section).

The City would need to determine which animals may or may not be slaughtered. For example, would lobsters, rats, and mice be exempted? Perhaps the City could differentiate between small livestock (rabbits, chickens, etc.) that could be slaughtered on site, and large livestock (goats, pigs, etc.) that would still need to be slaughtered off-site. The restrictions could be stringent, such as requiring an animal husbandry plan, which would outline the proposed manner of raising, caring for and killing animals (similar to a development plan) before practicing any slaughter. Or the regulations could simply include requirements regarding nuisance, cleanliness, setbacks from the property line and/or requiring slaughter to be performed in an enclosed area so neighbors are not able to view such slaughter. If the regulations include requirements regarding "humane" slaughter, considerable resources (staff time, public outreach) would be required to determine what constitutes "humane." A prohibition on slaughter viewable from adjoining properties would be difficult to draft because of the unique circumstances of each residence, and failing to be sufficiently detailed could make the ordinance susceptible to claims of overinclusiveness or underinclusiveness. Assuming that the Council does not want to incidentally limit religious expression as part of regulations, it should consider including a religious carve-out and/or avoid regulating *how* animals are killed in order to avoid singling out Kosher or Halal slaughtering practices

²¹ There may be an argument that regulating slaughter falls within a 1983 claim. *See* 41 U.S.C. Section 1983; *See, eg. San Diego Gas and Electric Co. v. City of San Diego*, 450 U.S. 621, 654 (1981).

²² 42 U.S.C. § 1988.

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(Shechita and Dhabihah), which require a conscious animal. That carve-out, however, would lead to all of the drafting and defensibility issues discussed as part of a ban with a carve-out, above.

3. Regulate the effects of slaughter while not expressly allowing or banning slaughter.

A third options is to focus on regulating *effects* of animal slaughter through regulations regarding nuisance, noise, pest and sanitation regulations, rather than the act of animal slaughter. A generally useful rule to apply when considering drafting legislation that has the potential to create issues with First Amendment protections is: if a city is concerned about the secondary effects of a protected activity (rather than the activity itself) the legislation could focus on regulating those secondary effects rather than the speech or religious practice. The Council has voiced concerns about the noise, sanitation and health impacts of animal slaughter –such as the noise of an animal dying, or the remains (blood, bones) of a slaughtered animal. These issues are addressed by the nuisance abatement tools available in the Municipal Code, or could be made to fit with minor amendments. Therefore, we had recommended that the Council preliminarily enforce the existing rules if complaints arise regarding animal slaughter and, if necessary based on experience, update them for animal slaughter that occurs in residentially zoned parcels within the City.

This approach would not prevent residents from cooking live animals, such as lobsters, or killing pests such as rats. The test the court would use in evaluating this approach would be whether the sanitation and nuisance regulations are reasonable. The court would only enjoin a city regulation that has no reasonable and just relation to a city's intentions to preserve or protect the public health and safety. Nuisance regulations must be specific, as the court may find that they are void for vagueness. Therefore, if the City found that amendments to existing nuisance abatement tools were necessary after some period of using those already in effect, the City might have to provide additional guidance as to what would constitute unsanitary conditions and excessive noise. To this end, the amended Animal Regulations could reference existing City Code nuisance provisions, such as Chapter 8.34 Nuisance Abatement, and specifically Section 8.34.040 N, W; Section 8.08.010 "Nuisances Unlawful"; Section 8.08.060 "Premises, Cleanliness", specifically prohibiting pests; Chapter 8.16 "Flies"; and Section 7.08.040 "Animal Noise".

Because this option does not directly regulate religious practice or the act of slaughter it is less likely to be challenged on constitutional grounds. This option also avoids the complicated research, drafting and public input process that would be required for the other options (regulating slaughter directly, or banning slaughter with a religious carve out). If the Council would like to specifically regulate nuisance and noise particular to slaughter, it may need draft cautiously, as explained above.

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4. Enforcement

For the options above that include direct regulation of slaughter (as opposed to regulating the nuisance effects of slaughter), the City would also need to determine methods of enforcement. The nuisance regulations already have established code enforcement protocols. If City officials are called to a property on a noise or smell complaint, what would be the criteria in determining whether the slaughter was done in a clean and humane manner? Or what is “religious” in nature – does that include less common religions? Penalties for those that violate the law would need to be determined. If there is a religious exception, the City code enforcement team would need to be instructed on how to determine what is and is not religious slaughter and avoid any situations in which regulations “as applied” would violate religious or constitutional rights.

C. Recommendation

We recommend that the City determine its policy objectives with regard to regulation of backyard animal slaughter, and then assess the legal and practical risks to determine the preferred course of action. In reaching our previous recommendation to use existing (or slightly modified) nuisance abatement tools to address undesirable effects of slaughter, we assumed that the Council would want to avoid incidental restrictions on religious and other expressive conduct; limit the time and resources devoted to this area of regulation; and avoid or significantly reduce the risks of litigation. If those assumptions were incorrect, and the Council’s priorities are different, then a different approach would be appropriate. Otherwise, we continue to recommend that using the nuisance abatement approach would be the most effective means of dealing with animal slaughter, at least until there is some evidence that the practice is being used widely in the City to the detriment of the public health, safety, and welfare.

EBH:eebh
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EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, January 17, 2012 – 6:40 p.m.

Hillside Conference Room

CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Tuesday, January 17, 2012 – 7:30 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Rebecca Benassini

Councilmember/Agency Chair Ann Cheng
Councilmember Janet Abelson

6:40 p.m. ROLL CALL

Councilmembers Abelson, Benassini, Cheng, Lyman and Mayor Jones all present.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Jones convened the Special City Council meeting at 6:43 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

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 scheduling of future interviews.

Action: Interviews completed. *[Mayor Jones announced appointments at the regular meeting below.]*

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:29 p.m.

ROLL CALL

Councilmembers/Agency Members Abelson, Benassini, Cheng, Lyman and Mayor Jones all present.

7:30 p.m.

CONVENE CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Jones convened the Concurrent City Council/Redevelopment Agency meeting at 7:35 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Abelson.
2. **COUNCIL / STAFF COMMUNICATIONS**

Mayor Jones announced the following commission appointments:

Aurelia Schultz is reappointed to the Citizens Street Oversight Committee for a term concluding on January 1, 2016.

Michael Aaronian and Eric Luttrell are reappointed to the Civil Service Commission for terms ending January 1, 2016.

Seth Kaplan is reappointed to the Parks and Recreation Commission for a term concluding January 1, 2016.

Councilmember Benassini reminded the public about an important regional planning meeting regarding *One Bay Area* which will take place on January 23 at the Richmond Civic Center at 6 p.m. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) will be presenting different scenarios for the nine county bay area region. Councilmember Benassini emphasized the importance of attending the meeting to provide input in developing a vision for the Bay Area.

Councilmember Cheng encouraged interested community members to register for the meeting ahead of time at www.onebayarea.org online.

Councilmember Abelson announced the Environmental Quality Committee's presentation of the film *New Metropolis* on February 4 at 10:00 a.m. at the Cerrito Theater. Councilmember Abelson stated that the film and discussion afterward offer an amazing opportunity to find about building a healthy and sustainable community in this age of global warming. Interested community members can RSVP at 510-215-4350 or email green@ci.el-cerrito.ca.us.

Councilmember Lyman thanked the Human Relations Commission, Pat Durham and the West Contra Costa Unified School District for the special Martin Luther King, Jr parade and celebration. Councilmember Lyman stated that the event organizers will make a video of the event available to the public in the future.

Mayor Jones reported on his attendance at the film *Selma Lord Selma* on Saturday at City Hall. Approximately 40 El Cerrito High School students attended the movie and participated in a thoughtful discussion afterward. Mayor Jones stated that those in attendance were very impressed with the students, that the next generation coming up is good and he looks forward to seeing them in future leadership roles in the community.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Paloma Pavel, El Cerrito, invited all to attend the *New Metropolis* event on February 4 at the Cerrito Theater.

Emily Wood, Oakland, encouraged the Council to pass a ban on animal slaughter.

4. PRESENTATION – None

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

Moved, seconded (Lyman/Abelson) and carried unanimously to approve Consent Calendar Item Nos. 5A and 5C through 5G in one motion as indicated below. Item No. 5B was withdrawn from the Consent Calendar by the City Manager and rescheduled to the meeting of February 21, 2012.

JOINT CITY COUNCIL/REDEVELOPMENT ITEM

A. Minutes for Approval

Approve the December 19, 2011 Special City Council and Concurrent City Council/Redevelopment Agency and January 3, 2012 Special City Council meeting minutes.

Action: Approved minutes.

CITY COUNCIL ITEMS

B. Annual Review of Financial Policies

Adopt a resolution approving revised Comprehensive Financial Policies and Investment Policies and rescinding City Council Resolution No. 2011-05.

Action: Withdrawn from the Consent Calendar at the request of the City Manager and rescheduled to February 21, 2012.

C. Change the Meeting Day and Time of City Council Meetings

Approve by title, waive any further reading and adopt an ordinance amending Sections 2.04.010 (“Meeting – Regular”) and 2.04.030 (“Meeting – Place”) of the El Cerrito Municipal Code to change and fix the day, time and place of City Council meetings. *First reading approved by unanimous vote on December 19, 2011.*

Action: Adopted Ordinance No. 2012-01. *Effective February 16, 2012. Regular Tuesday night City Council meetings will begin on February 21, 2012 with a new start time of 7:00 p.m.*

D. On-Call Transportation Engineering Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with two consultant firms, Whitlock & Weinberger Transportation, Inc. (W-Trans) and Fehr & Peers, for on-call transportation engineering services for periods of three years with options to extend for an additional two years.

Action: Adopted Resolution No. 201201.

E. Grant of Easement to East Bay Municipal Utility District

Adopt a resolution granting to East Bay Municipal Utility District (EBMUD) a non-exclusive easement and authorizing the City Manager to execute the Grant of Easement for a water main extension serving two new fire hydrants associated with the new Recycling Center project.

Action: Adopted Resolution No. 2012-02.

F. Agreement with More Lockers for the Purchase of Heavy Duty Plastic Lockers

Adopt a resolution authorizing the City Manager or his designee to enter into an agreement with More Lockers for the purchase and shipping of seventy heavy duty plastic lockers for the men and women's locker rooms at the El Cerrito Swim Center.

Action: Adopted Resolution No. 2012-03.

G. Support Senate Bill 659 (Padilla) – Temporarily Postpone Dissolution of Redevelopment Agencies

At the request of Councilmember Abelson, authorize Mayor Jones to sign a letter supporting SB 659 to temporarily postpone the scheduled February 1, 2012 date to dissolve California's 425 redevelopment agencies.

Action: Approved recommendation.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

JOINT CITY COUNCIL AND REDEVELOPMENT ITEM

A. Actions Related to State Dissolution of the Redevelopment Agency

Staff is requesting the following actions of members of the Redevelopment Agency Board and the City Council, pursuant to legislation dissolving redevelopment agencies, enacted by the State on June 29, 2011 and ruled constitutional by the State Supreme Court on December 29, 2011:

- 1) Adopt a Redevelopment Agency resolution amending its Enforceable Obligation Payment Schedule previously approved on August 15, 2011, for publication and delivery to the County Auditor and required State agencies; and
- 2) Adopt a City Council resolution electing to retain the Redevelopment Agency's housing assets and functions upon its dissolution on February 1, 2012.

Presenter: Lori Treviño, Redevelopment Agency Manager.

Speakers: Jeff Lichtman, stated that the Cerrito Theater has given the city a positive image, sparked business in the area, provided people with entertainment and a meeting place. A historic building, including historic features such as the art deco mural, has also been preserved. Mr. Lichtman expressed concern about the future care of the Theater as an historic resource.

Action: Moved, seconded (Lyman/Benassini) and carried unanimously to adopt Redevelopment Agency Resolution No. 618 as modified to correct the date associated with Ordinance 2006-10, contained in the first recital of the ordinance.

Moved, seconded (Benassini/Abelson) and carried unanimously to adopt City Council Resolution No. 2012-04.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Councilmember Abelson reported that the Environmental Quality Committee is looking at a model of screening films for free at City Hall. This pilot program features a showing of one film in the evening and another film during the day in the City Council Chambers starting in March and April.

B. Councilmember Benassini explained that she is looking forward to reporting on her new liaison assignments at the next meeting.

C. Councilmember Cheng noted the great success and turnout for the Martin Luther King Jr. event and reported that the Human Relations Commission is looking forward to planning more events in the coming year.

D. Mayor Jones reported on his attendance at the nineteen city Contra Costa Mayors Conference. The Mayors Conference appointed former El Cerrito and Walnut Creek City Manager Gary Pokorny as its new Executive Director. Mayor Jones also stated that the West County Mayors Conference meets on the fourth Thursday and he will provide a report of the meeting at the next City Council meeting.

E. Mayor Pro Tem Lyman reported on his attendance at a Integrated Waste Management Authority Board (IWMA) workshop in which the Board discussed the merits of what happens when the current integrated recycling recovery facility contract expires January 1, 2014. The IWMA Board discussed and decided upon the best procurement process for soliciting a vendor to provide services. The IWMA also awarded a contract to consultant to help with the process. The IWMA Board elected to go with a statement of interest process.

SUPPLEMENTAL COMMUNICATIONS AND REPORTS

Environmental Quality Committee flyer announcing free showing of *The New Metropolis* and community discussion on February 4 from 10:00 a.m. to 2:00 p.m. – *Submitted by the Environmental Quality Committee.*

9. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 8:13 p.m.

The next City Council meeting is scheduled on February 6, 2012 at 7:30 p.m. The meeting will take place in the City Council Chambers at City Hall, 10890 San Pablo Avenue, El Cerrito.



AGENDA BILL

Agenda Item No. 5(B)

Date: February 6, 2012
To: El Cerrito City Council
From: Stephen Prée, Public Works Environmental Programs Manager
Jerry Bradshaw, Public Works Director/City Engineer
Subject: Application for Proposition 40 and 84 Urban Forestry Grant Program Funds to Develop a Municipal Tree Inventory

ACTION REQUESTED

Adopt a resolution that approves the following actions:

1. Approves the filing of an application for "PROPOSITION 40 and 84" urban forestry grant program funds;
2. Certifies that the City has or will have sufficient funds to operate and maintain the project;
3. Certifies that funds under the jurisdiction of the City are available to begin the project;
4. Certifies that the City will expend grant funds prior to March 30, 2014; and
5. Authorizes the City Manager, or his designee, as agent of the City to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the project.

DISCUSSION

In 2002 California voters passed Proposition 40 Resources Bond, which allocated \$10 million to the Department of Forestry and Fire Protection for grants for urban forestry programs pursuant to the California Urban Forestry Act of 1978. In 2006 California voters also passed Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control and Coastal Protection Bond including \$180 million for forest conservation. Together these bonds provide funds to the State Department of Forestry and Fire Protection for urban forestry programs.

The City of El Cerrito adopted an Urban Forestry Management Plan in 2007 with the following goals:

1. Establishing and maintaining a citywide commitment to a healthy, growing urban forest in the City of El Cerrito.

Agenda Item No. 5(B)

2. Integrate the principles of the Urban Forest Management Plan into subsequent documents required by or in support of the City of El Cerrito General Plan.
3. Provide consistent funding for an urban forestry effort that reflects the importance of the urban forest to the public.
4. Provide excellent professional maintenance for the City's urban forest.

The second goal includes an action to "combine and input the data contained within the Landscape Management Plan and the Street Tree Inventory into an urban forest software / urban forest database." Currently the City lacks such software. The City's existing tree inventory compiled in 2003 and 2005 is in three separate parts on Excel spreadsheets and consists of 15,879 trees. The inventories do not include information on the trees along the Ohlone Greenway and in the Hillside Natural Area.

The objective of this grant application is to compile a thorough and dynamic tree inventory with software that is compatible with our City GIS system and work order program. The initial inventory data will be collected by a contracted certified arborist on all City trees and will include location, size, health, risk assessment, and attributes of the surrounding environment. The information collected will help prioritize tree maintenance, pruning, planting and removal plans as well as serve the community with information on the City Trees. As trees are maintained in the future, the database will be updated with all activity for each tree thereby creating a dynamic database. This will greatly enhance future maintenance efforts and programming for the urban forest as a whole.

Another objective will be to use the tree inventory with other available software to aid in assigning economic and environmental values to the community forest and individual trees for use in budget decisions and storm water and clean air regulation compliance including greenhouse gas calculations.

The work of the future City tree committee will be enhanced with the use of the data base and GIS layer. With access to the City tree inventory and GIS the committee will have visual reference points to aid in decision making for the community. A link to the City GIS coupled with a descriptive tree selection list link on the City web site will allow residents to select a sustainable tree species for the City's residential adopt-a tree program.

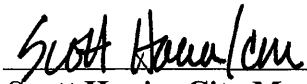
The inventory information, the tree selection guide, GIS and tree values will be used to educate anyone using the City web site as to the cultural characteristics, monetary value, environmental benefits and attributes of the trees in the City of El Cerrito community forest.

Public Works staff submitted the concept application for this grant in September 2011. CalFire reviewed it and ranked it eligible for the next step in the Inventory grant program. The final proposal application is due February 28, 2012 and requires a supporting City Council Resolution.

FINANCIAL CONSIDERATIONS

The 2011-2012 Cal Fire Urban or Community Forest Inventory Grant Program requires a 25% local match. The total cost is estimated to be \$74,338 with \$55,753 funded by grant funds and \$18,585 coming from the City's Landscape and Lighting fund. Upkeep of the database will be performed by Public Works staff on an ongoing basis.

Reviewed by:

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

Scott Hanin, City Manager

Attachment:

1. Accompanying Resolution

RESOLUTION 2011-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL APPROVING AN APPLICATION FOR GRANT FUNDS FROM THE URBAN FORESTRY GRANT PROGRAM ENTITLED, "AN URBAN FOREST FOR EVERY CITY," AS PROVIDED THROUGH PROPOSITION 40 AND/OR PROPOSITION 84

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted Propositions 40 and 84, which provide funds to the State of California and its political subdivisions for the urban forestry programs; and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and non-profit organizations under the program; and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of application before submission of said application to the State; and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out an urban forestry project;

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

1. Approves the filing of an application for "PROPOSITION 40 and 84" urban forestry grant program funds.
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project.
3. Certifies that funds under the jurisdiction of the City of El Cerrito are available to begin the project.
4. Certifies that said applicant will expend grant funds prior to March 30, 2014.
5. Authorizes the City Manager, or a designee, as agent of the City of El Cerrito to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

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

I CERTIFY that at a regular meeting on February 6, 2012 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

Agenda Item No. 5(B)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William Jones III, Mayor



AGENDA BILL

Agenda Item No. 5(C)

Date: February 6, 2012

To: El Cerrito City Council

From: Yvetteh Ortiz, Engineering Manager
Jerry Bradshaw, Public Works Director / City Engineer

Subject: Application for Fiscal Year 2012/13 Transportation Development Act Article 3 Pedestrian and Bicycle Project Funding to Update the City's Circulation Plan for Bicyclists and Pedestrians

ACTION REQUESTED

Adopt a resolution authorizing a request to the Metropolitan Transportation Commission (MTC) by the City of El Cerrito for an allocation of Transportation Development Act Article 3 Pedestrian and Bicycle Project Funding for Fiscal Year 2012/2013 to update the City of El Cerrito Circulation Plan for Bicyclists and Pedestrians.

DISCUSSION

In October 2011, Contra Costa County solicited applications for Transportation Development Act (TDA) Article 3 funds. The grant calls for pedestrian and bicycle infrastructure projects, safety education programs, or comprehensive plans. Also, in October 2011, the City held its first-ever Bicycling Town Hall Meeting at which the need to continue to improve safety for bicyclists and pedestrians, as well as, enhance the bicycle and pedestrian network to encourage more bicycling and walking was highlighted. In response to the County's solicitation, in January 2012, Public Works staff submitted a grant application requesting 2012/2013 TDA Article 3 funds in the amount of \$60,000 to update the El Cerrito Circulation Plan for Bicyclists and Pedestrians.

The current Circulation Plan was adopted by the City Council in June 2007. The Plan was developed between 2004 and 2007 and is due for an update given the amount of time that has elapsed. The effort will build off the ADA Transition Plan adopted in September 2009 and be coordinated with the City's ongoing development of its Climate Action Plan and proposed development of a Complete Streets Plan. The Circulation Plan Update will assess the projects that have been implemented since the original plan was adopted and will evaluate whether the remaining projects are still relevant to the changing demands and goals of the City. In addition, it will propose and prioritize new or updated projects in order to create a network of bicycling and pedestrian facilities that serve the needs of users of all ages and abilities.

Agenda Item No. 5(C)

The City Council's approval of the grant application is required by the Metropolitan Transportation Commission (MTC) to comply with TDA Article 3 requirements. The County's TDA subcommittee is expected to select and prioritize grant recipients by March 2012, at which point its recommendations will be forwarded for approval to several entities including the Contra Costa County City-County Engineering Advisory Committee (CCEAC), Contra Costa Mayor's Conference, the County Board of Supervisors and finally MTC.

Although there are no matching funds required for the grant application, the County Bicycle Advisory Committee, which reviewed our preliminary application in December 2011, recommended that some form of matching funds be provided. As such, Public Works staff time will be considered as \$5,400 of in-kind services.

FINANCIAL CONSIDERATIONS

The requested TDA Article 3 funds will be in the amount of \$60,000. A local match of \$5,400 will be provided as in-kind services performed by Public Works staff.

Reviewed by:

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

Scott Hanin, City Manager

Attachment:

1. Accompanying Resolution

RESOLUTION 2012-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL AUTHORIZING THE REQUEST
TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE
ALLOCATION OF FISCAL YEAR 2012/2013 TRANSPORTATION DEVELOPMENT
ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875, Revised, requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of El Cerrito desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the project described in Exhibit B to this resolution, which is for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT RESOLVED, that the City of El Cerrito declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code and does hereby request an allocation of such funds through the submittal of the application attached as Exhibit B.

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit B to this resolution, or that might impair the ability of the City of El Cerrito to carry out the project.

BE IT FURTHER RESOLVED, that the City of El Cerrito attests to the accuracy of and approves the statements in Exhibit A to this resolution.

BE IT FURTHER RESOLVED, that a certified copy of this resolution and its Exhibits, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

I CERTIFY that at a regular meeting on February 6, 2012 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:

Agenda Item No. 5(C)
Attachment 1

ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor

Resolution No. 2012-XX
Exhibit A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2012/2013 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the City of El Cerrito is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of El Cerrito legally impeded from undertaking the project described in "Exhibit B" of this resolution.
2. That the City of El Cerrito has committed adequate staffing resources to complete the project described in Exhibit B.
3. A review of the project described in Exhibit B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project.
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Exhibit B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in Exhibit B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description of the project in Exhibit B, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in Exhibit B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of El Cerrito within the prior five fiscal years.
8. That the project described in Exhibit B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in Exhibit B that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in Exhibit B is ready to commence implementation during the fiscal year of the requested allocation.

Agenda Item No. 5(C)

Attachment 1

11. That the City of El Cerrito agrees to maintain, or provide for the maintenance of, the project and facilities described in Exhibit B, for the benefit of and use by the public.

Resolution No. 2012-XX
Exhibit B

Page 1 of 2

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2012/2013 Applicant: City of El Cerrito
Contact person: Yvetteh Ortiz, Engineering Manager
Mailing Address: 10890 San Pablo Avenue, El Cerrito, CA 94530
E-Mail Address: yortiz@ci.el-cerrito.ca.us Telephone: (510) 215-4345
Secondary Contact (in event primary not available) Melanie Mintz, Environmental Services Manager
E-Mail Address: mmintz@ci.el-cerrito.ca.us Telephone: (510) 215-4339
Short Title Description of Project: City of El Cerrito Circulation Plan for Bicyclists and Pedestrians Update
Amount of claim: \$65,400

Functional Description of Project:

Update the El Cerrito Circulation Plan for Bicyclist and Pedestrians, which was adopted by the City Council in June 2007. The Plan was developed between 2004 and 2007 and is due for an update given the number of years that have since elapsed. The overall goal of the Plan Update is to improve safety for bicyclists and pedestrians, as well as, enhance the bicycle and pedestrian network to encourage more bicycling and walking. The effort will build off the ADA Transition Plan adopted in September 2009 and be coordinated with the City's ongoing development of its Climate Action Plan and proposed development of a Complete Streets Plan to develop multimodal level of service standards. The Plan Update will assess the projects that have been implemented since the original plan was adopted and will evaluate whether the remaining projects are still relevant to the changing demands and goals of the City. In addition, it will assess unmet needs and propose and prioritize new or updated projects in order to create a network of bicycling and pedestrian facilities that serve the needs of users of all ages and abilities. More specifically, the Plan Update will include a detailed evaluation of the 2007 Recommended Bicycle and Pedestrian Network (see attached maps) focusing on corridors and key intersections that were identified for additional evaluation and coordination including the following:

- San Pablo Avenue Bikeway throughout its entire length in El Cerrito or a parallel route
- Potrero Avenue Bikeway between west City limits and Navellier Street
- Cerrito Creek Greenway/Bay Trail Connector between Ohlone Greenway and the Bay Trail
- Bicycle Boulevard(s) along Behrens Avenue, Albemarle Street, Eureka Avenue, Norvell Street, Waldo Avenue, Richmond Street, Schmidt Lane, Everett Street, and Blake Street, or parallel routes
- Arlington Boulevard Pedestrian Route throughout its entire length in El Cerrito including sidewalk gap closures
- Elm/Key/Hill Intersection Pedestrian and Bicycle Improvements, key gateway to the Del Norte BART Station Area
- Ohlone Greenway/Street Intersections Traffic Control Criteria
- Hillside Pathways and Bikeways including maintained and unmaintained paths through existing residential neighborhoods

The Plan Update will evaluate and incorporate innovative design standards and traffic control methods for the Ohlone Greenway and bicycle boulevards; incorporate Climate Action and Complete Streets Policies; and prioritize improvements. The Plan Update will also take into account the recently completed City of Richmond Bicycle Master Plan and City of Albany's Active Transportation Plan to ensure regional integration and will ultimately be incorporated into the City's General Plan. The current General Plan was adopted in 1999 and is currently being updated.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: This is a planning and environmental effort that will require the services of a consultant.

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	0	\$60,000			\$60,000
list all other sources:					
1. City Staff – In-kind Services (60 hours at \$90 per hour)		\$ 5,400			\$ 5,400
2.					
Totals		\$65,400			\$65,400

Agenda Item No. 5(C)
Attachment 1

Resolution No. 2012-XX
Exhibit B

Page 2 of 2

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	No - Planned for February 6, 2012
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	NA
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	Yes - County BAC December 13, 2011.
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	NA
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____ Yes	Yes, December 2013
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	NA

Attachments:

- Regional Location
- City of El Cerrito Existing Transportation System/Site Map
- 2007 Proposed Bikeways
- 2007 Proposed Pedestrian Routes
- Authorizing resolution will be submitted to the County by February 14, 2012



AGENDA BILL

Agenda Item No. 5(D)

Date: February 6, 2011

To: El Cerrito City Council

From: Jerry Bradshaw, Public Works Director/City Engineer
Yvetteh Ortiz, Engineering Services Manager
Melanie Mintz, Environmental Services Division Manager

Subject: Award Design Services Contract to The Planning Center/DC&E for the Ohlone Greenway Natural Area and Rain Garden Project

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute a professional services agreement with The Planning Center/DC&E ("Consultant") in an amount not to exceed \$135,000 to provide design services for the Ohlone Greenway Natural Area and Rain Garden project, and to approve potential change orders in an amount not to exceed \$13,500.

DISCUSSION

Background

California voters passed the Safe Drinking Water, Water Quality and Supply, Flood Control and Coastal Protection Bond Act of 2006 (Proposition 84) authorizing the legislature to appropriate \$70 million for urban greening projects that reduce energy consumption, conserve water, improve air and water quality and provide other community benefits. The Strategic Growth Council manages the resulting Urban Greening program which provides competitive grant funds to preserve, enhance, increase or establish community green areas. Criteria for the grant program includes using natural systems and creating, enhancing or expanding community green spaces; providing multiple benefits; and consistency with the State's planning policies pursuant to Section 65041.1 of the Government Code specific to priorities such as promoting infill development and investment in existing communities, enhancing environmental and recreational resources, and encouraging location and resource efficient new development.

On June 21, 2010 City Council adopted Resolution No. 2010-33 approving an application for grant funds from the Urban Greening Grant Program under Proposition 84 for the Ohlone Greenway Natural Area and Rain Garden project. On January 18, 2011 the City was notified by the Strategic Growth Council that it had been awarded \$903,721 to implement the project. The project was one of 23 awards made by the State out of a pool of 140 applications.

The grant concept was also presented to the Parks and Recreation Commission on April 28, 2010 and the project will be coordinated with the BART Earthquake Safety Program.

Project Description

The project will include improvements along the Ohlone Greenway from Brighton Avenue in Albany to Fairmount Avenue in El Cerrito. The project's conceptual design includes elements to treat urban stormwater runoff; create an informal play/exploration and gathering area; improve walkability; utilize and demonstrate low-maintenance, low water using native landscaping; improve riparian habitat; and foster connection to nature in this busy, dense location adjacent to neighborhoods, schools, retail, transit and future in-fill Transit-Oriented Development. The project implements the vision and goals of the Ohlone Greenway Master Plan (adopted by Council June 15, 2009) including: establishing focal points along the Greenway, providing better connections through the site to commercial and civic areas; improving safety and security; developing a more maintainable site; providing modern amenities; increasing opportunities for stewardship and community involvement. Please refer to Attachment 2 for an outline of the project conceptual design. All improvements will be made to enhance the Ohlone Greenway while keeping in mind that non-motorized travel is the Greenway's foremost purpose.

Coordination with BART and the City of Albany

City staff has worked with BART and the City of Albany in the initial stages of this project. Staff is in the process of developing a Memorandum of Understanding (MOU) for implementing the relatively minor improvements that will likely take place in the City of Albany. Albany will maintain all improvements in its jurisdiction. The City, consistent with its License Agreement with BART, will obtain an encroachment permit from BART and will maintain all landscape improvements that occur on BART's property within the project area. The City is also working with the BART Earthquake Safety Project (ESP) in scheduling this project. The project may consist of minor modifications to the ESP landscaping and grading plan which will be coordinated with BART. It is anticipated that design of the project will be completed by June 2012 so that construction can follow as closely behind the BART ESP as possible.

Consultant Selection

City staff released a Request for Proposals (RFP) for the Ohlone Greenway Natural Area and Rain Garden Design Services on November 16, 2011. Proposals were due December 16, 2011. The City received 10 proposals from qualified design teams and selected four to be interviewed. The short-list was developed based upon criteria which included the team's project understanding (20%); team experience and qualification (20%); proposed project team (25%); and work plan (35%). The short-list included MIG, The Planning Center/DC&E, Restoration Design Group and Questa. Interviews were held on January 23. Staff from the City of Albany and the Association of Bay Area Governments Bay Trail project joined City staff on the selection committee. While the RFP required the teams to submit a proposed Work Plan with anticipated tasks and estimated hours by team member; a fee proposal was not required at this time. Sealed fee proposals were

Agenda Item No. 5(D)

submitted at the interviews and only the most highly ranked team's proposal was opened. The City then worked with the most highly ranked firm and negotiated the final fee based upon the grant budget. The design contract includes all design related services, including permitting, public outreach, development of construction documents, bidding assistance and design assistance during construction.

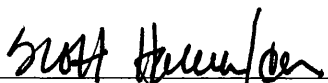
The Planning Center/DC&E has extensive experience in developing sustainable urban spaces and also has experience working with the City of El Cerrito on Fairmount Avenue as the designer for the Lower Fairmount Streetscape and as a consultant on upper Fairmount Avenue. They are joined by AN-West Civil Engineers, ISC Irrigation, Fehr & Peers electrical and bicycle-pedestrian engineers, and Apex Civil and Land Surveying on this project.

FINANCIAL CONSIDERATIONS

The project is included in the City's adopted Capital Improvement Program (CIP). All hard and outside soft costs associated with this project are funded by the Proposition 84 Grant. The project will also fund project assistance for the Public Works Engineering Division staff. Staff time for the Environmental Services Division will be considered as in-kind services to support the project. A summary of the project budget is shown below.

<i>Design (incl contingency)</i>	<i>\$ 148,500</i>
<i>Permits & Studies</i>	<i>15,000</i>
<i>Project Management</i>	<i>46,342</i>
<i>Construction</i>	<i>624,160</i>
<i>Contingency</i>	<i>69,719</i>
<i>Grant Total</i>	<i>\$ 903,721</i>
 <i>In-Kind Match</i>	 <i>11,687</i>
<i>Project Total</i>	<i>\$ 915,408</i>

Reviewed by:



Scott Hanin, City Manager

Attachment:

1. Resolution
2. Ohlone Greenway Natural Area/Rain Gardens
Master Plan/Focus Areas

RESOLUTION 2012-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE PLANNING CENTER/DC&E FOR DESIGN SERVICES ON THE OHLONE GREENWAY NATURAL AREA AND RAIN GARDEN PROJECT

WHEREAS, the Ohlone Greenway Natural Area and Rain Garden Project is an approved Capital Improvement Project with authorized funding for design and construction; and

WHEREAS, the City was awarded a Safe Drinking Water, Water Quality and Supply, Flood Control and Coastal Protection Bond Act of 2006 (Proposition 84) Urban Greening Grant for \$903,721 for the project; and

WHEREAS, the City Council adopted Resolution No. 2010-33 which approved submission of an application for Urban Greening Grant Funds; and

WHEREAS, the City conducted a consultant selection process; and

WHEREAS, The Planning Center/DC&E was selected from a field of ten proposing consultants, and four short-listed consultants as the most qualified for the Ohlone Greenway Natural Area and Rain Garden Project.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby authorizes the City Manager or his designee to execute a professional services agreement with The Planning Center/DC&E in an amount not to exceed \$135,000 for the Ohlone Greenway Natural Area and Rain Garden Project to provide design services, and to approve potential change orders in an amount not to exceed \$13,500.

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

I CERTIFY that at a regular meeting on February 6, 2012 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 February XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor





AGENDA BILL

Agenda Item No. 5(E)

Date: February 6, 2012
To: El Cerrito City Council
From: Lori Treviño, Redevelopment Manager
Subject: Consulting Contract with the El Cerrito Municipal Services Corporation

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to enter into a contract with the El Cerrito Municipal Services Corporation to provide staffing and administrative services.

BACKGROUND

The El Cerrito Municipal Services Corporation ("MSC") is a nonprofit public benefit corporation established in 1982 for the benefit of the residents of El Cerrito, but which had been inactive in the last several years prior to resuming activity in March 2011. At that time, the City of El Cerrito ("City") supported the MSC through the use of staffing, consulting and other City resources. In its FY2011/12 budget, the MSC included appropriations for such services and has now requested that the City formalize the relationship through a contract for project and program staffing, and for administrative support.

Additionally, on February 1, 2012, the City assumed in its General Fund the cost of staff and related expenses previously paid for with El Cerrito Redevelopment Agency funds. Entering into a contract with the MSC to provide support services would provide the City with revenue not only to cover its administrative costs to support the MSC resuming activities, but also these newly assumed staff and related costs.

CONTRACT TERMS

Attachment 2 to this report is the proposed contract to provide services to the MSC. The projects and programs being implemented are listed in the Scope of Work, which is included as Exhibit A to the contract. The following budget to provide services is proposed to be covered by the contract with the MSC for FY2011/12:

Initial set-up and administrative costs	\$498,000
Program and project staffing	\$130,000
<u>Incidentals and reimbursable expenses</u>	<u>\$25,000</u>
Total	\$653,000

The City would invoice the MSC upon execution of the contract for initial set-up expenses of \$498,000 incurred during the current fiscal year. For the last five months of the fiscal year, the City would provide a monthly invoice for project and program staffing and related expenses for an amount not to exceed \$31,000 per month.

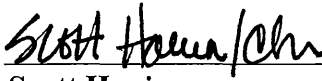
FINANCIAL CONSIDERATIONS

A budget amendment is necessary to appropriate \$155,000 in new program revenue to the City. A budget amendment is also necessary to cover the staffing and related expenses being assumed by the City, which will be included in the midyear budget review at the February 21, 2012 City Council meeting.

LEGAL CONSIDERATIONS

This report and the attached contract form have been reviewed by the City Attorney. Staff is requesting authority to execute the contract in substantially the form presented. Non-substantial changes may be made in consultation with the City Attorney.

Reviewed by:

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

Scott Hanin
City Manager

Attachments:

1. Resolution authorizing the City Manager to enter into a contract to provide staffing and administrative services to the El Cerrito Municipal Services Corporation in an amount not to exceed \$653,000.
2. Proposed Consulting Services Agreement with the El Cerrito Municipal Services Corporation.

RESOLUTION 2012-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PROVIDE STAFFING AND ADMINISTRATIVE SERVICES TO THE EL CERRITO MUNICIPAL SERVICES CORPORATION IN AN AMOUNT NOT TO EXCEED \$653,000

WHEREAS, the El Cerrito Municipal Services Corporation ("MSC") is a nonprofit public benefit corporation established in 1982 for the benefit of the residents of El Cerrito; and

WHEREAS, after several years of inactivity by the MSC, the City of El Cerrito ("City") supported the MSC's resumption of activity in March 2011, through the use of staffing, consulting and other City resources; and

WHEREAS, the MSC has now requested that the City formalize the relationship through a contract for project and program staffing, and for administrative support; and

WHEREAS, the City assumed in its General Fund the cost of staff and related expenses previously paid for with El Cerrito Redevelopment Agency funds; and

WHEREAS, entering into a contract with the MSC to provide support services would provide the City with revenue not only to cover its administrative costs to support the MSC resuming activities, but also these newly assumed staff and related costs; and

WHEREAS, a budget amendment is necessary to appropriate \$155,000 in new program revenue to the City; and

WHEREAS, the City Council will consider a budget amendment at its next meeting to cover the staffing and related expenses being assumed by the City, related to this agreement.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito finds that the above recitals are true and correct.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to enter into a contract to provide staffing and administrative services to the El Cerrito Municipal Services Corporation in an amount not to exceed \$653,000.

BE IT FURTHER RESOLVED that the City Council amends the City's Fiscal Year 2011-12 Budget to increase its program revenue by \$155,000.

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

Agenda Item No. 5(E)

Attachment 1

I CERTIFY that at a regular meeting on February 6, 2012 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 February XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William Jones III, Mayor

**CONSULTING SERVICES AGREEMENT BETWEEN
THE EL CERRITO MUNICIPAL SERVICES CORPORATION
AND THE CITY OF EL CERRITO**

THIS AGREEMENT for consulting services is made by and between the El Cerrito Municipal Services Corporation (the "MSC") and the City of El Cerrito (the "City") (together referred to as the "Parties") as of February ___, 2012 (the "Effective Date").

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, the City shall provide to the MSC the services described in the Scope of Work attached as Exhibit A, and incorporated herein, at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on June 30, 2012, the date of completion specified in Exhibit A, and the City shall complete the work described in Exhibit A on or before that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to the City to complete the services required by this Agreement shall not affect the MSC's right to terminate the Agreement, as referenced in Section 8.
- 1.2 Standard of Performance.** The City shall perform all services required pursuant to this Agreement according to the standards observed by a competent practitioner of the profession in which the City is engaged.
- 1.3 Assignment of Personnel.** The City shall assign only competent personnel to perform services pursuant to this Agreement.
- 1.4 Time.** The City shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy the City's obligations hereunder.
- 1.5 Public Works Requirements.** Should any the services described in Exhibit A include or be amended to include "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," the services constitute a public works within the definition of Section 1720(a)(1) of the California Labor Code. As a result, the City is required to comply with the provisions of the Labor Code applicable to public works. The City shall waive, indemnify, hold harmless, and defend the MSC concerning any liability arising out of Labor Code Section 1720 *et seq.*

Section 2. COMPENSATION. The MSC hereby agrees to pay the City a sum not to exceed \$653,000 under this Agreement. The MSC shall pay the City for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from the MSC to the City for services rendered pursuant to this Agreement. The City shall submit all invoices to the MSC in the manner specified herein. Except as specifically authorized by the MSC in writing, the City shall not bill the MSC for duplicate services performed by more than one person.

The City and the MSC acknowledge and agree that compensation paid by the MSC to the City under this Agreement is based upon the City's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of the City, and previously completed cost allocation studies. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which the City and its employees, agents, and subcontractors may be eligible. The MSC therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. The City shall submit an initial invoice (the "Initial Invoice") for set-up and administrative costs borne by the City in an amount of \$498,000. Subsequently, the City shall submit monthly invoices for an amount not to exceed \$31,000, based on the cost for services performed prior to the invoice date. Invoices shall contain the following information:

- The beginning and ending dates of the billing period;
- The total number of hours and brief summary of work performed under the Agreement by the City and each employee, agent, and subcontractor of the City performing services hereunder;
- A billing summary containing the original contract amount, the amount of prior billings, the total due the period, and the balance available under the Agreement.

2.2 Monthly Payment. The MSC shall make monthly payments, based on invoices received, for services satisfactorily performed. The MSC shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay the City.

2.3 Total Payment. The MSC shall pay for the services to be rendered by the City pursuant to this Agreement. The MSC shall not pay any additional sum for any expense or cost whatsoever incurred by the City in rendering services pursuant to this Agreement. The MSC shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall the City submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

2.4 Payment of Taxes. The City is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

2.5 Payment upon Termination. In the event that the MSC or the City terminates this Agreement pursuant to Section 8, the MSC shall compensate the City for all outstanding costs incurred for work satisfactorily completed as of the date of written notice of termination. The City shall maintain adequate records to verify costs incurred to that date and subsequent to the Initial Invoice.

- 2.6 Authorization to Perform Services.** The City is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, the City shall, at its sole cost and expense, provide facilities and equipment that may be necessary for the City and its agents, representatives, employees, and subcontractors to perform the services required by this Agreement.

Section 4. INSURANCE REQUIREMENTS. At all times when performing work under this Agreement, the City shall maintain adequate insurance or a plan of self-insurance. MSC acknowledges that the City is a member of and receives risk coverage through Municipal Pooling Authority as described below, and that the coverage is sufficient. The MSC, its officers, officials, employees, and volunteers are to be covered as additional insureds as respects: liability arising out of work or operations performed by or on behalf of the City; or automobiles owned, leased, hired, or borrowed by the City.

Section 5. INDEMNIFICATION AND CITY'S RESPONSIBILITIES.

The City shall indemnify, defend, and hold the MSC, its officers, agents, and employees, harmless against all claims, demands, damages, losses, costs, expenses, including without limitation, attorneys' fees and costs of litigation, or liabilities made against them which arise out of, or in connection with, the work done pursuant to this Agreement; provided, however, that this indemnity shall not extend to any claim arising solely from the MSC's negligence or the MSC's negligent failure to perform its obligations under this Agreement.

Section 6. STATUS OF CITY.

6.1 Independent Contractor. At all times during the term of this Agreement, the City shall be an independent contractor and shall not be an employee of the MSC. The MSC shall have the right to control the City only insofar as the results of the City's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise the MSC shall not have the right to control the means by which the City accomplishes services rendered pursuant to this Agreement.

6.2 The City Not an Agent. Except as the MSC may specify in writing, the City shall have no authority, express or implied, to act on behalf of the MSC in any capacity whatsoever as an agent. The City shall have no authority, express or implied, pursuant to this Agreement to bind the MSC to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

7.1 Governing Law. The laws of the State of California shall govern this Agreement.

7.2 Compliance with Applicable Laws. The City and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

- 7.3 **Licenses and Permits.** The City represents and warrants to the MSC that the City and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. The City represents and warrants to the MSC that the City and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, the City and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.
- 7.4 **Nondiscrimination and Equal Opportunity.** the City shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by the City under this Agreement. The City shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of the City thereby.

The City shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 **Termination.** The MSC may cancel this Agreement at any time and without cause upon written notification to the City.

The City may cancel this Agreement upon 90 days' written notice to the MSC and shall include in such notice the reasons for cancellation.

In the event of termination, the City shall be entitled to compensation for services performed to the effective date of termination; the MSC, however, may condition payment of such compensation upon the City delivering to the MSC any or all documents, photographs, computer software, video and audio tapes, and other materials provided to the City or prepared by or for the City or the MSC in connection with this Agreement.

- 8.2 **Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.
- 8.3 **Assignment and Subcontracting.** The MSC and the City recognize and agree that this Agreement contemplates personal performance by the City's employees, agents, representatives, and subcontractors and is based upon a determination of their personal competence, experience, and knowledge. The City may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. The City shall not subcontract any portion of the performance contemplated and provided for herein, without prior written approval of the Contract Administrator.

- 8.4 Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between the MSC and the City shall survive the termination of this Agreement.
- 8.5 Options upon Breach by the City.** If the City materially breaches any of the terms of this Agreement, the MSC's remedies shall included, but not be limited to, the following:
- 8.5.1** Immediately terminate the Agreement;
 - 8.5.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by the City pursuant to this Agreement;
 - 8.5.3** Retain a different consultant to complete the work described in Exhibit A not finished by the City; or
 - 8.5.4** Charge the City the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that the MSC would have paid the City pursuant to Section 2 if the City had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 Records Created as Part of the City's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that the City prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the MSC. The City hereby agrees to deliver those documents to the MSC upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the MSC and are not necessarily suitable for any future or other use. The MSC and the City agree that, until final approval by the MSC, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.
- 9.2 The City's Books and Records.** the City shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the MSC under this Agreement for a minimum of three years, or for any longer period required by law, from the date of final payment to the City to this Agreement.

Section 10. MISCELLANEOUS PROVISIONS.

- 10.1 Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to

reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

- 10.2 Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 10.3 Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.4 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.5 Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.6 Use of Recycled Products.** The City shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7 Contract Administration.** This Agreement shall be administered by a Contract Administrator to be identified by the Corporation. All correspondence shall be directed to or through the Contract Administrator or his or her designee.
- 10.8 Notices.** Any written notice to the City shall be sent to:
Attn: Contract Administrator
El Cerrito Municipal Services Corporation
10890 San Pablo Avenue
El Cerrito, CA 94530
- Any written notice to the MSC shall be sent to:
Attn: City Manager
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
- 10.9 Integration.** This Agreement, including the scope of work and budget attached hereto and incorporated herein as Exhibit A represents the entire and integrated agreement between the MSC and the City and supersedes all prior negotiations, representations, or agreements, either written or oral.

10.10 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the Effective Date.

EL CERRITO MUNICIPAL SERVICES CORP.

CITY OF EL CERRITO

William C. Jones III
Corporation Board Chairperson

Scott Hanin
City Manager

Attest:

Cheryl Morse
Corporation Secretary

Approved as to Form:

Karen Tiedemann
Corporation Legal Counsel

Sky Woodruff
City Attorney

EXHIBIT A
SCOPE OF WORK AND BUDGET

The City shall provide staffing services in support of the MSC's projects and programs, including:

1. Continued development and implementation of the Del Norte Transit Oriented Development Strategy, focusing on development opportunities on Corporation-owned properties
2. Implementation the Commercial Rehabilitation Loan Program with priority given to the southern end of San Pablo Avenue around the Cerrito Theater and El Cerrito Plaza Shopping Center
3. Continued work with key property owners on San Pablo Avenue on potential development, redevelopment or other improvements to their properties
4. Collaboration with City Planning staff on completion and adoption of the City's San Pablo Avenue Specific Plan, in particular as it relates determining the feasibility of development standards under consideration, producing clear and consistent development and design standards with the City of Richmond, and facilitating economic development opportunities and transit oriented development projects
5. Initiation of predevelopment activities on Corporation-owned properties to implement the City's San Pablo Avenue Specific Plan
6. Collaboration with City Planning, Environmental Services, and Engineering staff on parking standards and programs, in particular how they relate to transit oriented development feasibility, revitalization, and sustainability efforts
7. Coordination with Pleasantown Motion Picture Company on completion of tenant improvements to the Cerrito Theater as provided in the Cerrito Theater Lease Agreement
8. Continued development and implementation of business marketing programs, including updating brochures and website content to support local businesses
9. Continued implementation of the City's business attraction and retention programs to provide shopping and dining opportunities for residents and visitors, and to bolster economic development efforts and City revenues

The City shall handle all of the Corporation's administrative functions, as it resumes its activities, and serve as its fiscal agent.

The budget for providing these services is as follows:

Initial set-up and administrative costs	\$498,000
Program and project staffing	\$130,000
Incidentals and reimbursable expenses (19% of staffing)	\$25,000
Total	\$653,000



AGENDA BILL

Agenda Item No. 6(A)

Date: February 6, 2012
To: El Cerrito City Council
From: Jennifer Carman, Development Services Manager
Subject: 2007-2014 Housing Element Adoption

ACTION REQUESTED

Conduct a public hearing and upon conclusion, adopt a Revised Housing Element, as approved by the State Department of Housing and Community Development (HCD) and the associated Initial Study/Negative Declaration.

BACKGROUND

Purpose of the Housing Element Revision

The Housing Element of the General Plan is a comprehensive statement by the City of El Cerrito of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The policies contained in this Element are an expression of the Statewide housing goal of "attaining decent housing and a suitable living environment for every California family," as well as a reflection of the unique concerns of the community. The purpose of the Housing Element is to establish specific goals, policies, and objectives relative to the provision of housing, and to adopt an action plan toward this end. In addition, the Element identifies and analyzes housing needs, housing resources and constraints to meeting those needs.

In accordance with State law, the Housing Element is to be consistent and compatible with other General Plan elements. Additionally, Housing Elements are to provide clear policy and direction for making decisions pertaining to zoning, subdivision approval, housing allocations, and capital improvements. State law (Government Code Sections 65580 through 65589) mandates the contents of the Housing Element.

In February 2011, Staff presented the Draft 2007-2014 Housing Element to the Council and subsequently submitted the document to the State Department of Housing and Community Development (HCD) for an initial 60-day review period.

Staff participated in a conference call with HCD staff in April and HCD officially responded in May with a number of comments, requests for clarification and suggested revisions in order to ensure the document complies with State Housing Element law. Most of the comments and requested revisions involved reorienting existing tables, expanding discussions related to extremely low income households and other special needs groups and clarifying how requirements of existing legislation such as SB2 are met by the City's Zoning Ordinance and General Plan. HCD also requested the City

review and revise the available land inventory as needed to account for infrastructure needs and additional land constraints on individual parcels. A revised document was forwarded to HCD in October 2011. HCD sent another round of comments and questions to Staff in early December and those minor changes were incorporated and forwarded back to HCD. A redline version of the document and a list of significant changes tied back to the redline are included as Attachment 4. The Planning Commission reviewed the Element on October 19, 2012 and adopted Resolution PC11-09 recommending adoption of the Element and the associated Initial Study/Negative Declaration (Attachment 5).

On December 27, 2011, the City received a letter from the HCD (Attachment 6) indicating that with the City Council's adoption of the 2007-2014 Housing Element Update as revised (Attachment 2), the State would certify the document.

ANALYSIS

Environmental Review - Adopting a Negative Declaration Pursuant to CEQA

Pursuant to the requirements of the California Environmental Quality Act (CEQA), the City completed an initial study to analyze whether the proposed update of the Housing Element would result in any significant impacts. The Initial Study (Attachment 3) concluded that the revised Element would not result in any significant impacts on the environment. The revised Element does not include modifications to development patterns or changes in the pattern of land uses established in the General Plan. The revised Element does not propose or contemplate specific development projects; however, goals and policies of the plans may result in future actions that could have environmental effects. As projects come forward in the future, each project will be reviewed for consistency with these documents and for impacts to the environment per CEQA.

Compliance with State Housing Law

The State requires jurisdictions to update their zoning codes to allow community care facilities, emergency shelters, transitional and supportive housing, and single-room occupancy housing in certain areas of the City. With the Zoning Ordinance update, many of these housing types are defined and are included in the ordinance. HCD called out further revisions that are required to comply with State Housing Law in regards to supportive housing. This type of housing was considered within definitions of residential care facilities in the 2008 Ordinance update. Citing SB 2, HCD requested that the Element be revised to call out supportive housing separately as a housing type with use standards. The addition of text on bottom of page 53 and Program 15.6 below to the revised Element satisfies this request:

Program 15.6:

The City shall update its Zoning Ordinance to include a definition of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Transitional and supportive housing will be

allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.

Responsibility: Planning Division

Time Frame: Dec 2012

Funding: General Fund

Adoption of the proposed Housing Element does not require concurrent zoning changes, but for State compliance the City will need to accomplish this within the year. Zoning Ordinance changes for a number of different projects will be consolidated into a single package that will appear before Council later in 2012.

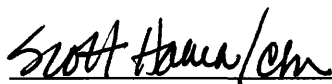
Next Steps

After adoption, the revised 2007-2014 Housing Element will be forwarded to the State Department of Housing and Community Development for certification.

LEGAL CONSIDERATIONS

Notification of this public hearing was completed in accordance with State law and El Cerrito Municipal Code. Notice was published in the West County Times on January 27, 2012, and was provided to interested parties and organizations that requested notice.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Revised 2007-2014 Housing Element (also available at <http://www.el-cerrito.org/index.aspx?nid=395>)
3. Initial Study/Negative Declaration
4. List of HCD requested changes in Revised Element & Redlined Version of Revised Element
5. Planning Commission Resolution PC11-09
6. Letter to the City from the California State Department of Housing and Community Development, dated December 27, 2011

RESOLUTION 2012-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL ADOPTING THE GENERAL PLAN 2007-2014 HOUSING ELEMENT AND ACCOMPANYING INITIAL STUDY/NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AUTHORIZING STAFF TO SUBMIT THE ADOPTED HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (SHCD) FOR CERTIFICATION

WHEREAS, the State Department of Housing and Community Development requires submittal of an updated Housing Element at least every five years; and

WHEREAS, in response to the State mandate, the City of El Cerrito held a series of public meetings on revising the Housing Element of the General Plan; and

WHEREAS the City of El Cerrito, based on comments received during the public participation process, prepared and circulated a Draft Housing Element to the general public and local agencies that provide services to persons of extremely low to moderate income levels; and

WHEREAS, the City of El Cerrito held review sessions on the Draft Housing Element to gather comments and input on the circulated draft and to offer additional opportunities for public participation at all income levels; and

WHEREAS, the City Council, upon Planning Commission recommendation and subsequent revision, authorized staff to send the Draft Housing Element to the State Department of Housing and Community Development (HCD) for an initial sixty-day review; and

WHEREAS, after completion of the sixty-day review, HCD requested that the City further revise its Housing Element. The City responded with appropriate revisions and re-submitted a Revised Draft Housing Element to the HCD for an interim review prior to adoption consideration; and

WHEREAS, in tandem with revising the Draft Housing Element, the City prepared and circulated a corresponding Initial Study/Negative Declaration finding that no significant impacts would result from its policies and programs; and

WHEREAS, on October 19, 2011, the Planning Commission held a duly noticed public hearing, and considered relevant documents, reports and testimony and adopted Resolution PC11-09 recommending adoption of the Revised Draft Housing Element and associated Initial Study/Negative Declaration to the City Council; and

WHEREAS, on December 27, 2011, the California State Department of Housing and Community Development submitted a letter to the City indicating that with the City Council's adoption of the 2007-2014 Housing Element Update as revised, the State would certify the document; and

Agenda Item No. 6(A)

Attachment 1

WHEREAS, The El Cerrito City Council finds that the Housing Element, as revised, is in compliance with State law and is consistent with the General Plan; and

WHEREAS, the El Cerrito City Council also finds that the Initial Study/Negative Declaration was prepared and routed in accord with California Environmental Quality Act (CEQA) Guidelines and that no significant impacts would result from the policies and implementation programs noted within the Housing Element.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby adopts the revised Housing Element and Initial Study/Negative Declaration with amendments incorporated as a result of this City Council Meeting held on February 6, 2012, and authorizes staff to submit the adopted Housing Element to HCD for certification.

I CERTIFY that at the regular meeting on February 6, 2012 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor



2007-2014 Housing Element Update **REVISED**

January 2012

City of El Cerrito
Environmental and Development Services Department
10890 San Pablo Avenue
El Cerrito, CA 94530

Adopted by the City Council on

Certified by the State Department of Housing and Community Development on

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I. INTRODUCTION

A. PURPOSE AND CONTENT

The City of El Cerrito's Housing Element is the component of the City's General Plan that addresses housing needs and opportunities for present and future El Cerrito residents through 2014. The Housing Element provides the primary policy guidance for local decision-making related to housing. The Housing Element of the General Plan is the only General Plan Element that requires review and certification by the State of California.

The Housing Element provides a detailed analysis of El Cerrito's demographic, economic and housing characteristics as required by State law. The Element also provides a comprehensive evaluation of the City's progress in implementing the past policy and action programs related to housing production, preservation, conservation, and rehabilitation. Based on the community's housing needs, available resources, constraints, opportunities and past performance, the Housing Element identifies goals, policies, actions and objectives that address the housing needs of present and future El Cerrito residents.

The El Cerrito Housing Element is based on four strategic goals that have been developed by the community over time: 1) conserve and improve El Cerrito's existing housing supply, 2) facilitate and encourage the development of housing to meet regional housing needs allocations established by the Association of Bay Area Governments (ABAG), 3) expand housing opportunities for the elderly, the handicapped, households with very low- to moderate-income, and for persons with special housing needs, and 4) promote housing opportunities for all persons regardless of race, age, marital status, ancestry, national origin or color.

B. HOUSING ELEMENT UPDATE PROCESS

The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of their comprehensive General Plans (California Government Code Section 65580 et al.).

It is intended that this Housing Element be reviewed annually and updated and modified no less than every five years in order to remain relevant and useful and reflect the community's changing housing needs. This Housing Element covers the planning period from January 2007 to July 2014. The time frame of the planning period is determined by State law. This document represents the update required and responds to the issues that currently face the City.

C. STATE LAW AND LOCAL PLANNING

1. Consistency with State Law

The Housing Element is one of the seven General Plan elements mandated by the State of California, as articulated in Sections 65580 to 65589.8 of the California Government Code. State law requires that each jurisdiction's Housing Element consist of "an identification and analysis of existing and projected housing needs and a statement of goals, policies,

quantified objectives, and scheduled program actions for the preservation, improvement, and development of housing.” The Housing Element plans for the provision of housing for all segments of the population.

Section 65583 of the Government Code sets forth specific requirements regarding the scope and content of each Housing Element. Table I-1 summarizes these requirements and identifies the applicable sections in the Housing Element where these requirements are addressed.

Table I-1
State Housing Element Requirements

Required Housing Element Component	Reference
A. Housing Needs Assessment	
1. Analysis of population trends in El Cerrito in relation to countywide trends	Section II
2. Analysis of employment trends in El Cerrito in relation to regional trends	Section II
3. Projections and quantification of El Cerrito's existing and projected housing needs for all income groups	Section III
4. Analysis and documentation of El Cerrito's housing characteristics, including:	
a. Level of housing cost compared to ability to pay	Section II
b. Overcrowding	Section II
c. Housing stock condition	Section II
5. An inventory of land suitable for residential development including vacant sites and having redevelopment potential and an analysis of the relationship of zoning, public facilities and services to these sites	Appendix A
6. Analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels	Section III
7. Analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels	Section III
8. Analysis of special housing need: elderly, persons with disabilities, large families, farm workers, and families with female heads of household	Section II
9. Analysis of housing needs for families and persons in need of emergency shelter	Section II
10. Analysis of opportunities for energy conservation with respect to residential development	Section III
11. Analysis of assisted housing developments that are eligible to change from lower-income housing during the next 10 years	Appendix B
B. Goals and Policies	
12. Identification of El Cerrito's goals, quantified objectives and policies relative to maintenance, improvement and development of housing	Section IV
C. Implementation Program	

13. Identify adequate sites which will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels	Appendix A
14. Programs to assist in the development of adequate housing to meet the needs of low and moderate income households.	Section IV
15. Address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing	Section IV
16. Remove constraints to or provide reasonable accommodations for housing for persons with disabilities	Section IV
17. Conserve and improve the condition of the existing affordable housing stock in El Cerrito	Section IV
18. Promote housing opportunities for all persons	Section IV
19. Identify programs to address the potential conversion of assisted housing development to market-rate housing	Appendix B
20. Program actions to identify zone(s) where emergency shelters are permitted without a conditional use or other discretionary permit and with the capacity to meet the needs of individuals and persons needing emergency shelter.	Section II

2. General Plan Consistency

The Housing Element is one component of the City's overall long-range planning strategy. The California Government Code requires that the General Plan contain an integrated, consistent set of goals and policies. The Housing Element is affected by policies contained in other elements of the General Plan. For example, the Land Use Element designates land for residential development and indicates the type, location and density of the residential development permitted in the City. Working within this framework, the Housing Element identifies goals, policies, actions and objectives for the planning period that directly addresses the housing needs of El Cerrito's existing and future residents. The policies contained within other elements of the General Plan affect many aspects of life that residents enjoy – the amount and variety of open space, the preservation of natural, historic and cultural resources, the permitted noise levels in residential areas and the safety of the residents in the event of a natural or man-made disaster.

The Housing Element policies must be consistent with policies identified in other elements of the General Plan. The Housing Element has been reviewed for consistency with the City's other General Plan elements. The policies and programs in this Element reflect the policy direction contained in other parts of the General Plan, which was last updated in 1999. As portions of the General Plan are amended in the future, this Housing Element will be reviewed to ensure that internal consistency is maintained.

The 1999 General Plan contains several elements with policies related to housing. Policies and the means for achieving consistency are summarized in Table I-2. The City will ensure consistency between the Housing Element and General Plan policies through the following actions:

Table I-2
Summary of General Plan Goals and Policies Affecting Housing

General Plan Element	Policy	Means for Achieving Consistency
Land Use	LU1.1	Ensure that the existing single-family neighborhoods remain in predominately single-family use, but include accessory units, by prohibiting incompatible uses. All new housing units developed will comply with the City's existing zoning.
	LU1.3	Ensure that all multi-family or mixed-use development in residential areas addresses compatibility and quality of life issues. All new housing units proposed by the updated Housing Element will incorporate size and design to blend with existing architecture and neighborhood character as well as provide housing for a variety of needs.
	LU1.5	Promote suitably located housing and services for all age groups within the City. All new housing units proposed by the updated Housing Element will be phased in accordance with the population and job growth in the City and will provide for a variety of housing needs.
	LU1.6	Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregate care, and garden apartments. The updated Housing Element policies encourage a diversity of housing types to be incorporated in order to meet the City's Regional Housing Needs Allocation (RHNA).
	LU1.7	Maintain the maximum multi-family density at 35 dwelling units per acre, except as otherwise provided in this Plan. All new housing units proposed by the updated Housing Element will be developed in compliance with the City's Zoning Ordinance and General Plan densities.
	LU1.8	Maintain the appearance of existing residential areas by discouraging paving of front yards and parkway strips, excessively wide curb cuts and driveways, and inappropriate fence materials in front yards. All new proposed housing units constructed in the City would be in compliance with the City's design guidelines.
	LU5.1	Encourage high-densities and a mix of uses near the city's two Bay Area Regional Transit (BART) stations to take advantage of the transit opportunities they provide. Some housing units proposed by the updated Housing Element may be constructed between the City's two BART stations to take advantage of the transit opportunities the City provides.

	LU5.2	Encourage mixed-use centers along San Pablo Avenue including development along Fairmount Avenue, Stockton Avenue and Moeser Lane, between San Pablo Avenue and the Ohlone Greenway, that provide the opportunity for people to walk among business, employment, and residences. Some high-density housing units may be constructed in mixed-use centers along various downtown City streets to encourage people to walk among business, employment, and residences.
	LU5.3	Encourage mixed uses, especially offices or housing over ground-floor retail uses, where commercial uses are allowed. Some high-density housing units may be incorporated into mixed-use projects over commercial uses on the ground floor.
Community Development and Design	CD1.1	Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses. All new housing units constructed in the City will reflect the architectural style of the neighborhoods in which they are placed and any visual impacts to the surrounding environment will be carefully considered.
	CD4.3	Provide front yards in residential areas with structures and parking lots stepped along public streets in keeping with the character and setbacks of surrounding buildings. Ensure that yard spaces are landscaped appropriately to fit the surrounding context. All new housing developed will comply with the City's Community Development and Design Element. Policies established in the updated Housing Element will not conflict with the current General Plan.
	CD4.4	Ensure that building design takes into consideration air circulation, natural lighting, views, and shading areas to interior and exterior spaces. All proposed housing units will take into special consideration air circulation, natural lighting, views, and shading areas around interior and exterior spaces.
	CD4.5	Integrate good design with the use of energy efficient techniques and equipments, and with materials and construction practices that minimize adverse environmental affects. The updated Housing Element policies encourage the use of energy efficient techniques and equipment, and construction practices that minimize adverse environmental affects.
	CD5.2	Encourage planned development projects and other techniques that cluster developments to create and preserve open spaces, views, and other amenities. Where possible, all new housing units proposed in the updated Housing Element will be clustered to reduce encroachment into open space areas, views, and other amenities.

Growth Management	GM5.1	Adopt and implement a development mitigation program requiring developers to pay the costs necessary to offset impacts of their projects on the local police, fire and park service system. Ensure that the local development review process includes consultation with contract agencies supplying domestic water, sanitary sewage and flood control services so that cost impacts are identified and appropriate mitigation included on a cooperative basis. All new housing units proposed by the updated Housing Element will comply with the City's development review process.
Transportation and Circulation	T2.1	Recognize the link between land use and transportation. Promote land use and development patterns that encourage walking, bicycling, and transit use. Emphasize high-density and mixed land use patterns that promote transit and pedestrian travel. Some of the City's housing units proposed by the updated Housing Element will be located in mixed-use projects and high density housing units that promote transit and pedestrian travel.
	T2.2	Projects should be designed to include features that encourage walking, bicycling, and transit use. Where feasible new housing units proposed by the updated Housing Element will incorporate features that encourage walking, bicycling, and transit use.
Public Facilities and Services	PR1.3	Use a level of service standard of five acres of publicly owned parkland per 1,000 residents as the minimum requirement for recreation and open space land. All new housing units proposed by the updated Housing Element will comply by the City's standard of five acres of publicly owned park land per 1,000 residents as the minimum requirement for recreation and open space land.
	PR1.12	Require that all new multi-family residential projects provide on-site open space and recreational facilities for residents or provide a combination of park in-lieu fees and on-site facilities. All new multifamily residential projects proposed by the updated Housing Element will provide on-site facilities for the residences including open space or a means for providing open space.
Police Service	PS1.1	Prior to approval of new development, the Police Department shall be requested to review all applications to determine the ability of the department to provide protection services. All new housing units proposed by the updated Housing Element will be reviewed by the Police Department to determine the ability of the department to provide protection services.

Fire Service	PS2.1	Prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, and conveyance facilities, and access for fire protection either are, or will be, provided concurrent with development All new housing units proposed by the updated Housing Element will be reviewed by the Fire Department to determine the ability of the department to provide protection services.
Public Infrastructure	PS3.1	Approve new development only if the capacity of public infrastructure is in place or can be reasonably provided. All new housing units developed will show proof that they will be developed to comply with existing capacities.
	PS3.5	Coordinate and work with other service providers, including East Bay Municipal Utilities District (EBMUD), the Stege Sanitary District, the East Bay Sanitary Company, Contra Costa County, Caltrans, BART, AC Transit, and the East Bay Regional Park District to ensure adequate and safe public infrastructure to serve existing and planned development in the community. All new housing units developed will be designed to comply with existing service providers in the community.
Resources and Hazards	R1.1	Limit development in areas that support rare and endangered species. If development of these areas must occur, any loss of habitat should be fully compensated onsite. If off-site mitigation is necessary, it should occur within the El Cerrito planning area whenever possible, and a monitoring program prepared by a qualified biologist. No new housing units are proposed in environmentally sensitive areas, and if development should occur, any loss of habitat will be fully compensated onsite. If off-site mitigation is necessary, it should occur within the El Cerrito planning area wherever possible.
	R1.3	Encourage development patterns that minimize impacts on the City's biological, visual and cultural resources, and integrate development with open space areas. The updated Housing Element does not propose the development of housing in any environmentally sensitive areas.
	R1.9	For development adjacent to creeks and major drainages, provide adequate building setbacks from creek banks, provision of access easements for creek maintenance purposes and for public access to creekside amenities, and creek improvements such as bank stabilization. Also, protect riparian vegetation outside the setback. Any new housing units constructed adjacent to creeks and major drainages will require the necessary building setbacks regulated by the City, and special consideration for the natural vegetation in the area will be taken in to consideration.

	R1.12	Control development on ridges to protect the form of the ridges and, in particular, by restricting development on ridgelines. Natural contours and vegetation on ridgelines should be maintained. Locate and design structures and other public and private improvements so as to minimize cut and fill areas that will impact public views, safety and surrounding uses, and avoid building profiles (silhouettes) being located above the ridgelines when viewed from public and designated public access areas. No new housing units developed in the City will be developed on ridgelines. All new units will be constructed in a way that minimizes cut and fill areas that could potentially impact public views, safety, and surrounding uses.
	R1.13	Preserve prominent views of visual resources and the bay, and consider visual access and view corridors when reviewing development proposals. Require assessment of critical public views, ridgelines, scenic overlooks, bay vista points, significant knolls, stands of trees, rock outcrops, and major visual features as part of the project review process to assure that projects protect natural resources through proper site planning, building design and landscaping, and that public access is provided if possible to vista points. An assessment of critical public views will be taken into consideration in every housing-units proposal. All prominent views of visual resources and the bay will be preserved.
	H1.9	Evaluate new development on sites that may have involved hazardous materials (such as older fill sites, historical auto service uses, industrial uses, or areas where hazardous materials may have been used) prior to development approvals. All new housing units proposed by the updated Housing Element will comply with the City's Building Code and will be inspected by the City's Building Inspector for compliance with all geological hazards prevention standards
	H1.15	Flood Hazards. Assure existing and new structures are designed to protect people and property from the threat of potential flooding. New development shall be designed to provide protection from potential impacts of flooding during the "1% chance" or "100-year" flood.
	H1.16	In order to maintain unobstructed drainage courses, existing laws prohibiting the dumping of debris, fill or other waste materials into creeks and channels, and the littering of garbage should be strictly enforced. The City will also continue to maintain a high level of maintenance for its storm drainage facilities. New developments will be carefully reviewed to insure that adequate storm drain facilities are available both on and off the site.
	H1.17	Ensure storm drainage capacity to be available to carry runoff generated by new developments, and implement the City's Storm Water Master Plan.

	H3.1	New residential development projects shall meet acceptable exterior noise level standards. All new housing units proposed by the updated Housing Element will comply with the City of El Cerrito's General Plan, which includes noise level standards.
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3. Relationship to Other Plans and Programs

The Housing Element identifies goals, objectives, policies and action programs for the 2007-2014 Planning period that directly address the housing needs of El Cerrito. There are a number of City plans and programs that work to implement the goals and policies of the Housing Element, including, the City's Municipal Code and Zoning Ordinance.

a. El Cerrito Municipal Code

The El Cerrito Municipal Code contains the regulatory and penal ordinances and certain administrative ordinances of the City, codified pursuant to Sections 50022.1 through 50022.8 and 50022.10 of the Government Code. The El Cerrito Municipal Code includes the City's Zoning regulations.

The Subdivision Chapter of the Municipal Code regulates the design, development and implementation of land division. It applies when a parcel is divided into two or more parcels; a parcel is consolidated with one or more other parcels; or the boundaries of two or more parcels are adjusted to change the size and/or configuration of the parcels.

Title 19 - Zoning of the Municipal Code is the primary tool for implementing the General Plan, and is designed to protect and promote the health, safety and welfare of the people. The Zoning Chapter designates various districts and outlines the permitted, conditionally permitted and prohibited uses for each zone district.

Finally, Title 19 provides property development standards for each zone district and overall administrative and legislative procedures.

b. Redevelopment Plans

The State Legislature allows cities to adopt Redevelopment Plans under the State of California's Community Redevelopment Law (CRL). The Redevelopment Plans are intended to reverse deteriorating economic and physical conditions; redevelop blighted, underutilized and vacant properties; improve public facilities and infrastructure; and produce revenues through the development of job-creating properties. These plans are one of the more powerful means cities have to implement the goals and policies set forth in their General Plan. El Cerrito has one redevelopment project area with approximately 368 acres of land.

c. Specific Plans

Specific Plans are customized regulatory documents that provide focused guidance and regulations for a particular area to address the specific characteristics or needs for that area. They generally include a land use plan, circulation plan, infrastructure plan, zoning

classifications, development standards, design guidelines, and implementation plan. The San Pablo Avenue Specific Plan is currently in progress and is the first plan for San Pablo Avenue that cooperatively involves the City of Richmond.

D. HOUSING ELEMENT ORGANIZATION

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 implementing the policies set forth in the Housing Element.

The El Cerrito Housing Element is organized into four parts:

- I. Introduction - Explains the purpose, process and contents of the Housing Element.
- II. 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.
- III. Resources and Constraints - Analyzes the actual and potential governmental and nongovernmental constraints to the rehabilitation, preservation, conservation and construction of housing
- IV. 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.

Given the detail and lengthy analysis in developing the Housing Element, supporting background material is included in the following appendices:

- Appendix A: Land Resources
- Appendix B: At-Risk Assisted Units
- Appendix C: Review of Past Performance
- Appendix D: Glossary of Housing Terms
- Appendix E: Comments from the Public

E. CITIZEN PARTICIPATION

The California Government Code requires that local governments make diligent efforts to solicit public participation from all segments of the community in the development of the Housing Element. In compliance with this requirement, the City of El Cerrito has completed the public outreach and community involvement activities described below:

The Housing Element was developed through combined efforts of City staff, the City's Planning Commission, City Council and El Cerrito residents and stakeholders. Community input was sought and received through public workshops, hearings and direct communication with stakeholder groups. Citywide informational materials were available via a Citywide newsletter and the City website. The City also reached out to the organizations and stakeholders listed in the Element. Response and participation by those organizations was limited. The City has historically had low participation when it comes to long-range planning. For example, when a new Zoning Ordinance was developed, over 10,000 individual postcards were sent to every household in the City. This generated less than 8 people at the City Council hearings and even less at the Planning Commission. Community involvement has historically been much higher for individual development projects than for policy items.

1. Public Meetings and Hearings

A Housing Element Study Session/Community Workshop was held on May 19, 2010 to cover general information about the housing element as it related to 1) The City's General Plan, 2) State and Federal requirements, and 3) Association of Bay Area Government's (ABAG's) Regional Housing Needs Determination and begin discussion of existing and proposed goals and policies.

A Housing Element Study Session was held on June 16, 2010 with the Planning Commission to review and revise the Housing Element's existing and proposed goals and policies.

A study session was conducted on the draft Housing Element prior to its submittal to the California Department of Housing and Community Development (HCD) for the initial review with the Planning Commission on February 16, 2011 and the City Council on February 22, 2011.

Public hearings on the revised Housing Element were conducted after receipt and consideration of HCD's comments, and prior to City Council adoption of the updated Housing Element. The Planning Commission hearing was conducted on October 19, 2011 and the City Council hearing on TBD.

2. Public Notice and Outreach

The City prepared notification using a variety of media and techniques to inform the public and interested organizations of the update process, and to solicit participation by all segments of the community.

Articles and notices regarding the development of the Housing Element and references to meetings and available resources regarding the Element were included numerous times within the Citywide Newsletter that is delivered to all residences and businesses in the City.

The City of El Cerrito website established a web page for the Housing Element (<http://www.el-cerrito.org/planning/HousingElement.html>) to keep the public and interested stakeholders up to date on Element development process. The draft Housing Element was made available on the City's website for public review and comment at the same time as the initial submittal to HCD for compliance review. Subsequent drafts will be placed on the City's website. Additionally, the City notified stakeholder groups and other interested parties of the availability of the draft in writing.

The following is a list of Community Outreach Groups that have been notified about all public meetings and the availability of the draft document

Executive Director Shelter Inc. 1815 Arnold Drive Martinez, CA 94553	Housing Coordinator Salvation Army 4600 Appian Way El Sobrante, CA	Pastor St. John Baptist Catholic Church 11150 San Pablo Ave. El Cerrito, CA 94530
Contra Costa Housing Authority 3133 Estudillo Street Martinez, CA 94553	Executive Director Child Care Council 3065 Richmond Parkway Suite #112 Richmond, CA 94801-5719	Contra Costa Housing Authority Richmond Office 1601 N. Jade St. Richmond, CA 94801
Housing Coordinator County Homeless Crisis Center P.O. Box 3364 Walnut Creek, CA 94598	Executive Director Bay Area Rescue Mission 2114 MacDonald Ave. Richmond, CA 94801-2934	Housing Coordinator St. Vincent De Paul Society 2210 Gladstone Drive Pittsburg, CA 94565
Executive Director WIC 2355 Stanwell Circle Concord CA 94520	Executive Director Contra Costa Housing Authority 3133 Estudillo Ave. Martinez, CA 94553	Executive Director Greater Richmond Interfaith Program (GRIP) 165 22 nd St. Richmond CA, 94801
Greenbelt Alliance 631 Howard Street, Suite 510 San Francisco, CA 94105	Bay Area Legal Aid 1025 MacDonald Ave. Richmond, CA 94802	Non-Profit Housing Association of Northern California 369 Pine Street, Suite 350 San Francisco, CA 94104
ABAG P.O. Box 2050 Oakland, CA 94604-2050	Contra Costa County Homeless Program 597 Center Ave., Suite 325 Martinez, CA 94553	Center for Elders Independence 510 17th Street, Suite 300 Oakland, CA 94612
Rubicon Programs Inc. 2500 Bissell Ave, Richmond, CA 94804. Attention: Director of Housing and Case Management.	East Bay Housing Organizations 538 9th Street, Suite 200 Oakland, CA 94607 Attention: Executive Director	Urban Habitat 436 14th St. # 1205 Oakland California, 94612 Attention: Land Use & Housing Program

3. Stakeholder meetings

A Housing Element Community Forum addressing the draft Housing Element was held on February 15, 2011. Members of the public and representatives of housing advocacy organizations and homeowners associations attended the forum.

4. Public Review of Documents

Throughout the process of updating the Housing Element, the City posted relevant documents, including presentation materials and draft documents on the website for easy download and review by residents and interested parties.

A public review draft was prepared and made available to the community for a 60-day period from March 1, 2011. The public review draft was sent to the State Department of Housing and Community Development (HCD), Contra Costa County, non-profit organizations, and various service providers.

Public comments received on the Draft Housing Element are summarized in Appendix E. As appropriate, the Housing Element has been revised to address the comments. The 2007-2014 Housing Element includes programs to further housing rehabilitation and neighborhood improvement efforts and to facilitate the development of a variety of housing types to better match the community's housing needs.

However, the City recognizes the limited resources available compared to the extent of housing needs. Objectives established in the Housing Element are based on the realistic financial resources available to the City.

II. HOUSING NEEDS ASSESSMENT AND INVENTORY

A. INTRODUCTION

The Housing Needs Assessment analyzes population and housing characteristics, identifies special housing needs among certain population groups, evaluates housing conditions, and provides other important information to support the goals, policies, and programs to meet the needs of current and future El Cerrito residents. An understanding of housing needs helps formulate an appropriate and adequate housing plan for the City.

The needs assessment and inventory focuses on demographic information, such as population trends, ethnicity, age, household composition, income, employment, housing characteristics, general housing needs by income, and housing needs for specialized segments of the population.

Primary data sources utilized in this analysis include the 2000 U.S. Census, the 2006-2008 American Community Survey 3-Year Estimates, the California Department of Finance (DOF), the federal Department of Housing and Urban Development (HUD) and the Association of Bay Area Governments (ABAG). These data sources are the most reliable for assessing existing conditions and provide a basis for consistent comparison with historical data and for making forecasts.

B. COMMUNITY PROFILE

1. Population Trends and Characteristics

The type and amount of housing need in a community is largely determined by population growth and various demographic characteristics. Factors such as age, race/ethnicity, occupation, and income level combine to influence the type of housing needed and the ability to afford housing. This section provides a summary of the changes to the population size, age and racial composition of the City.

a. Historical, Existing and Forecast Growth

The City of El Cerrito is one of 19 cities in Contra Costa County. The DOF estimates that Contra Costa County's population in 2008 was 1,061,325. Table 10-2 lists adjacent counties and their respective populations.

El Cerrito was incorporated in 1917. Since then, the City's population has increased steadily until the 1960s, with the greatest increase occurring between 1940 and 1960. Between 1960 and 1980, the population declined slightly as the City reached build-out and household sizes declined. El Cerrito's population began to increase again slowly, beginning in 1980 due to an influx of residents seeking lower housing costs and larger home sizes. Between 1990 and 2000, the City gained 482 residents, increasing from 22,869 to 23,171. Much of the population growth experienced in El Cerrito since 1990 has resulted from infill development, redevelopment and changes in household size. Between 2000 and 2008, limited growth has occurred as El Cerrito continues to rely on infill development. Table II-1 compares changes in El Cerrito's and Contra Costa County's population since 1990.

Table II-1
Population Growth

	1990	2000	2008	Percent Change
City	22,869	23,171	23,431	+ 1%
County	803,732	948,816	1,061,325	+ 12%

Source: 1990 and 2000 U.S. Census Data, California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2010.

Table II-2 shows the City of El Cerrito and Contra Costa County's projected population increases between 2008 and 2030 according to the American Community Survey and the Association of Bay Area Governments (ABAG). ABAG has projected an approximately 4 percent increase in population between 2008 and 2020, and an approximately 4.7 percent increase between 2020 and 2030. Comparatively, in Contra Costa County, ABAG has projected a 19 percent growth rate increase between 2008 and 2020, and an 8 percent growth rate increase between 2020 and 2030.

U.S. Census data indicate that the number of households in the City increased from 10,208 to 10,213 (less than 1 percent) between 2000 and 2008. ABAG projects that the number of households in the City is estimated to grow to 10,820 by 2020 (6 percent) and is expected to grow to 11,310 in 2030 (5.5 percent). By 2020 the number of persons per household is projected to decrease from 2.3 to 2.23. In the year 2030, the number of persons per household is estimated to remain relatively the same at 2.24. ABAG projects Contra Costa County to experience an increase in the number of persons per household from 2.73 to 2.75 by 2020, and decrease from 2.75 to 2.73 by 2030.

Table II-2
Projected El Cerrito and Contra Costa County Population Growth 2008-2030

	2008	2020	2030
Population			
El Cerrito	23,431 ¹	24,400 ²	25,600 ²
Contra Costa County	948,816 ¹	1,177,400 ²	1,273,700 ²
Households			
El Cerrito	10,213 ¹	10,820 ²	11,310 ²
Contra Costa County	344,129 ¹	424,340 ²	461,330 ²
Persons per Household			
El Cerrito	2.3 ¹	2.23 ²	2.24 ²
Contra Costa County	2.73 ¹	2.75 ²	2.73 ²

Source: 2006-2008 American Community Survey 3-Year Estimates and ABAG Projections 2009.

¹ 2006-2008 American Community Survey 3-Year Estimates.

² ABAG 2009 Projections.

b. Ethnicity

An analysis of El Cerrito's population between 2000 and 2008 (Table II-3) shows a slight shift in the City's demographic distribution. Over 50 percent of the population is White; however, there was a 1 percent increase in Blacks, a 1 percent decrease in Asian/Pacific Islanders and a 1 percent increase in Hispanics. In 2000, the Census introduced a new

category called “two or more races.” Nine percent of the City’s residents have identified themselves with this category. By comparison, the countywide and statewide population has a larger percentage of persons of Hispanic origin and a smaller proportion of persons of Asian/Pacific Islander origin.

Table II-3
Comparison of Race by City, County, and State Population

Race	City (1990)	City (2000)	City (2008)	County (2008)	State (2008)
White	62%	58%	56%	62%	60%
Black	9%	9%	10%	9%	6%
Native American	<1%	<1%	<1%	<1%	1%
Asian/Pacific Islander	22%	25%	24%	14%	13%
Other	<1%	3.1%	4.2%	10%	16%
Two or More Races	*	5.5%	6%	4%	3%
Hispanic or Latino (of any race)	6%	8%	9%	22%	36%

Source: 1990 & 2000 U.S. Census Data, 2006-2008 American Community Survey 3-Year Estimates.

*This category began with the 2000 Census.

c. Age of Population

A comparison of the ages of the City, County, and State population shows significant differences (Table II-4). El Cerrito has a higher percentage of residents aged 65 and older, and a lower percentage of minors (under 18) than either countywide or statewide. Therefore, El Cerrito has a higher median age, 44 in 2008 according to the Census, compared to 38 for all of Contra Costa County and 35 for all of California. Individuals over the age of 35 comprised 64 percent of the City’s population in 2000, compared to 54 percent countywide and 50 percent statewide.

Table II-4
Age Distribution (percent)

Age	El Cerrito 2008	Contra Costa County 2008	California 2008
Under 5 years	6%	7%	7%
5 to 19 years	12%	21%	21%
20 to 34 years	17%	19%	22%
35 to 54 years	31%	30%	29%
55 to 64 years	14%	12%	10%
65 and over	19%	12%	11%
Median age	44	38	35

Source: 2006-2008 American Community Survey 3-Year Estimates.

2. Household Type and Composition

Further insight into the characteristics of the City's population can be gained by examining the composition of the household population, such as the proportion of families with children, single adults, and single parents.

Table II-5 shows that two-person households represented the highest percentage of households (40 percent). One-person households represented the next largest percentage (28 percent). Compared to the countywide population, El Cerrito has a higher proportion of one- and two-person households and a lower percentage of households with three or more persons.

Table II-5
Number of Persons per Household (2008)

	El Cerrito 2008	Contra Costa County 2008
1 Person	28%	22%
2 Persons	40%	34%
3 Persons	16%	18%
4 Persons	11%	16%
5 Persons	3%	6%
6 Persons	1%	2%
7+ Persons	1%	2%

Source: 2006-2008 American Community Survey 3-Year Estimates.

Consistent with the City's profile of smaller households, El Cerrito has a lower percentage of family households and a higher percentage of non-family, single-person and elderly households (Table II-6).

Table II-6
Household Composition by Type (2008)

Household Type	Number of People		Percent of People	
	City	County	City	County
Households				
Family households (families)	6,359	254,623	62.30%	69.80%
With own children under 18 years	2,640	124,249	25.80%	34.10%
Married-couple family	4,692	194,163	45.90%	53.20%
With own children under 18 years	1,673	91,514	16.40%	25.10%
Male householder, no wife present, family	409	18,795	4.00%	5.20%
With own children under 18 years	153	8,939	1.50%	2.50%
Female householder, no husband present, family	1,258	41,665	12.30%	11.40%
With own children under 18 years	814	23,796	8.00%	6.50%
Nonfamily households	3,854	110,020	37.70%	30.20%

Householder living alone	2,915	88,842	28.50%	24.40%
65 years and over	1,014	30,216	9.90%	8.30%
Total	10,213	364,643		

Source: 2006-2008 American Community Survey 3-Year Estimates.

3. Income Characteristics

The 2006-2008 American Community Survey 3-Year Estimates reported that the median household income in El Cerrito was \$81,972 and the mean household income was \$96,727. Contra Costa County's median household income was \$78,619 and the mean household income was \$103,553. Table II-7 shows the distribution of incomes in 2008 for El Cerrito and Contra Costa County.

Table II-7
Household Income (2008)

Income	2008 Percent of Total Households in El Cerrito	2008 Percent of Total Households in Contra Costa County
Less than \$10,000	2.70%	4.00%
\$10,000 to \$14,999	4.30%	3.70%
\$15,000 to \$24,999	7.40%	6.60%
\$25,000 to \$34,999	6.00%	6.90%
\$35,000 to \$49,999	9.50%	10.40%
\$50,000 to \$74,999	16.50%	16.10%
\$75,000 to \$99,999	11.80%	14.10%
\$100,000 to \$149,999	25.60%	18.90%
\$150,000 to \$199,999	9.10%	8.70%
\$200,000 or more	7.20%	10.70%
Median household income (dollars)	81,972	78,619
Mean household income (dollars)	96,727	103,553

Source: 2006-2008 American Community Survey 3-Year Estimates.

Four income categories are typically used for comparative purposes. These categories are based on a percentage of the County median income and adjusted for household size (Table II-8). These categories are referred to as "very low-income," "low-income," "moderate-income," and "above-moderate-income." The median income on which these four categories are based represents the mid-point at which half of the households earn more and half earn less. In a normally distributed population (that is, one not skewed to either end of the income scale), approximately 40 percent of the population will have income within the very low- and low-income ranges, about 20 percent within the moderate-income range, and about 40 percent in the above moderate-income range.

Table II-8
Income Characteristics

Income Definitions	
Extremely Low-Income	30 percent of the Contra Costa County Median Income
Very Low-Income	50 percent of the Contra Costa County Median Income
Low-Income	51 to 80 percent of the Contra Costa County Median Income
Moderate-Income	81 to 120 percent of the Contra Costa County Median Income
Above Moderate-Income	121 percent of the Contra Costa County Median Income

Source: HUD Income Limits, 2008.

Income comparison between the City and County, based on 2006-2008 American Community Survey 3-Year Estimates data shows that the City and County have a relatively similar percentage of people in the extremely low-, very low- and low-income categories (Table II-9). The City has a slightly higher percentage of households in the moderate- and above moderate-income category (57 percent compared to 56 percent).

Table II-9
City of El Cerrito and Contra Costa County
2008 Household Income Range by Income Category

Income Category	2008 Income Range	El Cerrito % of Households in 2008 (approximately)	Contra Costa County % of Households in 2008 (approximately)
Extremely Low Income	\$0-\$25,830	14.4%	14.3%
Very Low Income	\$25,831-\$43,050	12.34%	12.94%
Low Income	\$43,051-\$68,880	16.66%	16.58%
Moderate Income	\$68,881-\$103,320	15.8%	18.1%
Above Moderate Income	\$103,321 and over	40.9%	37.9%
2000 Contra Costa County Median Family Income: \$67,600 ¹		2000 El Cerrito City Median Family Income: \$57,253 ³	
2008 Contra Costa County Median Family Income: \$86,100 ²		2008 El Cerrito City Median Family Income: \$96,047 ⁴	

Source: 2006-2008 American Community Survey 3-Year Estimates

¹ 2000 Housing and Urban Development (HUD) Income Limits

² 2008 Housing and Urban Development (HUD) Income Limits

³ 2000 U.S. Census Median Family Income – American Fact Finder

⁴ 2008 U.S. Census Median Family Income – American Fact Finder

Another measure of change in income is the annual update of income limits prepared by the federal government and adopted by the State of California. These limits define income levels for the four income groups discussed previously (very low-, low-, moderate-, and above-moderate-) based on a percentage of median income for the county in which the jurisdiction is located. Although these income limits are not based on actual surveys of local

incomes, the annual changes can show trends in estimated changes among different regions of the State. Table II-10 provides limits for Contra Costa County for 2008.

Table II-10
Contra Costa County Income Limits (2008)

Household Size	Extremely Low-Income (30% of Median)	Very Low-Income (50% of Median)	Low-Income (80% of Median)
1 Person	18,100	30,150	46,350
2 Persons	20,700	34,450	53,000
3 Persons	23,250	38,750	59,600
4 Persons	25,850	43,050	66,250
5 Persons	27,900	46,500	71,550
6 Persons	30,000	49,950	76,850
7 Persons	32,050	53,400	82,150
8 Persons	34,100	56,850	87,450

Source: HUD, 2008.

4. Poverty

The poverty rate is a federally defined level of income for minimum subsistence. The dollar threshold for poverty is adjusted for household size and composition. Table II-11 provides year 2008 poverty thresholds for several types of households.

Table II-11
Poverty Thresholds (2008)

Single Person 65+	\$10,326	Two Adults, One Child	\$17,330
Single Person Under 65	\$11,201	One Adult, Three Children	\$21,910
Two Persons 65+	\$13,030	Two Adults, Two Children	\$21,834
Two Persons Under 65	\$14,489	One Adult, Four Children	\$25,301
One Adult, Two Children	\$17,346	Two Adults, Three Children	\$25,694

Source: 2008 U. S. Census Poverty Data - <http://www.census.gov/hhes/www/poverty/data/threshld/thresh08.html>

According to the 2006-2008 American Community Survey 3-Year Estimates, approximately 8.4 percent of the City's population was below the poverty level (Table II-12). Of households below the poverty level, the poverty rate for seniors was 3.9 percent, 8.3 percent for adults ages 18 to 64, 13.4 percent for persons younger than 18 years of age, and 14.8 percent for single mothers.

In the County, approximately 8.8 percent of all persons were impoverished. Eight point two (8.2) percent of all adults (18-64) in the County are below the poverty level, 6.1 percent of all senior citizens and 13.7 percent of all children under 18 are below the poverty level. Single mother represent 19.4 percent of impoverished families.

Table II-12
El Cerrito 2008 Poverty Rates

Group	Above Poverty Level	Below Poverty Level	Poverty Rate
65 years and over	4,545	185	3.9%
18-64	14,130	1,279	8.3%
Adults 18 years and over	18,649	1,490	7.4%
Under 18 years	3,564	552	13.4%
Single-Mother Families	1,072	186	14.8%
Married-Couple Families	4,495	197	4.2%

Source: 2006-2008 American Community Survey 3-Year Estimates

5. Employment Trends

Area Employment Profile

According to the 2006-2008 American Community Survey 3-Year Estimates, 32.6 percent of the El Cerrito residents were employed in educational services, and health care and social assistance. Professional, scientific, and management, and administrative and waste management services had the second largest number of employees (17.8 percent), 9.3 percent were employed in Finance and insurance, and real estate and rental and leasing, and 7.8 percent were employed in Retail trade.

In terms of major sources of employment within the City, according to the 2007 US Economic Census, highest number of employers in El Cerrito was based in retail trade, accommodations and food service and professional, scientific, and technical services. The largest number of paid employees were in the retail sector. Table II-13 lists major employers in El Cerrito.

Table II-13
Major Employers (2008-2009)

Autometrics	Nation's Restaurant
Barnes and Noble	Orchard Supply Hardware
Bed, Bath and Beyond	Pastime Hardware
Dollar Tree	PetCo Animal Supplies
City of El Cerrito	Romano's Macaroni Grill
Guitar Center	Ross Stores
Honda of El Cerrito	Safeway Stores
Long's Drugs	Staples
Lucky Supermarket	Trader Joe's
Marshall's	Walgreen's Drug Store
McDonald's Restaurant	West Contra Costa Unified School District

Source: City of El Cerrito 2009 Comprehensive Annual Financial Report.

The California Employment Development Department (EDD) produced an Occupational Employment and Wage Data spreadsheet by County for 2008. This spreadsheet lists over 600 jobs in Contra Costa County alone. A sample of jobs and salaries was taken relating to necessary services in El Cerrito. The mean annual wage, and the 25th percentile and 75th percentile of the working force for each job category are listed below (Table II-14).

Table II-14
Oakland-Fremont-Hayward Metropolitan Division Projections of Employment 2009

Occupational Group	Estimated Employment (2006)	Estimated Employment (2016)	Numeric Change	Annual Salary ¹	Income Group ²
Personal and Home Care Aides	16,650	25,190	8,540	\$24,470	Very Low
Registered Nurses	17,220	20,260	3,040	\$93,646	Above Moderate
Combined Food Preparation and Serving Workers, Including Fast Food	13,920	16,670	2,750	\$18,168	Extremely Low
Computer Software Engineers, Applications	7,890	10,460	2,570	\$96,353	Above Moderate
Home Health Aides	3,960	5,500	1,540	\$21,867	Very Low
Network Systems and Data Communications Analysts	3,460	4,580	1,120	\$76,675	Moderate
Medical Assistants	3,830	4,520	690	\$34,276	Low
Veterinary Technologists and Technicians	680	1,310	630	\$40,670	Low
Cleaners of Vehicles and Equipment	3,180	3,780	600	\$19,008	Extremely Low
Social and Human Service Assistants	2,940	3,530	590	\$41,942	Low

Source: Employment Development Department, 2009.

¹ Annual salary is figured by multiplying hourly wage by 2,080

² Based on a four-person household income

6. Special Housing Needs

a. Elderly

The elderly face special housing challenges related to physical and financial conditions. Older adults face declining mobility and self-care capabilities, which create special housing needs and challenges. Many older adults, even those owning their own homes, face financial challenges due to limited incomes from Social Security and other retirement benefits. Data on the incomes and housing expenses of households 65 and older indicate that a substantial number (although by no means the majority) of these older adults may need assistance related to:

- Repair and maintenance of owned dwellings units;
- Modifications to existing homes to better meet mobility and self-care limitation;
- Financial assistance to meet rising rental housing costs for those who do not own; and
- Supportive services to meet daily needs, such as those provided at assisted care residences.

Table II-15 compares the number of older adults in 2000 and 2008. The elderly population in El Cerrito is decreasing slightly compared to the total population.

Table II-15
Pattern of Aging of the El Cerrito Population

	2000	2008	Percent Change
Total Population	23,171	23,431	1%
Population 55+	7,053	3,501	-50%
Population 65+	4,733	4,730	<1%

Source: 2000 U.S. Census and 2006-2008 American Community Survey 3-Year Estimates

In 2008, the incidence of poverty in El Cerrito was lower among the population over 65 years of age (3.9 percent) than it was for the population between the ages of 18 to 64 (8.3 percent).

Tenure is important when analyzing the needs of seniors. Older adults tend to have the highest rates of homeownership of any age group. In 1990, the proportion of seniors living in owner-occupied housing was 83 percent (2,609) and 17 percent (540) living in rental units according to the 1990 Census. At that time, although seniors represented about 21 percent of the population, they comprised 43 percent of all homeowners. Although 2000 & 2008 Census data on tenure by age was not available, the total percentage of homeowners in 2000 was 61 percent and 62 percent in 2008, suggesting that the gap in homeownership rates by age may have decreased by about 50 percent since 1990. In 2008, of owner-occupied units in El Cerrito, 32% do not have a mortgage – meaning they are owned outright. Given the length of the standard mortgage of 20-30 years, this data point would suggest that nearly a third of all owner occupied units in El Cerrito are owned by seniors. This data point is supported by the 2008 data point that 27.6% of households in El Cerrito have one or more residents over 65.

One common special need for a growing portion of the elderly is for assisted living facilities that combine meal, medical, and daily living assistance in a residential environment. The State Department of Social Services licensed elderly care facilities provide services in El Cerrito (Table II-16). All offer assisted living services in a residential home setting.

Table II-16
State Department of Social Services Licensed Elderly Care Facilities

Name	Address	License Status	Number of Beds
Adams Care Home	7400 Potrero Avenue	Licensed	6
Bayview Happy Home	1345 Scott Street	Licensed	6
El Cerrito Royale	6510 Gladys Avenue	Licensed	185
Grace Elder Care	2610 Francisco Way	Licensed	6
Red Maple Residential Home	7100 Manila Avenue	Licensed	6
RN Loving Care Home	1299 Lawrence Street	Licensed	6
Rn3 Loving Care Home I	917 Elm Street	Licensed	6
Rn3 Loving Care Home II	921 Elm Street	Licensed	6
Rn3 Loving Care Home III	1320 Devonshire Drive	Licensed	6
Via Community	253 Pomona Avenue	Licensed	6
Yume Assisted Living	7450 Moeser Lane	Licensed	6

Source: State of California Care Network, 2010.

The facilities listed above are primarily institutional care facilities. Many of the seniors who might consider selling their home are younger, active seniors who do not yet require institutional, nursing care. There is a need in the community to provide high-quality, independent living senior housing that provides on-site nursing care and individual living units. Because many seniors desire to “downsize” when they move, these senior housing developments will likely be higher density projects with on-site supportive services. An increase in this type of available housing for seniors makes it possible for them to sell their homes and remain in the community.

b. Mobility and Self-Care Limitations

Less than 13 percent of the City’s non-institutionalized residents have physical conditions that affect their abilities to live independently in conventional residential settings. These individuals have mobility impairments, self-care limitations, or other conditions that may require special housing accommodations or financial assistance. Individuals with such disabilities can have a number of special needs that distinguish them from the population at large.

Individuals with mobility difficulties (such as those confined to wheelchairs) may require special accommodations or modifications to their homes to allow for continued independent living. Such modifications are often called “handicapped access.”

Individuals with self-care limitations (which can include persons with mobility difficulties) may require residential environments that include in-home or on-site support services, ranging from congregate to convalescent care. Support services can include medical therapy, daily living assistance, congregate dining, and related services.

Individuals with developmental disabilities and other physical and mental conditions that prevent them from functioning independently may require assisted care or group home environments.

Individuals with disabilities may require financial assistance to meet their housing needs. Because a higher percentage of the population at large are low-income, their special housing needs are often more costly than conventional housing.

Some people with mobility and/or self-care limitations are able to live with their families to assist in meeting housing and daily living needs. A segment of the disabled population, particularly low-income and retired individuals, may not have the financial capacity to pay for needed accommodations or modifications to their homes. In addition, even those able to pay for special housing accommodations may find them unavailable in the City.

Disabled persons often require special housing features to accommodate physical limitations. Some disabled persons may have financial difficulty due to the cost of having their special needs met or due to difficulty in finding appropriate employment. Although the California Administrative Code Title 24 requires that all public buildings be accessible to the public through architectural standards such as ramps, large doors, and restroom modifications to enable handicap access, not all available housing units have these features. According to 2007 American Fact Finder Census data, there were approximately 2,944 non-institutionalized disabled persons over age 5 in El Cerrito.

c. Female Heads of Households

Most female-headed households are either single elderly women or single-mothers. Traditionally, these two groups have been considered special needs groups because their incomes tend to be lower, making it difficult to obtain affordable housing, or because they have specific physical needs related to housing (such as child care or assisted living support). Single-mothers, in particular, tend to have difficulty in obtaining suitable, affordable housing. Such households also have a greater need for housing with convenient access to child-care facilities, public transportation, and other public facilities and services.

Of the 10,213 households in the City in 2008, 1,258 are female-headed households, or 12.5 percent of the total households in El Cerrito. Approximately 14.8 percent of female-headed households are classified as living below the poverty level and if there are children under age 5 in the home, that percentage rises to 38.7 percent. It may be assumed that most of these households are overpaying for housing (i.e. more than 30 percent of their income), or are experiencing other unmet housing needs. As a result of poverty, female heads of households often spend more on immediate needs such as food, clothing, transportation, and medical care, than on home maintenance, which can result in living units falling into disrepair.

d. Large Families

The Census Bureau defines large families as households of five or more related individuals. In El Cerrito, there were 550 households of five or more persons in 1990. In 2000, that number had increased to 561 households. Data is unavailable for 2008. In 1990, large families comprised approximately 98 percent of these households, 96 percent in 2000, while non-families, non-related persons living together, represented 2 percent, 4 percent in 2000. Large families often face special challenges in the housing market because they need to find housing of sufficient size (three or more bedrooms) and do not always have sufficient income to purchase or rent such housing. No specific information was available on the income of large families relative to housing payments to determine if there is a significant

problem of overpayment of housing costs by low-income large families. However, the 2006-2008 American Community Survey 3-Year Estimates reported 2.2 percent of El Cerrito households were overcrowded, (overcrowded households are defined as households with more than 1.01 persons per room) virtually all of which are likely to be large families based on the definition of overcrowding

e. Farm Workers

El Cerrito is not an agricultural area, although there are a few sites left in the City that have active agricultural uses as the primary land use. The likelihood of special farmworker housing needs is extremely low. According to the 2006-2008 American Community Survey 3-Year Estimates, less than 1 percent of the City's residents were employed in farming, forestry, and fishing occupations of the total labor force. The California Employment Development Department includes farm workers, nursery workers, delivery truck drivers for produce and flower, horticulturists, landscapers, tree trimmers, and lawn gardeners in this category. Given El Cerrito's location in an urban region, it is likely that few, if any, of these "farmworkers" are employed in crop production or harvesting and would require special farmworker housing. If needed, the construction of a farmworker housing project is allowed with in all residential and commercial zones.

f. Homeless and Individuals

Homeless individuals and families have perhaps the most immediate housing needs of any group. According to Contra Costa County's 2004 plan "Ending Homelessness in Ten Years: A County-Wide Plan for the Communities of Contra Costa County," the most common reasons for homelessness in the County are the inability to find a job because of lack of education or skills, high housing costs in comparison to incomes, and family disputes. For others, homelessness may also be the result of chronic health problems, physical disabilities, or substance abuse.

It is challenging to accurately count homeless populations, which include people living in vehicles and in places not designed to be permanent housing (such as motels) in addition to those on the streets and in shelters. According to the annual county-wide homeless count conducted by the Contra Costa Inter-jurisdictional Council on Homelessness (CCICH) and Project HOPE in January 30, 2007, there were 4,157 homeless persons in Contra Costa County. Of these, a total of 2,408 persons were sheltered and another 1,749 individuals were unsheltered at the time of the survey. The survey identified 117 unsheltered homeless people in El Cerrito including 21 women and 5 children under the age of 16. Of these 117, over one-quarter were in encampments.

There are no homeless or transitional shelters located in El Cerrito. The closest shelters are located in Richmond, including the Bay Area Crisis Nursery, which provides 20 year-round individual beds, Calli House Youth Shelter, with 6 year-round beds for transition-age youth, Emergency Shelter with 75 year-round beds for families with children, Bay Area Rescue Mission with 150 year-round beds for families with children.

In terms of permanent housing serving the formerly homeless, the City of El Cerrito was a sponsor of the Idaho Apartments, a 28-unit affordable housing development located on the El Cerrito-Richmond border.

Contra Costa County is the primary planning agency charged with providing services to the homeless throughout the County. The County's Public Health Division offers a variety of homeless programs such as the Shelter Plus Care (S+C) Program; Project HOPE; Project Coming Home; Health, Housing and Integrated Services Network (HHISN); and other programs. They are made available to all Contra Costa residents, including those in El Cerrito. Besides the County, there are a number of private non-profit organizations in and around the Bay Area that provide services to the homeless and special needs groups. They include Shelter, Inc., Rubicon Programs, Inc., The Food Bank of Contra Costa and Solano, American Red Cross, and Bay Area Rescue Mission.

The City supports the County's "Ending Homelessness in Ten Years: A County-Wide Plan for the Communities of Contra Costa County" (Ten Year Plan); particularly its "housing first" strategy, which works to immediately house a homeless individual or family rather than force them through a sequence of temporary shelter solutions. Additionally, the City supports the Ten Year Plan goal of deemphasizing emergency shelters by supporting "interim housing" as a preferred housing type. Interim housing is very short-term and focuses on helping people access permanent housing as quickly as possible. Services provided in interim housing include housing search assistance and case management to help address immediate needs and identify longer-term issues to be dealt with once in permanent housing.

Consistent with the Ten Year Plan, the City will prioritize the use of its limited housing development resources to support permanent housing affordable to those with extremely low, very low- and low-incomes.

In 2008, a new State law was adopted (Government Code 65583 (a)(4)) requiring local jurisdictions to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The City Zoning Ordinance allows emergency, transitional and group housing facilities as a permitted use within the Community Commercial (CC) zone.

The Idaho Apartments, operated by Rubicon Programs, is an example of permanent rental housing that offers supportive services for its residents.

g. Extremely Low Income Households

Extremely low-income households are defined as those households with incomes under 30 percent of the County's median income. Extremely low-income households typically consist of minimum wage workers, seniors on fixed incomes, the disabled, and farmworkers. This income group is likely to live in overcrowded and substandard housing conditions. This group of households has specific housing needs that require greater government subsidies and assistance, housing with supportive services, single room occupancy (SRO) and or shared housing, and/or rental subsidies or vouchers. In recent years, rising rents, higher income and credit standards imposed by landlords, and insufficient government assistance has exacerbated the problem. Without adequate assistance this group has a high risk of homelessness.

The area median income in Contra Costa County is \$78,619. For extremely low income households, this results in an income of \$25,830 or less for a four-person household. Households with extremely low incomes have a variety of housing situations and needs. In 2000, approximately 964 extremely low-income households resided in the City, representing

10.5 percent of the total households. Most (73.9 percent) extremely low-income households experience a high incidence of housing problems. Housing problems (primarily overpayment) exist for 76.7 percent of extremely low-income renters and 69.3 percent of extremely low income owners. Even further, 64.3 percent of extremely low-income households paid more than 50 percent of their income toward housing costs, compared to 11.5 percent for all households.

Table II-17
Housing Problems – Extremely Low Income Households

Household by Type, Income, & Housing Problem	Total Renters	Total Owners	Total Households
Household Income <=30% MFI	589	375	964
% with any housing problems	76.7	69.3	73.9
% Cost Burden >30%	74	68.3	71.8
% Cost Burden >50%	70.6	54.4	64.3
Total Households	3,954	6,211	10,165
% with any housing problems	38.3	23.5	29.2
% Cost Burden >30	32.8	21.9	26.2
% Cost Burden >50	15.4	9	11.5

Source: Comprehensive Housing Affordability Strategy, 2000 - <http://socds.huduser.org/chas/reports>

To calculate the projected housing needs, the City assumed 50 percent of its very low-income regional housing allocation are extremely low-income households. As a result, from the very low income need of 93 units, the City has a projected need of 46 units for extremely low-income households by 2014. Many extremely low-income households will be seeking rental housing and most likely facing an overpayment, overcrowding or substandard housing condition. Some extremely low-income households could be with mental or other disabilities and special needs.

7. Existing Housing Stock

a. Housing Composition

According to the California Department of Finance, over two-thirds of the units in El Cerrito in 2008 were single-family detached (69 percent), 15.3 percent were multiple units of five or more, 12.3 percent were multiple units of two to four, 3 percent were single-family attached housing and 1 percent were mobile homes. Analysis of the County's housing units shows, 68 percent single-family detached, 17 percent multiple units of five or more, 8 percent single-family attached, 6.5 percent multiple units of two to four, and 2 percent mobile homes. Tables II-18 and II-19 show annual changes in the housing stock (City and County respectively) between January 1990 and January 2010 as determined by the California Department of Finance.

Table II-18
Housing Estimates for the City of El Cerrito (2000 through 2010)

Year	Housing Units							Persons Per Household
	Total	Single		Multiple		Mobile Homes ^(a)	Occupied	
		Detached	Attached	2 to 4	5 Plus			
1990	10,311	7,299	324	1,295	1,319	74	9,924	2.29
2000	10,462	7,296	343	1,303	1,488	32	10,208	2.3
2001	10,468	7,300	343	1,305	1,488	32	10,214	2.23
2002	10,482	7,310	343	1,309	1,488	32	10,228	2.27
2003	10,490	7,318	343	1,309	1,488	32	10,236	2.28
2004	10,493	7,321	343	1,309	1,488	32	10,239	2.28
2005	10,504	7,332	343	1,309	1,488	32	10,250	2.25
2006	10,610	7,338	355	1,315	1,570	32	10,353	2.22
2007	10,614	7,342	355	1,315	1,570	32	10,357	2.11
2008	10,699	7,347	355	1,319	1,646	32	10,440	2.22
2009	10,705	7,350	358	1,319	1,646	32	10,446	2.23
2010	10,714	7,353	364	1,319	1,646	32	10,455	2.25

Source: California Department of Finance, 2000-2010 City/County Population and Housing Estimates.

^(a) El Cerrito contains one registered recreation vehicle (RV) park containing 28 spaces. There are no other known mobile home parks in El Cerrito. The Census count of mobile homes may include manufactured or modular units used as second units or temporary homes.

Table II-19
Housing Estimates for Contra Costa County (2000 through 2010)

Year	Housing Units							Persons Per Household
	Total	Single		Multiple		Mobile Homes	Occupied	
		Detached	Attached	2 to 4	5 Plus			
1990	316,170	202,523	26,269	23,227	56,739	7,412	300,288	2.64
2000	354,577	232,051	29,939	24,919	60,089	7,579	344,129	2.72
2001	357,381	234,541	29,939	25,169	60,160	7,572	346,848	2.75
2002	362,260	238,601	29,945	25,205	60,934	7,575	351,578	2.76
2003	366,882	242,681	30,229	25,284	61,097	7,591	356,052	2.76
2004	372,307	247,094	30,397	25,321	61,906	7,589	361,318	2.75
2005	378,954	251,915	30,712	25,624	63,103	7,600	367,742	2.73
2006	387,227	257,043	30,911	25,848	65,813	7,612	375,727	2.70
2007	392,650	261,448	31,020	25,996	66,563	7,623	380,770	2.69
2008	396,544	264,573	31,093	26,016	67,239	7,623	384,742	2.70
2009	399,187	266,199	31,120	26,066	68,174	7,628	387,147	2.71
2010	400,268	266,962	31,183	26,066	68,422	7,635	388,353	2.73

Source: California Department of Finance, 2000-2010 City/County Population and Housing Estimates.

b. Housing Occupancy and Tenure

Of the 10,675 year-round dwelling units in El Cerrito reported by the Census Bureau in 2008, 10,213 units (96 percent) were occupied and 462 units (4 percent) were vacant (Table II-19). By comparison, 93 percent of the dwelling units countywide were occupied and 7 percent were vacant. Table II-20 shows that El Cerrito had a lower homeowner vacancy rate (1.2 percent) than Contra Costa County (3 percent). El Cerrito also has a lower rental vacancy rate of 2.8 percent while Contra Costa County has a rental vacancy rate of 6.1 percent. Of the 10,213 housing units in the City, 62 percent (6,335) of them were owner occupied and 38 percent (3,878) were renter occupied.

Table II-20
Housing Occupancy (2008)

	City	County	City Percent	County Percent
Occupied housing units	10,213	364,643	96%	93%
Vacant housing units	462	27,846	4%	7%
Total housing units	10,675	392,489	100%	100%
Homeowner vacancy rate			1.2%	3.0%
Rental vacancy rate			2.8%	6.1%

Source: 2006-2008 American Community Survey 3-Year Estimates

Homeownership rates listed in Table II-21 reveal that half of all Whites, Blacks, Asian/Pacific Islander and Native Americans own their own homes. Persons of Other race, two or more races, and persons of Hispanic origin have the highest rental rates of all the races.

Table II-21
Homeownership Rates (2000)

Race	Owners	Renters	Ownership Rate	Rental Rate
White	4,200	2,383	64%	36%
Black	407	418	49%	51%
Native American	27	25	52%	48%
Asian	1,394	720	66%	34%
Other	109	204	35%	65%
Two of more races	102	254	29%	71%
Hispanic origin	214	357	37%	63%

Source: 2000 U.S. Census Data.

Due to a lack of data in the American Fact Finder for the 2008 period, analysis of 2000 Census data for tenure by age was completed. The analysis reveals that nearly one-third of persons age 45 and over in the City were homeowners. The ownership rate for persons aged 55 and older was over 70 percent, over 80% for persons 75 and over. The rental rate for the majority of the population was low, as persons 15 to 34 rented the majority of their housing (over 80 percent) (Table II-22).

Table II-22
Tenure by Age (2000)

Age	Owners	Renters	Ownership Rate	Rental Rate
15 to 24	33	260	11%	89%
25 to 34	358	1,171	23%	77%
35 to 44	885	972	48%	52%
45 to 54	1,273	699	65%	35%
55 to 64	569	236	71%	29%
65 to 74	430	136	76%	24%
75 and over	1,114	220	84%	16%
Total	6,239	4004	61%	39%

Source: 2000 U.S. Census Data.

c. Age and Condition of Housing Stock

The age and condition of the housing stock provide additional measures of housing adequacy and availability in many communities. Although age does not always correlate with substandard housing conditions, neighborhoods with a preponderance of homes more than 40 years old are more likely than newer neighborhoods to have a concentration of housing problems related to deferred maintenance, inadequate landscape care, outdated utilities or interior amenities, and a need for housing rehabilitation.

The year a structure was built can, at times, be an indicator of the current condition of the housing unit. Housing units built before 1940 may be old, but may not necessarily be in a rundown condition. In contrast, newer homes that were built equipped with adequate utilities and amenities may already be rundown due to abuse or general lack of care. However, it is useful to look at the age of the housing stock to determine where inadequacies may lie, or why certain units remain vacant. Table II-23 shows that the highest percentage (60.8 percent) of housing units in the City were built between 1940 and 1950. Seventy percent of the City's housing stock was built between the 1940 and 1960.

Table II-23
Age of Housing Units

Year	Number of Units	Percentage
1939 or earlier	1,145	10.7%
1940 to 1949	3,223	30.2%
1950 to 1959	3,262	30.6%
1960 to 1969	1,237	11.6%
1970 to 1979	884	8.3%
1980 to 1989	365	3.4%
1990 to 1999	312	2.9%

2000-2004	88	.8%
2005 and later	159	1.5%
Total	10,675	100%

Source: 2006-2008 American Community Survey 3-Year Estimates

d. Overcrowding

In general, overcrowding is a measure of the ability of existing housing to adequately accommodate residents and can result in deterioration of the quality of life within a community. Overcrowding is defined by most housing analyses as more than one person per room. Extreme overcrowding is often defined as more than 1.5 persons per room. Overcrowding typically results when either: 1) the costs of available housing with a sufficient number of bedrooms for larger families exceeds the family's ability to afford such housing, or 2) unrelated individuals (such as students or low-wage single adult workers) share dwelling units due to high housing costs. This can lead to overcrowded situations if the housing unit is not large enough to accommodate all of the people effectively.

Table II-24 summarizes the overcrowding status in the City. Half of one percent of the City's occupied housing units were overcrowded, compared to .7 percent of the County's occupied housing units. In 2008, the average household size for owner-occupied housing was 2.39 persons in El Cerrito, 2.82 in Contra Costa County. For rental housing, the average persons per household was 2.20 in El Cerrito and 2.60 in Contra Costa County.

Table II-24

Persons Per Room in All Occupied Housing Units - 2008

Persons	City	Percent	County	Percent
1.00 or less	9,989	97.8%	351,758	96.5%
1.01 to 1.5	174	1.7%	10,218	2.8%
1.51 or more	50	.5%	2,667	.7%

Source: 2006-2008 American Community Survey 3-Year Estimates

8. Housing Costs

a. Rental Rates

A survey of rental rates in the City and surrounding communities reveal a variety of units and the different rental price ranges (Table II-25). El Cerrito's rental prices appear to be higher than some of the neighboring communities.

Table II-25
Median Rental Rates in El Cerrito and surrounding Cities (2009)

City	Type: Bedroom (BR)/Bath (BA)					Average Rent
	Studio	1BR/1BA	2 BR/1BA	2BR/1+BA	3BR/1+BA	
El Cerrito	\$756	\$1,217	\$1,260	\$1,515	\$1,387	\$1,227
Pinole	\$800	\$944	\$1,082	\$1,798	\$1,610	\$1,246
Richmond	\$985	\$888	\$1,026	\$1,510	\$2,450	\$1,372
San Pablo	\$870	\$899	\$1,247	\$1,908	\$1,751	\$1,335
Pleasant Hill	\$989	\$1,202	\$1,236	\$1,478	\$2,004	\$1,382
Concord	None	\$875	\$1,073	\$1,369	\$1,725	\$1,261
Martinez	\$723	\$1,137	\$1,204	\$1,512	\$1,860	\$1,287
Walnut Creek	\$1,122	\$1,075	\$1,090	\$1,578	\$2,725	\$1,518
El Sobrante	\$1,256	\$1,247	\$1,264	\$1,639	\$1,406	\$1,362

Source: 2010-2015 Contra Costa County Draft Consolidated Plan

Fair market rents for the Contra Costa County area in fiscal year 2008 are provided in Table II-26. The rental rates listed above (Table II-25), show that El Cerrito's rental rates are somewhat higher than the fair market rates for the area making El Cerrito less affordable compared to some of the other cities in the County. In 2009, El Cerrito's median rental rate for a one-bedroom apartment was \$1,217, and \$1,260 for a two-bedroom apartment.

Table II-26
2008 Fair Market Rents for Existing Housing in Contra Costa County

Studio	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms
\$866	\$1,046	\$1,239	\$1,680	\$2,080

Source: Federal Register, HUD, 2008.

Table II-27 shows the listing of one mobile home park space rents in El Cerrito. There are very few vacancies.

Table II-27
Mobile Home Park Space Rental Rates

Name	Total Spaces	Average Monthly Rent
Audiss RV Park	28	\$620.00

Source: Audiss RV Park, 2010.

b. Home Prices

Table II-28 lists prices of homes that were listed "for sale" or "sold" in October 2010, according to ZipRealty.com and Blockshopper.com. The highest percentage of homes in either category was two-bedroom single-family units.

Table II-28
Home Prices in El Cerrito (October 2010)

	Bedrooms	Units for Sale	Median	Average	City Range	% of Total
Single-Family Homes						
	1	0	--	--	--	0%
	2	15	\$425,000	\$416,125	\$74,888-\$665,000	45%
	3	11	\$479,000	\$495,636	\$245,000-\$699,000	33%
	4	7	\$745,000	\$787,000	\$539,000-\$1,255,000	21%
	5+	1	--	--	1,780,000	
Total		33	--	--	--	85%
Condominiums						
	1	1	--	--	\$138,000	50%
	2	1	--	--	\$345,000	50%
Total	--	2	--	--	--	5%

Source: RealtyTrac.com and Blockshopper.com, October 2010

Homes Prices in Surrounding Areas

Table II-29 is a list of median “for sale” home prices throughout El Cerrito and the surrounding area. These prices were taken from the Contra Costa County Consolidated Plan. These prices only reflect existing units during a survey done in November 2009; the size and number of bedrooms is not known. Housing sales prices for El Cerrito, noted on Table II-29, shows prices comparable to surrounding cities.

Table II-29
Median Home Prices for El Cerrito and Surrounding Areas (February 2010)

Jurisdiction	Median Home Price	Number of Units For Sale
Albany	\$518,500	45
Martinez	\$333,000	90
Pinole	\$267,354	32
Hercules	\$325,000	54
El Cerrito	\$539,500	21
Richmond	\$157,000	177
Lafayette	\$805,000	76
San Pablo	\$152,344	45
Pleasant Hill	\$439,500	54

Source: Trulia.com, February 2010.

9. Affordability

Lower Income Households Overpaying for Housing

As stated previously, there are four income categories typically used for comparative purposes based on the median countywide income: very low-income (0-50 percent of median income), low-income (50-80 percent of median income), moderate-income (80-120 percent of median income) and above moderate-income (120 percent or more of median income). One method of analyzing housing affordability to each income group is to compare the number and/or percent of housing units by cost to the number and/or percent of households by comparable income levels.

A standard measure of housing affordability is that housing expenses should not exceed 30 percent of a household's income, on the average. Those who pay 30 percent or more of their income on housing may have trouble in affording other necessities. However, to truly evaluate housing affordability, individual circumstances must be taken into account. These factors include other long-term debt, mortgage interest rates, the number of household members, and other large, ongoing expenses (such as medical bills). Since it is impossible to consider each household's individual circumstances, the 30 percent rule-of-thumb provides a general measure of housing affordability for the average household.

Table II-30 shows the number of households paying over 30 percent of their income on housing in 2000. Data was unavailable for the 2008 planning period. Of renters, approximately 80 percent of very low-income households spend over 30 percent of their income on housing, and 46 percent of low-income households spend over 30 percent of their income on housing. For owner occupied households, 52 percent of very low-income and 37 percent of low income households spend over 30 percent of their income on housing. Some households choose to pay over 30 percent of their income for various reasons, such as location, aesthetics, or other factors. Other households choose to pay larger percentages of their income because they may receive tax advantages or are investing with the knowledge that their income will increase so that they pay a lower percentage of their income on a long-term basis. In contrast, very low- and low-income households are forced to pay a large percentage of their income either because they cannot afford anything less, or they are limited to certain costs due to a lack of available low-cost housing options.

Table II-30
Number of Households Paying Over 30 Percent of Income on Housing (2000)

Income	Owners	% Paying over 30%	Renters	% Paying over 30%	Total
Very Low-Income	897	52%	1039	80%	1936
Low-Income	741	37%	651	46%	1392

Source: Comprehensive Housing Affordability Strategy, 2000 - <http://socds.huduser.org/chas/reports>

Further analysis of housing expenditures as a percent of income shows that most homeowners and renters with incomes of \$50,200 (2000) and above paid less than 30 percent of their income to housing (Table II-31). Renters and owners with incomes below \$33,799 paid the highest percentages of income to housing.

Table II-31
El Cerrito Housing Expenditure Rate per Income Group (2000)

Income	<\$20,300	\$20,300-33,799	\$33,800 – 50,199	\$50,200+	Total Households
Renters					
Under 30%	26	13	55	92.4	64
30%+	74	87	45	7.6	36
50%+	70	27	10	0.2	15
Total Households	589	450	651	2264	3954
Owners					
Under 30%	32	64	63	86	74
30%+	68	36	37	14	26
50%+	54	26	20	1.5	11.5
Total Households	964	972	1392	4573	6211

Source: Comprehensive Housing Affordability Strategy, 2000 - <http://socds.huduser.org/chas/reports>

A household can typically qualify to purchase a home that is 2.5 to 3.0 times its annual income, depending on the down payment, the level of other long-term obligations (such as a car loan), and interest rates. Based on the homes sold in October 2010, and affordability rates at 3.0 times the annual income of a four-person household, Table II-32 shows that there was only one home affordable to very low-income households and it was a single bedroom condominium – unsuitable for a family of four. This particular home was also a short sale which can present a number of problems (length of time for approval, difficulty in financing) for the purchaser.

Table II-32
Homes Sold that Are Affordable to Lower-Income Households (2010)¹

Income Group	Affordability Level ²	Homes For Sale in 2010 ³
Very Low-Income	\$129,150	2%
Low-Income	\$206,640	8%
Moderate-Income	\$309,960	11%

Source: HUD 2001 Income Limits, ZipRealty.com and Blockshopper.com for October 2010.

¹Units include single-family homes and condominiums.

² The affordability level is based on 3 times the Contra Costa County median income for 2008 (HUD 2008 Income Limits).

³ Homes for sale were taken from the October 2010 search from ZipRealty.com and Blockshopper.com.

10. Current Housing Needs

a. Regional Housing Needs Allocation (RHNA)

This section evaluates projected future housing needs for El Cerrito based on the RHNA adopted by Association of Bay Area Governments (ABAG) on May 15, 2008. ABAG allocates a “fair share” by income category based on projected housing need for each jurisdiction. Each jurisdiction is required to report to HCD on how the fair share allocation can be accommodated within the planning period. The allocations are intended to be used by jurisdictions when updating their housing elements as the basis for assuring that

adequate sites and zoning are available to accommodate at least the number of units allocated.

State law (California Government Code Section 65584) provides for councils of governments to prepare regional housing allocation plans that assign a share of a region's housing construction need to each city and county. In the nine-county San Francisco Bay Area, ABAG is the council of governments authorized under State law to identify existing and future housing needs for the region.

ABAG's methodology is based on the regional numbers supplied by the HCD. These are "goal numbers" and often exceed anticipated growth in housing units. A goal vacancy rate is set by HCD, and then a housing unit needs to meet that vacancy rate is derived by assessing potential growth rates (population, jobs, households) and loss of housing due to demolition. The numbers produced by HCD are provided to ABAG in the form of a regional goal number, which is then broken into income categories. ABAG is then mandated to distribute the numbers to Bay Area jurisdictions by income categories.

The Regional Housing Needs Allocation is a minimum needs number—cities and counties are free to plan for, and accommodate, a larger number of dwelling units than the allocation. The City must however use the numbers allocated under the RHNA to identify measures (policies and ordinances) that are consistent with these new construction goals. While the City must also show how it will accommodate for these units to be built, it is not obligated to build any of the units itself or finance their construction.

According to the RHNA, the City of El Cerrito has a total housing construction need of 431 units and an annual need of 54 units. Table II-33 shows El Cerrito's 2007-2014 planning period allocation.

Table II-33
Regional Housing Needs Allocation (2007-2014)

Dwelling Units	% of Total	Income Level
46	10%	Extremely Low-Income
47	11%	Very Low-Income
59	14%	Low-Income
80	19%	Moderate-Income
199	46%	Above Moderate-Income
431	100%	Total

Source: ABAG (2007-2014) Regional Housing Needs Determination.

HCD allows jurisdictions to count four types of credits toward meeting their Regional Housing Needs Allocation:

- Actual Production. Jurisdictions can count the number of approved and built units during the planning period of 2007-2014 toward their RHNA.
- Rehabilitation of Units. Under State law, cities can count up to 25 percent of their RHNA for the rehabilitation of qualified substandard units that would otherwise be demolished.

- **Preservation of Affordable Units.** AB 438 (2002) authorizes jurisdictions to count a part of the affordable units which would otherwise revert to market rents but are preserved through committed assistance from the jurisdiction.
- **Available Land for Development.** Cities and counties may also count potential housing production on suitable vacant and underutilized sites within the community.

b. Regional Housing Needs Plan and Residential Potential by Income Level

Although most of the vacant or under-utilized parcels are small infill lots, the potential number of units is well over 431, ABAG's RHND number for El Cerrito. Of the 431 units, at least 93 must be affordable to very low-income households, 59 to low-income households, and 80 to moderate-income households. The remaining 199 housing units are allocated to households with above-moderate incomes. Based on the Vacant and Under-utilized land inventory in Appendix A, Table A-3 illustrates a minimum number of potential units for each zoning district classification. Table II-34 illustrated the estimated number of units produced for each income category.

The City believes that the Community Commercial and Transit-Oriented Mixed Use zones and the RM zone have the greatest potential to produce housing affordable to low- and moderate-income households because they allow up to 45 dwelling units per acre up to 70 units per acre under certain circumstances..

California Redevelopment Law requires that 15% of all housing units produced within the Redevelopment Project Area by a public or private entity (other than a Redevelopment Agency itself), must be affordable to very low, low or moderate-income households. Of that 15%, a minimum of 40% of the units must be affordable for very low-income households.

Based on the available land inventory in Appendix A, El Cerrito would be able to meet its RHNA for all income categories. The affordable units would be created primarily in the Community Commercial and Transit-Oriented Mixed Use zones and the RM zoning district. Table II-34 demonstrates a distribution of affordable units that could be built based on the total number of vacant or underutilized lots in Table A-3: Available Land Inventory.

Table II-34

Affordable Unit Development Chart based on Table A-3: Available Land Inventory

Zoning District Classification	Very Low-Income	Low-Income	Moderate	Above-Moderate	Total
Community Commercial, Transit Oriented Mixed Use	65	58	51	909	1083
RM, Multifamily Residential	3	1	2	34	40
RD, Duplex				6	6
RS, Single-Family Residential				238	238
TOTALS	68	59	53	1187	1367

c. Progress in Meeting the RHNA

One of the Housing Element's main goals is to ensure that a variety of housing opportunities at a range of prices and rents are made available to residents. This includes, but is not limited to, conventional single-family homes, multi-family apartments, town homes, and housing for special needs groups. Since the Housing Element planning period runs from January 1, 2007, to June 30, 2014, El Cerrito's Regional Housing Needs Allocation (RHNA) can be reduced by the number of new units built or approved since January 1, 2007. Table A-1 showing all residential projects with an affordable housing component that have been approved or constructed since the start of the current Housing Element planning period (January 1, 2007) is located in Appendix A.

III. RESOURCES AND CONSTRAINTS

A. GOVERNMENTAL RESOURCES AND CONSTRAINTS

Governmental resources include programs that provide funds for housing-related activities, as well as, incentives provided by the local jurisdiction for the provision of housing. Governmental constraints are policies, standards, requirements and actions imposed by the government that may have a negative impact on the development and provision of housing for a variety of income levels. These constraints may include land use controls, building codes and their enforcement, environmental review fees and processes, site improvements, fees, exactions required of developers, and local processing and permit procedures. Land use controls may limit the amount or density of development, thus increasing the cost of housing per unit. Building codes may set specific building standards that add material costs or limit building space on a site, thus increasing costs, as do off-site costs such as the installation of a traffic signal. State and federal agencies play a role in the imposition of governmental constraints; however, these agencies are beyond the influence of local government and are, therefore, not addressed in this analysis.

1. Land Use Controls

Land use controls include city-initiated General Plan policies, zoning regulations and standards, permit processing requirements and development fees.

a. General Plan

The General Plan constitutes the highest-level policy document for the City of El Cerrito. The Land Use Element of the General Plan identifies the location, distribution and density/intensity of the land use within the City. Residential densities are measured in dwelling units per acre (du/ac). The 1999 El Cerrito General Plan identifies five land use designations that permit residential uses.

Table III-1
El Cerrito General Plan Residential Land Use Designations

Designation	Description	Permitted Density
Very Low Density Residential	The Very Low Density category of residential land uses is intended for single-family, residential units on large lots. Typically the Very Low Density category is to protect sensitive hillside areas from extensive development and to protect against hazards related to earthquakes, unstable terrain, and wild fires. In addition, Very Low Density land uses are also intended to protect sensitive environmental areas and features, and provide sites for larger, distinctive residences.	Maximum of 6 dwelling units per net acre.
Low Density Residential	The Low Density category of residential land uses is intended to promote and protect single-family neighborhoods.	Maximum of 10 dwelling units per net acre.

Designation	Description	Permitted Density
Medium Density Residential	The Medium Density category of residential land use accommodates more intensive forms of residential development while still remaining compatible with surrounding land uses. This category is intended to provide greater housing choice in the City for different family sizes and incomes. Medium density residential uses are intended to be located closer to community and retail services, such as neighborhood shopping centers, parks and open spaces areas, and near minor and major collector streets where greater access can be provided. This land use category includes a number of housing development types including duplexes, townhouse projects, apartments, and small-lot, single-family residential designs.	Maximum of 20 dwelling units per net acre.
High Density Residential	The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.	Maximum of 35 dwelling units per net acre.
Commercial/ Mixed Use	The Mixed-Use Commercial designation is intended primarily for all types of commercial uses and secondarily for residential uses or a combination of the two. The designation is intended to encourage ground floor, pedestrian friendly, retail sales and service uses with upper floors of office and residential uses. The Mixed-Use Commercial category applies to commercial activity ranging from neighborhood convenience stores to community shopping centers and regionally oriented specialty stores. In addition to retail stores, the Mixed-Use Commercial designation is also intended to allow for residential and office uses, including administrative, professional, medical and dental offices, and "high-tech" research and development uses and laboratories. The Mixed-Use Commercial designation also allows for limited, small-scale specialty manufacturing uses, such as arts and crafts, woodworking, and assembly processes, when located on sites compatible with surrounding neighborhoods.	Maximum of 35 units per net acre.

b. Zoning Code

The Zoning Code is the primary tool for implementing the General Plan. It is designed to protect and promote public health, safety and welfare, as well as to promote quality design and quality of life. The City of El Cerrito's residential zoning designations control both the use and development standards of each residential parcel.

Table III-2 summarizes permitted residential uses in residential districts. Residential zoning includes six main districts: RS, RD, RM, TOM, CC and CN. The RS District is split into four separate subsets guiding the minimum size of each lot and other development standards such as minimum lot depth and width and setbacks—RS-5 would be a minimum lot size of 5,000 square feet, RS-7.5 = 7,500 square feet, RS-10 = 10,000 square feet, and RS-20 = 20,000 square feet. The minimum lot sizes for multi-family housing units in the RM zone are as follows:

2 units:	5,000 square feet
3 units:	6,500 square feet
4 units:	7,700 square feet
5 units:	8,700 square feet
6 units:	9,650 square feet
7 units:	10,500 square feet
8 units:	11,350 square feet
9 units:	12,150 square feet
10 units:	13,000 square feet
11 units	13,900 square feet
12 units	15,000 square feet
12+ units	1,250 square feet x the number of units.

Single-family units are permitted as a matter of right in all single-family residential districts. New single family uses are not allowed in the RM, TOM, CC, CN districts. Multiple family dwellings are permitted by right in the RM, TOM, CC and CN zones.

Table III-2
Residential Uses Allowed in All Zones

Zone	Single-Family Detached	Multi-family	Second Unit	Duplex	Transitional or Homeless Shelter
Single-Family Residential District (RS-5)	P	--	P	--	--
Single-Family Residential District (RS-7.5)	P	--	P	--	--
Single-Family Residential District (RS-10)	P	--	P	--	--
Single-Family Residential District (RS-20)	P	--	P	--	--

Duplex Residential District (RD)	P	--	P	P	--
Multi-Family Residential District (RM)	--	P	P with existing single family use	--	CUP
Neighborhood Commercial (CN)	--	P	P with existing single family use	--	--
Community Commercial District (CC)	--	P < 25 units CUP > 25 units	P with existing single family use	--	P
Transit Oriented Mixed Use District (TOM)	--	P	P with existing single family use	--	AUP, CUP
P=Permitted by Right, AUP= Administrative Use Permit, CUP = Conditional Use Permit					
Source: City of El Cerrito Zoning Code					

Residential Development Standards

The City regulates the type, location, density, and scale of development through the General Plan and the Zoning Ordinance. Provisions in the Zoning Ordinance specify minimum lot areas, setbacks, coverage, FAR, height limits, and parking (see Tables III-2, III-3, and III-4). El Cerrito regulations are comparable to those of similar cities. In addition to the base zoning districts described in the following tables, applicants can request rezoning to a customized Planned Development (PD) District that allows deviation from the normal regulations where a development project is consistent with the General Plan and meets other community objectives.

El Cerrito's zoning regulations are not restrictive and do not create a financial or physical constraint to residential development due to a wide range of densities permitted by the City and flexible parking requirements.

Table III-3
Residential Development Standards

	RS-5	RS-7.5	RS-10	RS-20	RD	RM
Minimum Lot Area (sq. ft.)						
Interior Lots	5000	7500	10,000	20,000	5000	5000
Corner Lots	6000	7500	10,000	20,000	6000	6000
Minimum Lot Width at Building Setback Line (ft.)						
Interior Lots	50	75	80	100	50	50
Corner Lots	60	75	80	100	60	60
Maximum Lot Coverage (%)						
Where Lot Slope is 30% or Less	50	50	50	50	50	60, 80 with underground parking

	RS-5	RS-7.5	RS-10	RS-20	RD	RM
Where Lot Slope >30%	40	40	40	40	40	40
Maximum Impervious Surface Coverage on Lots with Slopes >30% (%)	40	40	40	40	40	40
Minimum Yards (ft.)						
Front - Minimum	10	20	20	30	10	10
Front - For the Entire Width of Required Covered Parking	20	25	25	35	20	20
Side	5	6	6	12	5	5; 10 in some cases
Minimum Yards (ft.)						
Corner Side – Minimum	8.5	8.5	8.5	12	8.5	8.5
Corner Side – For the Entire Width of Required Covered Parking	20	20	20	20	20	20
Rear	15	15	20	25	15	15, 20 in some cases
Maximum Height (ft.)	Base Height 25-35; Maximum Height with CUP 30-40				Base Height 30; Maximum Height with CUP-35	35
Required Off-Street Parking	2 spaces per dwelling unit for each unit of two or more bedrooms. 1 space per studio or 1-bedroom unit. 1 space for a Second Unit in addition to the spaces required for the primary dwelling unit.					

Multi-family Housing

The purpose of the City's mixed use zones is to promote and encourage multiple family developments at densities that are consistent with the General Plan land use designation and surrounding development. The intent is to provide for higher density classifications in and around in the development nodes and adjacent to major transit centers, and lower density multi-family development in transition areas between single-family development and commercial areas or higher density residential areas. The development regulations for properties within the City's mixed use zones is summarized in Table III-4.

Table III-4
Multi-family Residential Development Standards in Commercial Zones

	CN	CC	TOM
Minimum Lot Size (sq. ft.)	5,000 2,000 for commercial	5,000	5,000
Minimum Residential Density	--	--	35 units per acre within 300 feet of the BART stations
Maximum Residential Density – lot area per unit (sq. ft.) (may be in addition to non-residential FAR)			
Base Density	20 units per acre	35 units per acre	35 units per acre
Density for Mixed Use Development	--	--	35 units per acre
Density with Incentives	25 units per acre	45 units per acre	45 units per acre; up to 70 du/ac for housing for elderly and disabled persons if services are provided.
Density with State Affordable Housing Bonuses	27 units per acre	48 units per acre	48 units per acre; up to 70 du/ac for housing for elderly and disabled persons if services are provided.
Maximum Building Height (ft.)	35	35, up to 50 with CUP	50, up to 65 with CUP in Del Norte & Plaza areas 35, up to 45 with CUP in Midtown node
Minimum Building Height	--	--	2 stories, exceptions may be granted with a CUP
Building Setback on Street Frontages	0 - 10 feet	0 - 10 feet, more with a CUP	0 - 10 feet
Minimum Yard Requirements (ft.) – None unless adjacent to a residential district			
Building Transition Zone Adjacent to Residential Districts	For any portion of a structure adjacent to a residential district boundary), the minimum required setbacks of the residential district shall apply. To protect privacy and minimize sunlight blockage, structures shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line. Exceptions to the above requirements are permitted for a one-story parking or garage structure that does not exceed 10 feet in height in a side or rear yard that does not front on a street.		
Required Off Street Parking	RM & CC Zones: 2 spaces per dwelling unit for each unit of two or more bedrooms. TOM Zones: 1.5 spaces per dwelling unit for each unit of two or more bedrooms. At least one space per unit must be located in a garage or carport. In the TOM district, required parking reduced by 25% within ¼ mile of a BART station.		

Parking

Table III-5 summarizes residential parking requirements in El Cerrito. Parking requirements do not constrain the development of housing directly. However, parking requirements may reduce the amount of available lot area for residential development.

Table III-5
Required Residential Parking

Use Classification	Required Off-Street Parking Spaces	Additional Regulations
Single Family Dwelling	2 spaces per dwelling unit for each unit of two or more bedrooms. 1 space per studio or 1-bedroom unit.	19.06.030(N), Limitations on Parking and Garage Frontage. All required spaces must be located in a garage or carport.
Second Unit	1 space for the Second Unit in addition to the spaces required for the primary dwelling unit.	Section 19.20.190(D), Second Units.
Two-Family Dwelling; Multiple Family Residential	1 space per unit for each studio or 1-bedroom unit. RD, RM & CC Zones: 2 spaces per dwelling unit for each unit of two or more bedrooms. TOM Zones: 1.5 spaces per dwelling unit for each unit of two or more bedrooms.	19.06.030(N), Limitations on Parking and Garage Frontage At least one space per unit must be located in a garage or carport.
Group Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.
Senior Citizen Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.
Transitional Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.

c. Planned Development District

The specific purpose of the -PD Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to subdivision and development under district regulations. All site and building requirements, including yard, building height, lot coverage, and landscaping are determined on a case-by-case basis based on the specific characteristics of the site and the need to provide additional zoning control by establishing site specific conditions of approval and standards for a specific PD District.

2. Density Bonus Ordinance

In order to encourage the construction of affordable housing developments for Very-Low and Low Income households, and senior households, and in accordance with Section 65915 et seq. of the California Government Code, the City of El Cerrito has two different Density Bonus Ordinances. The first is the Affordable Housing Bonus program (Chapter 19.22 of the Zoning Ordinance) that is governed by the requirements of Government Code Section 65915. The second is the Incentives Program (Chapter 19.23. of the Zoning Ordinance).

a. Affordable Housing Bonus (Chapter 19.22 of the ECMC)

The Affordable Housing Bonus program implements the policies of the General Plan Housing Element for encouraging and expanding housing opportunities for households with very-low and lower incomes, seniors, disabled, other persons with special housing needs and development that includes a childcare facility through density bonuses and additional incentives, consistent with Government Code Section 65915 and the General Plan Housing Element. The program also provides additional incentives for affordable housing containing three or more bedrooms to meet the needs of large families. It also requires resale and rental controls on affordable housing and ensures that lower income rental units remain affordable for at least 30 years or such other term approved by the City, consistent with State law.

b. Incentives Program (Chapter 19.32 of the ECMC)

Should any of the development standards for the multi-family (RM), CC or TOM zone create an impediment to achieving permitted densities under the City's Zoning Ordinance, the developer can take advantage of the Incentives Program described below, which allows for flexibility in the application of zoning requirements. The Incentives program encourages and makes practical developments and structures which enhance the quality of life in the City through improved design and optimum use of land, and to implement the goals and objectives in the General Plan and in Council-adopted plans and policies.

The program recognizes that desirable characteristics incorporated into a development project may require modifications to the limitations, requirements and development standards established by the Zoning Ordinance. When such modifications result in an exceptional project, and/or closer adherence to the goals of the City's General and/or Specific Plans, policies and other applicable requirements and regulations, the project could be approved with a higher density under the Incentives Program.

The purposes of this Chapter and the Incentives Program are to:

- Encourage and make practical, developments, and structures which enhance the quality of life in the City through excellent design and optimum use of land.
- Provide flexibility in the application of zoning requirements in cases where development standards for the RM, CC or TOM districts create an impediment to achieving permitted densities under the Zoning Ordinance.
- Balance the impacts of a project through desirable features of development, and/or community amenities that will benefit the City and the public.

- Authorize the Planning Commission to modify the limitations, requirements and development standards of this Zoning Ordinance for development projects which incorporate certain desirable features and/or community amenities such as, but not limited to those outlined in this Chapter.
- Implement the goals and objectives in the General Plan and in Council-adopted plans and policies.

In determining whether to authorize incentives provided in Section 19.23.030 below, the decision-making authority shall evaluate each Incentives application against the following Incentives Evaluation Criteria, and rate each on a point basis, in order to determine whether to approve an Incentives proposal. A project does not need to include all of the desirable criteria listed below; however the application must achieve a score of at least 50 points, out of the 174 total points available to be eligible for consideration for an Incentives approval. Each feature shall have a maximum number of points that can be awarded by the decision-making authority. The decision-making authority may approve an Incentives use permit subject to the findings required by Section 19.23.040(B). The evaluation criteria for which a use permit for Incentives may be awarded are:

- Projects that include high quality, innovative design and product type, maximum provisions for pedestrian and bicycle use, and reflect progressive planning principles such as Smart Growth, Transit Oriented Development, Neotraditional design, and/or the Ahwanee Principles. (Up to 15 points possible)
- Projects that provide creative design solutions for improvements to unusual or irregular sites that are difficult to develop for optimum use. (Up to 7 points possible)
- Substantial rehabilitation and/or reuse of blighted or under-utilized on site and/or off site structures or properties. (Up to 10 points possible)
- Usable open space or landscaped areas that are at least 25 percent greater than the minimum requirements stated in this Zoning Ordinance and which offer specific visual, community amenity, or functional benefits. (Up to 7 points possible)
- Creative solutions or design of off-street parking which minimizes the land devoted to, or visual impact of parking through car sharing, transit use incentives, undergrounding structures, landscaping, design, or sharing of facilities by more than a single use. (Up to 15 points possible)
- Provision of affordable housing or other specialized facilities. (Up to 20 points possible)
- Provision of affordable housing that is over and above what is required by State law, Redevelopment law, and/or this Zoning Ordinance, for a range of incomes and lifestyles, or individuals or groups with special needs including affordable housing for very low, low, and/or moderate income: large families; the disabled; seniors; credentialed school teachers; City of El Cerrito Police or Firefighters; and/or City of El Cerrito public employees. Under the Incentives Program, project density of up to 70 du/acre may be allowed provided the project includes housing for elderly and/or disabled persons, where there is a commitment to provide services such as congregate care, on-site counseling, rehabilitation or medical services for residents.

- Provision of market rate housing for the exclusive use of the elderly or the disabled.
- Provision of on-site and/or off-site community services, amenities and/or infrastructure (other than standard requirements and improvements) such as funding for public safety facilities and/or services, facilities for the arts, libraries, senior centers, community meeting rooms, child care or recreation, new or enhanced public spaces such as the Ohlone Greenway, sidewalks, streets, parking areas, pathways or parks; in addition to required facilities. (Up to 20 points possible)
- Provision of green building and/or energy efficient design, layout, landscaping, construction and materials of an active or passive nature, which exceed those otherwise required by Title 24 but do not achieve LEED certification. (Up to 9 points possible)
- Compliance with LEED certified development standards. (Up to 20 points possible)
- Provision of environmental benefits such as preservation or restoration of such features as creeks, historical structures, or off-site remediation of sites affected by hazardous materials. (Up to 10 points possible)
- Development of job generating land uses, or facilities to assist economic development, in conjunction with the development of dwelling units. (Up to 20 points possible)
- Significant improvements to public school property or facilities, exceeding minimum school mitigation fee or development requirements. (Up to 10 points possible)
- Provision of significant measures for the use of clean air and/or alternative fuel vehicles, and/or public transit. (Up to 20 points possible)

If the decision-making authority grants at least 50 points for the evaluation criteria specified in Section 19.23.020, the decision-making authority may grant Incentives approval to modify the zoning requirements, limitations and development standards otherwise applicable to a development project, including modifications to:

- Site requirements for area, height, setback, dimensions and coverage.
- The allowable capacity, density or intensity of residential and nonresidential uses. An increase in density granted through this program shall not be combined with increased density granted through a separate section of this code.
- Off-street parking requirements.
- Landscaping and screening requirements.
- Usable open space requirements.
- Requirements for public improvements.
- Land use limitations.

3. Residential Care Facilities

A “residential care facility” is a resident-occupied dwelling, licensed by the State/County that provides housing and care for children and/or adults on a full-time, live-in basis. Licensed residential care facilities with six or fewer beds are allowed by right in all residential districts in El Cerrito, consistent with State law. According to the Federal Department of

Health and Social Services, there are a total of 11 licensed care facilities in El Cerrito. Table II-16 in Section II shows the breakdown of licensed care facilities and their capacity.

4. Emergency Shelters, Transitional Housing and Single Room Occupancy Units

In 2008, a new State law was adopted (Government Code 65583 (a)(4)) requiring local jurisdictions to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The City Zoning Ordinance allows emergency shelters as a permitted use under “Community Social Service Facilities” within the Community Commercial (CC) zone. The definition of Community Social Service Facilities as listed in the City’s Zoning Ordinance is below:

Community Social Service Facilities. Any noncommercial facility, such as homeless shelters, emergency shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

The Community Commercial (CC) zone contains approximately 4 existing vacant parcels ranging from .10 acre to .43 acre which could accommodate one or more year-round emergency shelters. All four lots have utilities and are in existing service areas. In addition, the zoning district contains other underutilized parcels such as surface parking lots and underdeveloped properties that total a little more than an acre. Existing and future building vacancies could also accommodate one or more year-round emergency shelters.

The City Zoning Ordinance allows transitional housing as a permitted use under “Transitional Housing” within the Community Commercial (CC) zone and as a conditional use in the Transit Oriented Mixed Use (TOM) zone. The definition of Transitional Housing as listed in the City’s Zoning Ordinance is below:

Transitional Housing. Establishments providing temporary housing in a structured living environment and where residents have access to various voluntary support services, such as health, mental health, education and employment/training services to obtain skills necessary for independent living. Living accommodations are shared living quarters with or without separate kitchen or bath facilities for each room or unit. The occupancy period shall be at least 30 days. This category excludes temporary housing that does not include support services and community social service facilities such as emergency shelters.

The City Zoning Ordinance considers supportive housing under the “Residential Care Facilities” use classification. Residential care facilities of less than 6 people are permitted by right in all residential zones. Residential care facilities of 6 or more people are allowed by conditional use permit in all residential and commercial zones. Program 15.6 will ensure zoning treats supportive housing as a residential use and that the definition of supportive housing is updated to stand alone.

The City Zoning Ordinance allows single room occupancy units (SRO) as a permitted use under “Group Housing” within the Community Commercial (CC) and the Transit Oriented Mixed Use (TOM) zones. The definition of Group Housing as listed in the City’s Zoning Ordinance is below:

Group Housing. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes rooming and boardinghouses, dormitories, and private residential clubs, offering shared living quarters, but excludes hotels, residential care facilities and transitional housing facilities.

5. Second Unit Ordinance

Second Units may be established on any lot in any district where a primary single family dwelling has been previously established or is proposed to be established in the RS zone in conjunction with construction of a second unit. Only one Second Unit is permitted per primary single-family dwelling on the same lot. Second dwelling units must comply with City design and development standards to ensure that they are compatible with existing neighborhoods.

The City’s Second Unit regulations (Section 19.20.190) sets forth the criteria for second units including the definition of a second unit, the maximum allowable square footage, and the development standards for these units. These criteria do not pose a constraint to the development of second units. Criteria for second units include:

Type of Unit. A Second Unit may be attached, detached, or located within the living area of the primary dwelling unit on the lot, subject to the standards of this Section.

Minimum and Maximum Floor Area. The maximum floor area of a Second Unit shall not exceed 750 square feet or 40 percent of the floor area of the primary dwelling, whichever is less, except that an attached Second Unit of 400 square feet in floor area is permitted regardless of the size of the primary dwelling. Up to 1200 square feet or 75% of the floor area of the primary dwelling, whichever is less, may be permitted with the approval of a Conditional Use Permit. No Second Unit may be smaller than 150 square feet.

Development Standards. Second Units shall conform to setback, height, lot coverage, and other zoning requirements applicable to the primary dwelling in the zoning district where the Second Unit is proposed, subject to the following additional standards:

A detached Second Unit may exceed 15-foot in height with the approval of a Conditional Use Permit.

- An attached or detached Second Unit shall be located on the interior side of a corner lot or behind the existing dwelling.
- An attached Second Unit that results in two-story construction shall be located in the rear half of the structure.
- A Second Unit shall have a separate, private exterior entrance.

Architectural Compatibility. The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of the second unit shall be substantially the

same as, and visually harmonious and compatible with the primary dwelling, as determined by the Zoning Administrator. Color photographs of the street-facing side(s) of the primary dwelling unit shall be submitted with the second unit building permit application.

Parking. One additional parking space shall be provided for each Second Unit. This space may be in tandem with required parking of the principal dwelling unit, may be located in front setback areas provided the ground slope in this area does not exceed 10 percent and may be uncovered. The principal dwelling unit must conform to the parking requirements of Chapter 19.24: Off-Street Parking and Loading.

Exceptions. Exceptions to Subsections E and F above shall require an Administrative Use Permit and a finding that the second unit is compatible with, and preserves, the single-family character of the primary dwelling and the surrounding neighborhood. Exceptions to Subsections D and G above shall require a Conditional Use Permit.

Deed restriction. The Second Unit shall not be sold, transferred, or assigned separately from the Primary Dwelling.

6. Housing for Persons with Disabilities

The U.S. Census Bureau defines persons with disabilities as those with a long-lasting physical, mental or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

a. Reasonable Accommodations

The provisions of SB 520 require municipalities to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities, and demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities. Cities are required to include programs that remove constraints and provide reasonable accommodations for housing designed for persons with disabilities.

The City of El Cerrito makes reasonable accommodations for persons with disabilities to allow equal access to City services and facilities and equal participation in public processes. Individuals with disabilities can request special accommodations at the City's public counter make an advance request for such accommodations through one of several communications channels offered by the City. These channels include contacting the appropriate department via, phone, email, permit fax line, or email. A City staff person at the public counter or who takes the inquiry/request determines the nature of the need and ensures that persons requesting accommodations have adequate access to the requested services of the responsible City department. The City follows this same accommodations process for persons with special needs who desire to participate in public events in City facilities (such as public hearings and meetings).

The City also offers reasonable accommodations for persons with disabilities in its approach to zoning and building regulation. At no time has the City denied a zoning ordinance exception to an individual who has requested a variance for access accommodations or other disabilities needs. The City provides public information at its permit counter that

summarizes processes for requesting variances from codes and standards to accommodate the needs of persons with disabilities.

Discretionary permits applications that do not require California Environmental Quality Act review must be submitted at least thirty days prior to the scheduled hearing dates. But for applicants requesting permits for reasonable accommodations purposes, the discretionary process is fast-tracked, which means that applicants can apply twenty days prior to the upcoming hearing dates instead of the standard thirty-days. Twenty days is necessary for staff to route plans and comply with State public noticing requirements, which stipulates a 10-day public review and comment period prior to public hearings. Zoning Ordinance standards and CEQA review determines if a project is discretionary. If a project or request complies with zoning ordinance standards and is exempt under CEQA guidelines, then it not considered discretionary. Non-discretionary (ministerial) projects are routed through the department responsible for the request. Typically ministerial projects in El Cerrito only require building permits. The Building Department, via administrative procedures, ensures that handicap accessible modifications comply with the California Building Code, so the Department does not distribute brochures. If reasonable accommodations are requested, the building department provides additional help, information, and/or consideration to applicants on an as needed basis.

b. Permits and Processing

Residential care facilities -limited (for less than 6 individuals) are allowed by right in all residential zones. The City does not restrict residential care facilities – limited other than compliance with the same zoning standards as for any other single-family use. Residential care facilities - general (for 6 or more individuals) are allowed in all residential and commercial zones with a conditional use permit.

Currently, the City's Zoning Ordinance allows large family daycare facilities (8-14 children) with non-discretionary Zoning Administrator permits. Large family daycare facility applicants that satisfy noise, parking, traffic, and signage requirements can obtain a non-discretionary use permit (Section 19.13.103 of the Zoning Ordinance). Applicants that do not satisfy criteria for a non-discretionary permit or request locations within commercial districts are subject to a discretionary conditional use permit process. The conditional use permit process involves one public notice and hearing before the Planning Commission. Applicants or other interested parties may appeal the Planning Commission's decision to the City Council. Small family daycare (up to 8) facilities are allowed by right in any residential zone.

c. Zoning and Other Land Use Regulations

The City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals.

Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting procedures are:

Supportive multiple-family or single-family housing for the disabled is permitted in any residential zone that permits non-designated single- or multiple-family housing.

All multiple-family complexes are required to provide handicapped parking spaces, depending on the size of the development. The City is flexible and works with the developers of special needs housing and will reduce parking requirements if the applicant can demonstrate a reduced need for parking. The City has no separate restrictions or development standards for group homes or other special needs housing.

Recognizing that some persons with disabilities may require the assistance of specially trained persons who live with the disabled persons, the Zoning Code does not differentiate between related and unrelated persons occupying the same residential unit.

7. Building Codes and Enforcement

The City of El Cerrito building codes are adopted to preserve public health and safety, and ensure the construction of safe and decent housing. These codes and standards also have the potential to increase the cost of housing construction or maintenance.

a. Building Codes

The City of El Cerrito current operates under the 2007 California Building Code, which is based on the 2006 International Building Code and establishes construction standards for all residential buildings. The latest edition of the California Building Code must be submitted to the City Council from time to time together with changes or modifications as are reasonable and necessary because of local climatic, geological or topographical conditions, or as otherwise permitted by State law. The regulations set forth are designed to ensure the safety and welfare of El Cerrito's residents. The 2010 Cal Green Building Code was recently adopted by City Council and will go into effect in January 2011.

b. Americans with Disabilities Act

The Federal Fair Housing Act of 1998 (FHA) and the Americans with Disabilities Act (ADA) are federal laws intended to assist in providing safe and accessible housing. ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible for persons with physical disabilities. Compliance with these regulations may increase the cost of housing construction as well as the cost of rehabilitating older units, which may be required to comply with current codes. However, the enforcement of ADA requirements is not at the discretion of the City, but is mandated under federal law.

c. Code Enforcement

The City conducts code enforcement activities on a complaint basis in response to reports from residents and other community members. When a complaint is received the City inspects the property and determines whether there is a code violation. If there is a code violation, the City sends a letter to the property owner informing them that they have 10 days to correct the violation. If the violation is not abated within the 10 days, an administrative citation with fine is issued. Each violation of the El Cerrito Municipal Code constitutes a separate violation for every day such violation continues, and an administrative citation may be issued for each and every separate violation. As such, an administrative citation will then be issued everyday until the violation is abated.

8. Local Processing and Permit Procedures

a. Building and Development Fees

Building permit fees can add between 10 percent and 15 percent to the cost of single-family home and between five and ten percent to the cost of a multifamily dwelling (based on development costs reported in the non-governmental constraints section). The City can help to mitigate the cost impact of fees by allowing developers to maximize achievable densities (which reduces the total cost per unit of fees), providing subsidies for affordable housing developers to off-set the cost of fees, or waiving, reducing, or deferring City-imposed fees to reduce the initial cost to the affordable housing developer.

Various development fees are charged by the City and other agencies to cover administrative processing costs associated with development. These fees ensure quality development and the provision of adequate services. Often times, development fees are passed through to renters and homeowners in the price/rent of housing, thus affecting the affordability of housing.

In most California cities, home builders are required to provide a full complement of on-site improvements such as streets, curbs, gutters, water lines, and sewer lines. Many cities also collect impact fees to fund the cost of expanding infrastructure and community services, such as sewers, parks, and roads, to serve new growth. Impact fees as high as \$60,000 per unit are common in newer East Bay cities. These fees are typically passed on to homeowners in the form of higher sales prices. Because El Cerrito is an infill city and essentially built out, the vast amount of development opportunities are on sites with a full complement of existing urban services and impact fees are not required. El Cerrito is one of the few cities in the East Bay that does not collect impact fees. This represents a significant savings relative to the cost of development in nearby communities.

It should be noted that the City does not charge “impact” fees, except for a state transportation mitigation program fee of \$780 per single-family home and \$624 per multifamily dwelling. Water and sewer facilities impact fees are levied directly by the East Bay Municipal Utilities District (EBMUD). EBMUD charges between \$800 and \$3,600 for new water connection, depending on the number of meters per lateral line. The most expensive connection is a single meter on a two-inch line at \$3,600. A typical residential unit will have between a 5/8” and 1” line, for a cost of approximately \$2,600 per connection. The lowest cost connection per dwelling unit, about \$800, is for a 5/8” line with eight meters. EBMUD also charges a system capacity fee of approximately \$1,100 to account for the additional demand of a new water connection.

EBMUD charges a wastewater capacity fee of approximately \$600 per dwelling unit for connections to the regional wastewater treatment system. Developers are required to provide laterals to connect to local sewer lines that feed into the regional system.

EBMUD charges additional fees when unusual conditions exist, such as when the meter is more than 25 feet from the lateral line, underground utilities or other obstructions are in the way of a lateral line, or traffic conditions requires special traffic control measures. Other charges may include a system capacity charge based on the meter size or domestic demand in excess of average.

School impact fees are levied by the West Contra Unified Costa School District and collected at the time of application for a building permit. The school impact fee is \$4.41 per square foot for new residential dwellings. An impact fee of \$2.97 per square foot is levied on additions of habitable residential space of more than 500 square feet. Impact fees charged by EBMUD and the West Contra Cost School District represent between four and eight percent of the total cost of a dwelling unit, or between 40 percent and 50 percent of the total cost of fees imposed on residential development.

Based on the residential projects constructed in El Cerrito, the City has not found the development and permit fees to hinder the supply of housing or negatively impact the affordability of housing.

b. Planning Fees

Unless a property is proposed to be rezoned or contain a planned development, planning fees represent a very small percentage of the overall project cost. As noted above in the summary text following Table A-3 in Appendix A, most of the multi-family housing units will be produced within the City's commercial and mixed use zoning districts around the City's two BART stations. A Planning Commission use permit would be required as would an Incentives Program permit for increased density, if developers requested parking, height, and or other exceptions and were eligible for the Incentives Program. Design Review would also be required. The fees for each permit/review for a project for more than 11 units are below:

- Use Permit: \$4,097
- Incentives Program: \$3,860
- Design Review: \$4,214

By themselves, planning fees for discretionary multi-family applications represent a small fraction of the overall development cost and do not pose barriers for multi-unit development. For instance, if 300 units were produced on the first lot identified in Table A-3 (Central Avenue), one-time planning fees would average about \$39/unit, which is low in proportion to other fees. Fees for environmental review under CEQA vary dependant upon the nature of the proposed development and existing conditions. The City charges a 30% administrative fee on any consultant contract for an environmental review. If the project is small enough for City staff to conduct the environmental review, fees run from \$175 for a categorical exemption to \$3,175 for a negative declaration to \$9,156 for a mitigated negative declaration. The City does not impose any impact fees.

c. Permit Processing Procedures

Applications for development permits are made in writing to the Community Development Department. Application processing times vary depending on the permit being requested. In addition, some planning applications require public hearings. On average, development permits are processed in less than 90 days. Overall, development permit approval processing in El Cerrito does not create any unnecessary delays or increases to the cost of housing.

The City is required to determine if an application is complete within 30 days of receipt. Once deemed complete, application processing begins. Applications are reviewed for consistency with the General Plan and Zoning Code, and conformance with design standards. On average, development permits are processed in less than 90 days.

The City has determined that the most likely zoning categories that can accommodate very low- or low-income housing are the RM (multi-family residential), CC (community commercial) and TOM (transit oriented mixed-use) zoning districts.

Assuming that neither a general plan amendment nor rezoning is needed, a typical single-family home will require the following permits:

- If in a new subdivision, tentative/final subdivision approval (more than four parcels) or minor subdivision approval (four parcels or fewer);
- Design review for single-family structures within a PD or subdivision requiring design review;
- CEQA compliance review (A single-family home will typically be exempt or require a negative declaration if part of a subdivision.);
- Grading permit;
- Site work plan review (if project is not part of a subdivision) if two or more stories are proposed; and
- Building permit.

A typical multifamily project will require the following permits:

- Administrative design review (for small projects such as duplexes) or Design Review Board review;
- Use permit, if located within a commercial zoning district;
- Planned development permit (if developer proposes a planned development overlay designation);
- Incentives Program review (if developer proposes to use the City's Incentives Program);
- CEQA compliance review (typically a negative declaration);
- Grading permit; and
- Building permit.

Permits are processed by City staff. However, several types of permits require review and public hearings before the Planning Commission or Design Review Board: tentative subdivision maps, use permits, planned development permits, Incentives Program permits, and CEQA review (other than exempt activities). The injection of additional layers of review and public hearings create the potential for project delay and modifications. The City's experience has been that even projects requiring discretionary review can be processed within a reasonable timeframe with minimal modifications that do not significantly affect cost or project density so long as the City's development standards are followed.

Developers requesting planned development approvals or participation in the Incentives Program may find longer approval timeframes because part of the process for these projects is to determine site-appropriate development standards.

In the City of El Cerrito, the time necessary for obtaining these typical permit approvals varies widely depending on the complexity of the project. On average, a single-family development will require a maximum of six months for development approvals. Delays usually occur because of lengthy environmental analysis or public concern. El Cerrito acts upon tentative subdivision applications for minor subdivisions within three months. Final maps require only one month. El Cerrito completes plan checks and building permits within approximately three weeks.

Multifamily projects can also be reviewed and approved within six months, unless the project requires an environmental impact report (typically not the case in El Cerrito). Multifamily projects do not typically involve subdivision of land, so tentative and final map approvals are not required. However, a typical multifamily project will involve review by the Design Review Board (DRB). If the project needed a use permit, it would also require Conceptual Review by the DRB. In the past, review by the Board has not resulted in significant delay for residential projects because of the use of study session and conceptual review to identify potential design issues early. Design review by the DRB is a significant issue primarily within the Del Norte and El Cerrito Plaza areas as well as along San Pablo Avenue areas.

Multifamily projects are permitted by right within the multifamily residential zone (RM). A use permit would be required for multifamily projects of 25 units or more within the CC & TOM zones, however mixed use projects are permitted by right (no additional CUP required for retail). The findings of approval required for projects that require a use permit are listed in Section 19.343.040 of the El Cerrito Municipal Code. These findings provide guidance to developers throughout the design and permit processes as do codified guidelines for basic massing and compatibility with other zoning districts within the Zoning Ordinance. The required findings of approval for a CUP are as follows:

1. The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
2. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the City.
3. The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.

Design Review

Projects requiring review by the Design Review Board require an additional step in the process, a public hearing. In practice, even design review by the Board does not add significant time for approving a multifamily project.

If a developer wishes to design a project that varies from the City's zoning requirements, the Incentives Program is available to permit variations from the underlying standards in exchange for a project-specific design review. Projects that incorporate "desirable features" noted above in the description of the Incentives Program can qualify for modified parking, setback, building, lot coverage, and other standards. The City encourages developers to use the Incentives Program to facilitate creative design approaches to new residential development. Because many of the desirable features for which the City may grant incentives relate to project design, the Incentives Program is used in conjunction with design review.

Environmental Review

Certain applications for development are subject to the requirements of the California Environmental Quality Act (CEQA) and require the preparation of an environmental document (i.e., environmental impact report or mitigated negative declaration) before a project can be approved. The requirement to prepare an environmental document can substantially lengthen the development review process, sometimes taking up to one year to obtain project approval. However, the cost associated with preparing an environmental document is not considered to disproportionately constrain residential development in El Cerrito. The costs associated with development project review will vary between projects. El Cerrito utilizes an efficient and comprehensive approach towards development review and permitting that allows for quick response to developer applications. In addition, the City utilizes many practices such as expedited application processing, reducing costs, and clarification of the process to developers and homeowners to minimize City impacts on the development process. Increased development costs resulting from the City's development review and permitting process are not considered to constrain housing development.

9. El Cerrito Redevelopment Agency Housing Fund Program

In accordance with State law, the El Cerrito Redevelopment Agency sets aside 20 percent of all tax increment revenue generated from its redevelopment project area to fund projects that increase, improve, or preserve the supply of affordable housing. Housing developed with these set-aside funds must remain affordable to low- and moderate-income households for at least 55 years for rentals and 45 years for ownership housing. The Agency receives approximately \$1 million in set-aside funds annually in addition to other revenues. A significant portion of revenues fund debt service on existing Agency Tax Allocation Bond obligations and other debt. Table III-___ summarizes projected Redevelopment Agency Low and Moderate Income Housing Fund revenues and obligations over the Housing Element planning period.

Over the planning period, the Agency has prioritized the new construction and preservation of rental housing for extremely low, very low, low, and moderate income households. Between 2007 and 2011, the Agency committed approximately \$8.4 million in housing funds to assist with the financing of three affordable housing rental developments. In 2008, the Agency provided a take-out loan to the Idaho Apartments, an acquisition/rehabilitation project completed in 2000 serving persons with special needs. Also in 2008, the Agency provided Housing Funds for acquisition and predevelopment activities for Ohlone Gardens, a proposed 57-unit new construction multifamily and special needs development which received planning entitlements in 2009. Thirdly, the Agency also used Housing Funds to purchase a site adjacent to City Hall, issued a Request for Proposals to develop this site with affordable rental housing, and selected Eden Housing as the developer for the proposed 64-unit mixed-use affordable housing project.

In addition to the above \$8.4 million in existing housing fund project commitments, the Agency estimates an additional \$773,000 in Housing Fund revenues will become available over the planning period to allocate to housing projects and programs. Given current limited sources of State and Federal funds for affordable housing and local land values and development costs within the City and Redevelopment Project Area, \$773,000 is not anticipated to be sufficient subsidy to attract a developer to undertake a new project or to acquire land. Likely uses would be as gap financing for an existing RDA-assisted housing project or to let the Housing Fund balance accumulate until there are sufficient funds to

undertake an additional project such as new construction or acquisition and rehabilitation of affordable projects with expiring affordability controls.

Table III-6

Low & Moderate Income Housing Fund - Projected Revenues Available for Housing Program
El Cerrito Redevelopment Agency - FY 2007/08 to FY 2013/14

	Projected Actual	Actual	Actual	Proposed				
Fiscal Year	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Total
Beginning Year Cash Balance	\$ 5,889,000	\$ 6,429,000	\$ 623,000	\$ 682,000	\$ 53,000	\$ 10,000	\$ 376,000	
Revenues:								
Housing Fund Deposits	1,088,000	1,170,000	1,049,000	999,000	1,020,000	1,079,000	1,117,000	7,522,000
Loan Repayments	61,000	186,000	1,947,000	415,000	487,000	487,000	487,000	4,070,000
Bond/Loan Proceeds	-	1,200,000	-	-	-	-	-	1,200,000
Interest Earnings	258,000	92,000	35,000	6,000	1,000	-	8,000	400,000
Subtotal Revenue	1,407,000	2,648,000	3,031,000	1,419,000	1,509,000	1,566,000	1,611,000	13,191,000
	-	-	-	-	-	-	-	
Agency Obligations:	-	-	-	-	-	-	-	
County Admin Fee	9,000	12,000	11,000	12,000	12,000	13,000	13,000	82,000
Existing Debt Service	606,000	606,000	2,521,000	1,114,000	750,000	743,000	750,000	7,090,000
Agency Housing Administration Costs	251,000	378,000	410,000	425,000	439,000	445,000	450,000	2,798,000
Existing Project and Program Commitments	-	7,457,000	30,000	497,000	350,000	-	-	8,334,000
Subtotal Agency Obligations	867,000	8,453,000	2,972,000	2,048,000	1,552,000	1,200,000	1,214,000	18,306,000
	-	-	-	-	-	-	-	
Available Cash Balance	\$ 6,429,000	\$ 623,000	\$ 682,000	\$ 53,000	\$ 10,000	\$ 376,000	\$ 773,000	
Future Housing Programs	\$ 6,429,000	\$ (5,806,000)	\$ 59,000	\$ (629,000)	\$ (43,000)	\$ 366,000	\$ 398,000	\$ 773,000

Federal Entitlement Funds

The Community Development Block Grant (CDBG) is the largest federal housing-related program for affordable housing. It is a "pass-through" program that allows local governments to use federal funds to alleviate poverty and blight. Cities with populations of over 50,000 receive CDBG funds directly from HUD, while smaller cities usually use county-administered CDBG funds. HUD makes allocations based on a formula that takes population, poverty, and housing distress into account. CDBG funds are used for a variety of housing efforts including activities aimed at reducing costs for private development (helping fund site acquisition, improvement, and other soft costs); housing acquisition and rehabilitation through short and long-term loans, grants or loan guarantees; direct payment of rent or mortgage and housing counseling services; and fair housing activities. CDBG funds are best used in combination with other subsidy sources or to provide predevelopment funding to initiate housing development.

El Cerrito's population has not reached 50,000, and thus CDBG funds are administered and allocated by Contra Costa County to fund program and service priorities that are established and implemented through the Five-Year Contra Costa County Consolidated Plan. The

County receives an allocation of approximately \$3.4 million annually, of which \$1.5 million is targeted for housing.

The Home Investments Partnership (HOME), like CDBG, is a federal formula-based block grant program. HOME funds must be spent only on housing, and are intended to provide incentives for the acquisition, construction, and rehabilitation of affordable rental and home ownership. HOME requires local governments to provide matching funds, though the matching ratio depends on the specific uses to which HOME funds are to be put. The federal-to-local matching ratio for tenant assistance is currently four-to-one, while the match for rental construction is two-to-one. The FY 2010/11 budget for HOME funds is approximately \$3 million for Contra Costa County. Eligible housing projects in El Cerrito are eligible to apply on a competitive basis for County HOME funds.

Section 8 is rental assistance provided to a household which bridges the gap between 30 percent of the household's gross monthly income and the fair market rent of a unit. Although this long-standing federal assistance program is not expected to increase in size or scope, it remains an important program for affordable housing by helping to balance household income and housing costs. Section 8 assistance in El Cerrito is administered by the Contra Costa County Housing Authority.

Other funding sources include Housing Opportunities for Persons Living with Aids (HOPWA) funds from the HUD, California Housing Finance Authority (CalHFA) and Department of Housing and Community Development (HCD) program funds at the State level, and low income housing tax credit equity funds. Any other loans, grants or financial assistance from any other public or private sources may be utilized if available.

10. On and Off-Site Improvements

For new subdivisions, the City may require developers to dedicate land, construct on and off-site improvements or pay fees necessary to construct the necessary improvements. Pursuant to the City's Subdivision Ordinance, the City may require construction of streets; including curbs, gutters and sidewalks; and all necessary public utilities. For new projects, underground utilities are required. In addition to the required on-site improvements, the City may require off-site improvements as mitigation measures to certain project impacts. These off-site mitigations are determined as necessary on a project specific basis through the CEQA process.

There are virtually no privately held parcels in El Cerrito, within zoning districts that allow residential uses, which are large enough to require new streets at the time of development. Nearly every street in the City is improved with curb, gutter and sidewalk which would continue to serve future residential development. It is extremely unlikely that new projects would be required to dedicate or construct a significant amount of off-site street improvements due to the built-out nature of El Cerrito. Street widening could possibly occur within existing public rights-of-way, if necessary, but it is unlikely that any project would need to dedicate right-of-way or construct a public street with a right-of-way wider than that of a minor street. There are no additional major or secondary streets identified for construction in the City's General Plan.

Street classifications and standards are found in Section 18.24.040 of the El Cerrito Municipal Code. They are as follows:

- Major Street - Minimum right-of-way width of 86 feet in commercial areas and 80 feet in residential areas. Minimum pavement width of 64 feet in commercial areas and 56 feet in residential areas.
- Secondary Street – Minimum right-of-way width of 60 feet. Minimum pavement width of 40 feet.
- Minor Street – Minimum right-of-way width of 50 feet. Minimum pavement width of 34 feet.

B. NON-GOVERNMENTAL CONSTRAINTS

1. Vacant and Underutilized Land

A thorough analysis of vacant and underutilized land within the City of El Cerrito is provided in Appendix A.

2. Land Prices

Land costs have a demonstrable influence on the cost and availability of affordable housing. Land prices are determined by numerous factors, most important of which are land availability and permitted development densities. As land becomes less available, the price of land increases. Land costs in the San Francisco Bay Area are relatively high as compared with the rest of the nation. Given the current downturn in the real estate market, land price projections are difficult to track accurately.

A search of Trulia and Zip Realty Internet land-for-sale records for 2010 uncovered few vacant residential properties for sale in El Cerrito (Table III-7).

Table III-7
Parcels for Sale or Sold in 2010

Type	Lot Size/Total Units	Location	Price
Vacant Land			
Single-Family Residential	10,454 square feet	El Cerrito	\$85,000
Single-Family Residential	13,939 square feet	El Cerrito	\$834,500
Single-Family Residential	26,571 square feet	El Cerrito	\$739,000
Single-Family Residential	2,613 square feet	El Cerrito	\$79,000
Single-Family Residential	11,900 square feet	El Cerrito	\$249,000
Multi-Family Residential	3 acres	El Cerrito	\$3,500,000
Multi-Family Residential	37,897 square feet	El Cerrito	\$2,500,000

Given these extremely high land costs, it is unlikely that increases in density (such as a 25 percent density bonus) would significantly reduce the unit cost of building a dwelling unit to the level of affordability for low- or moderate-income households. Densities of 45 units or more per acre, combined with greatly reduced dwelling unit sizes, would be necessary to construct affordable housing to moderate- and some low-income households without significant public subsidies.

3. Construction Costs

Construction costs are primarily determined by the costs of materials and labor. They are also influenced by market demands and market-based changes in the cost of materials. Construction costs depend on the type of unit being built and the quality of the product being produced.

The most significant constraint on development of new housing in El Cerrito is the overall cost, including land costs and construction costs. Many factors can affect the cost to build, including the type of construction, materials, site conditions, finishing details, amenities, and structural configuration. Development costs were developed from estimates provided by residential builders who work in the region. Permitting costs and fees are between \$30,000 and \$35,000 for an average size home. Once a vacant parcel is purchased, the contractor has to make certain site improvements to prepare for building on the property. Such improvements include connections to existing utility systems, rough grading, and installation of water and sewer lines. This type of work generally costs between \$55,000 and \$80,000 depending on the amount of work required at each location. Including impact fees and land costs (assuming a single-family home) the minimum cost to produce a modest home for a family of four in El Cerrito would be nearly \$450,000.

According to US Census data for building permits issued in 2008, the average construction cost for single-family housing in El Cerrito was \$290,141 per unit. A search on an internet source (www.building-cost.net), provided by Craftsman Book Company, provided a slightly lower estimate of \$215,400 for a small three bedroom house of 1,700 square feet. It is important to note that estimates here do not include land costs, financing, permit/fees, developer profit or marketing costs. Based on construction costs alone, a single-family home constructed in El Cerrito can cost between \$125 and \$150 per square foot, depending on the quality of finishes and amenities.

Based on the costs listed above for a single-family home, none of the very low-, low-, or even many moderate-income households in El Cerrito could afford to own a new housing unit constructed in the City. The scarcity of easily developed land, combined with the great demand, indicates that housing construction costs are likely to remain high in the future. El Cerrito will continue to follow the trend of increasing housing costs that is occurring throughout the Bay Area.

Construction costs for multifamily residential units can vary more than those for single-family homes due to the greater range in which they can be built. A high-end senior complex with senior-friendly amenities will cost much more than an affordable multifamily complex. RS Means Quick Estimator (www.rsmeans.com) estimates construction costs for a low-rise, 7,200 square foot multifamily apartment building to be in the range of \$150 and \$208 per square foot.

To reduce construction costs, developers may build at higher densities to increase the economies of scale. In most cases, reduced parking requirements can also make construction more affordable. Developers can also reduce costs by using better, newer construction methodology such as modular construction, off-site manufacturing and prefabrication. Many of these techniques help save time, control quality, eliminate waste and

labor costs – thereby keeping costs to a minimum. Amenities such as elevators, common open space and landscaped areas can also add to the overall cost.

4. Financing

Mortgage interest rates have a large influence over the affordability of housing. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer.

When interest rates rise, the market typically compensates by decreasing housing prices. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market catches up. Lower-income households often find it most difficult to purchase a home during this time period.

As shown in Table III-8, the number of loan applications increases as income increases. The percentage of persons denied for a home loan in the Oakland-Fremont-Hayward Metropolitan Area is highest for the very low-income (less than 50 percent of the MFI) category with 35.8 percent.

Table III-8
Mortgage Lending Rates-2007 Oakland-Fremont-Hayward MSA

Income Group	Total Applications	Loans Originated	Applications Denied	% Denied
<50% MFI	1,631	614	583	35.8%
50-79% MFI	9,367	5,481	2,058	22%
80-99% MFI	10,373	6,136	2,141	20.6%
110-119% MFI	14,845	8,370	3,254	21.9%
120% MFI	128,000	67,995	28,769	22.5%
Total	164,216	88,596	36,805	22.4%
Total ¹	61,087	32,138	14,009	22.9%

Note: ¹ Total is provided by FFIEC. There is a discrepancy between the two totals, but the reason is unknown.

Source: Federal Financial Institutions Examination Council (FFIEC), HMDA Data, 2007

Mortgage interest rates steadily decreased until January 2008. Interest rates then began to rise and reached a high point in August 2008. Since then, interest rates have slightly again steadily decreased. Interest rates are determined by national policies and economic conditions and there is little that a local government can do to affect these rates.

There have been recent changes in the qualifications and lending standards for home loans. Nationally there has been a large increase in the number of delinquencies and foreclosures in the residential market; as a result, lenders have more stringent qualifications for home loans and lower-income households may find it more difficult to qualify.

The availability of financing directly impacts a person's ability to purchase or improve a home. During the early to mid-2000s (2003, 2004, 2005), lenders provided an increasing number of subprime loans, and, in response to high housing costs, many lenders provided mortgages of up to 95% of the value of the home, rather than the traditionally allowed 80%.

In 2006 and 2007, borrowers began to default on those loans. In 2008, lenders significantly tightened their lending standards. Currently, in mid-2009, lending standards remain tight. Underwriting criteria remain stringent and borrowers typically must have at least 20% of the purchase price for a down payment and must have a high credit score to obtain competitive financing. Although it is currently difficult for all but the most credit worthy borrowers to secure a mortgage loan, funds are available and mortgage rates remain low.

Federal, state, and local housing programs, particularly first-time homebuyer programs and similar mortgage assistance programs, can be a useful tool for providing help with down payment and closing costs, which can be significant obstacles to home ownership for lower income and minority groups.

5. Energy Conservation

There are many opportunities for conserving energy in new and existing homes. New buildings, by design, can easily incorporate energy efficient techniques into the construction. Since much of El Cerrito is already developed, however, it is important to consider the opportunity for energy savings in existing housing also. According to the U.S. Department of Energy, the concept of energy efficiency in buildings is demonstrated by the building envelope, which is everything that separates the interior of the building from the outdoor environment: the doors, windows, walls, foundation, roof, and insulation. All the components of the building envelope need to work together to keep a building warm in the winter and cool in the summer.

Constructing new homes with energy-conserving features, in addition to retrofitting existing structures, will result in a reduction in monthly utility costs. There are many ways to determine how energy efficient an existing building is and, if needed, what improvements can be made. PG&E offers free home energy audits and can specify areas for energy conservation. Examples of energy conservation opportunities include installation of insulation and/or storm windows and doors, use of natural gas instead of electricity, installation or retrofitting of more efficient appliances and mechanical or solar energy systems, and building design and orientation which incorporates energy conservation considerations.

Many modern building design methods are used to reduce residential energy consumption and are based on proven techniques. These methods can be categorized in three ways:

Building design that keeps natural heat in during the winter and keeps natural heat out during the summer. Such design reduces air conditioning and heating demands. Proven building techniques in this category include:

- location of windows and openings in relation to the path of the sun to minimize solar gain in the summer and maximize solar gain in the winter;
- use of “thermal mass,” earthen materials such as stone, brick, concrete, and tiles that absorb heat during the day and release heat at night;
- “burying” part of the home in a hillside or berm to reduce solar exposure or to insulate the home against extremes of temperature;
- use of window coverings, insulation, and other materials to reduce heat exchange between the interior of a home and the exterior;

- location of openings and the use of ventilating devices that take advantage of natural air flow (particularly cool evening breezes);
- use of eaves and overhangs that block direct solar gain through window openings during the summer but allow solar gain during the winter; and
- zone heating and cooling systems, which reduce heating and cooling in the unused areas of a home.

Building orientation that uses natural forces to maintain a comfortable interior temperature. Examples include:

- north-south orientation of the long axis of a dwelling;
- minimizing the southern and western exposure of exterior surfaces; and
- location of dwellings to take advantage of natural air circulation and evening breezes.

Use of landscaping features to moderate interior temperatures. Such techniques include:

- use of deciduous shade trees and other plants to protect the home;
- use of natural or artificial flowing water; and
- use of trees and hedges as windbreaks.

In addition to natural techniques, a number of modern methods of energy conservation have been developed or advanced during the present century. These include:

- use of solar energy to heat water;
- use of solar panels and other devices to generate electricity;
- window glazing to repel summer heat and trap winter warmth;
- weather-stripping and other insulation to reduce heat gain and loss;
- use of natural gas for dryers, stovetops and ranges;
- use of energy efficient home appliances; and
- use of low-flow showerheads and faucet aerators to reduce hot water use.

The City's Mediterranean-like climate is typical of coastal northern California with year-round mild temperatures that provides an opportunity to use solar energy techniques to generate electricity, heat water, and provide space heating during colder months. Natural space heating can be substantially increased through the proper location of windows and thermal mass. Use of solar panels can generate 1,000 watts of electricity on a sunny day. This can constitute more than enough power for daily residential operations and a special converter attached to the solar panels can take excess electricity and funnel it back into the PG&E grid.

PG&E also offers energy-efficiency tax credits under the Energy Policy Act of 2005. Both homeowners and builders may qualify for these tax credits. Existing homeowners are eligible for tax credits up to a maximum of \$500 for energy-efficiency improvements. An additional tax credit is available for solar energy systems. Builders of energy-efficient new homes are eligible for tax credits up to a maximum of \$2,000.

6. Environmental and Infrastructure Constraints

Environmental hazards affecting housing units include geologic and seismic conditions, which provide the greatest threat to the built environment. The following hazards may impact future development of residential units in the City.

a. Noise

The major sources of noise in El Cerrito are related to vehicular traffic including automobile and truck traffic, particularly in areas along Interstate 80 and San Pablo Avenue. This traffic noise is expected to continue to be a major noise source in the future, however, there is not expected to be a significant increase in noise from these sources. A 3 dBA change is realized by a doubling or halving of the traffic volume or by about 7 miles per hour increase or decrease in speed. Interstate 80 at the present time only has a direct noise impact on El Cerrito at the northern end of San Pablo Avenue near Cutting and Potrero. In most of this area, the freeway and San Pablo Avenue are just 450 feet apart and the combination of the two generates levels of noise exceeding 70 decibels.

BART noise affects the City differently in that unlike traffic, which is characterized by gradual changes in volumes, train noise is characterized by numerous discrete, periodic events during train pass-bys. Based on existing studies, BART trains produce maximum noise levels typically in the range of 72-76 dBA. When the trains travel farther away from the station at a significantly higher speed maximum noise levels range from 75-80 dBA.

Multi-family housing is subject to the requirements of Title 24 of the State Building Code and would require further detailed analysis during the design of these projects due to noise exposure. A major concern of the residential land use pattern along the Ohlone Greenway is high levels of noise due to proximity of the BART tracks and San Pablo Avenue. New construction standards and development requirements are expected to mitigate interior noise levels by incorporating required sound barriers such as double paned windows, wall insulation and building orientation.

b. Geologic and Seismic Hazards

The Hayward Fault passes through El Cerrito, generally following the route of Arlington Boulevard. The city is also potentially subject to ground-shaking from a major earthquake on the San Andreas Fault, located about 18 miles away. According to earthquake predictions made in 1990 by the Working Group in California Earthquake Probability, there is roughly a one-in-four chance of a large earthquake (magnitude 7 or greater) occurring in the next 30 years (beginning in 1990) along the northern segment of the Hayward Fault and the same chance of such an earthquake on the peninsula segment of the San Andreas Fault. The Working Group will announce its new predictions for the Bay Area in October 1999. The area immediately adjacent to the Hayward Fault has been designated as a special study zone, which imposes some additional development restrictions.

From a geologic and geotechnical standpoint, the primary concerns in El Cerrito are (1) slope stability, (2) earthquake ground shaking, (3) fault ground rupture, and (4) liquefaction potential. According to the *Tri-Cities Seismic Safety Study* (Bishop 1973), virtually all of the upland areas of El Cerrito have a moderate to high landslide risk. The highest risk for groundshaking is in the flatter areas, which have shallow alluvium. The greatest risk of ground rupture is along the fault trace. Several small areas along Baxter and Cerrito creeks are identified as having a high liquefaction potential.

c. Flood Hazards

A number of large storms have caused drainage problems and flooding in the past in El Cerrito. Recent completion of the first phase in the City's storm drain master plan program has addressed the highest priority sites and significantly reduced localized flooding issues in the city. During past years of heavy rains, only three sites had drainage-related flooding problems. The only portion of El Cerrito located in a FEMA Flood Insurance Zone is the area located west of San Pablo Avenue and south of Central Avenue. Flooding is generally caused by the relatively low ground elevations and high tides in this area, coupled with hydraulic restrictions in the existing downstream channels located in Richmond between El Cerrito and San Francisco Bay.

d. Water

Water supply to the Planning Area is provided by the East Bay Municipal Utility District (EBMUD), which derives its water source from the Mokelumne River in the Sierra Nevada. This pristine water is transmitted, via aqueduct, to storage and treatment facilities throughout EBMUD's service area, and then distributed to customers. EBMUD operates five terminal reservoirs within the following East Bay areas: Briones, Chabot, Lafayette, Upper San Leandro, and San Pablo.

To improve water supply reliability in future droughts, EBMUD is adopting a multi-pronged approach to reduce water demand, increase water storage capacity, and find alternative sources of water supply. Some ongoing programs include the Freeport Regional Project, Seawater Desalination Research, and Groundwater Banking Program. These efforts should improve the water supply situation during the planning period.

e. Wastewater

El Cerrito is located in the Stege Sanitary District, which comprises 5.3 square miles and includes the communities of El Cerrito, Kensington and that portion of Richmond Annex west of El Cerrito and south of Potrero Avenue. The sewage collection system includes 147 miles of collection lines and two small pump stations. The primary elements of this collection system are the public main sewers and the private lateral sewers. The SSD owns and has maintenance responsibility for the main sewers located in public rights-of-way or in easements on private land. Individual property owners own and have maintenance responsibility for their lateral sewers installed between the building plumbing and the main sewer. Wastewater collected in the SSD system flows to the Special District #1 Interceptor sewer and is then conveyed to the East Bay Municipal Utility District (EBMUD) Wastewater Treatment Facility in Oakland. The only expected growth of the District is through building on the few remaining vacant parcels and commercial area redevelopment. Average annual rainfall is 22.5 inches and generally occurs between November and April.

As of 2009, the average age of the collection system is about 57 years. The oldest lines in the District are 86 years old. District main lines are predominantly vitrified clay pipe (VCP) with cement mortar joints, and six inches diameter. Over 90% of the VCP sewers were installed prior to the introduction of modern pipe joints such as compression gaskets, which were not available until the 1960's and the introduction of improved VCP manufacturing standards initiated in the mid 1950's.

In 1995, a System Rehabilitation Program (SRP) was developed as a result of the need to maintain the collection system in a serviceable condition for the current and future generations of customers of the District. Its emphasis is on optimizing the useful life of the collection system and eliminating costly and environmentally damaging system failures.

The methodology employed first defines the sewer line segments in terms of their vulnerability to failure by assessing various physical, technical and cost rating factors to each line segment and then ranking the lines by their overall rating. Lines most vulnerable to failure are scheduled for video inspection for verification of condition and possible rehabilitation. Video inspection of the sewer line segments will continue at a rate of approximately 167,000 feet per year until the entire collection system is inspected and rated as to its condition. Each year lines found to be cost-effective for replacement will be scheduled for construction when within the financial resources of the District. Approximately \$750,000 per year is planned for these purposes. The SRP is planned to continue indefinitely. The District is in its 90th year of existence and the majority of the collection system is over 50 years old. Implementation and continuation of the SRP will assure the customers of the District of an economic and reliable sanitary sewer system into the future.

f. Electricity and Gas

Pacific Gas & Electric (PG&E) currently provides gas and electric services to El Cerrito homes and businesses and is regulated by the California Public Utilities Commission (CPUC). PG&E obtains its energy supplies from power plants and natural gas fields in northern California and delivers electricity through high voltage transmission lines. Electrical power is provided to the City of El Cerrito from various distribution feeders located throughout the City. The availability of electricity and gas services is not expected to become an issue during the housing planning period since almost all land inventory sites are located within urban infill areas close to existing development. If increased capacity is needed, PG&E can increase demand from regional power plants and natural gas fields or construct new electrical substations in the region, as necessary.

Which there is no way to completely eliminate additional energy use, improved transportation, conservation and design standards can curtail both existing and future demand for additional energy. Goal 5 and Policies 20-23 promotes energy conservation and green building to support efforts to both conserve energy and reduce housing costs.

IV. HOUSING POLICY PROGRAM

Previous sections of the Housing Element establish the housing needs, opportunities, and constraints in the City of El Cerrito. The Housing Policy Program contains objectives and policies that will be implemented to address a number of important housing-related issues. This section also contains quantified objectives for housing construction, rehabilitation, and the preservation of affordable housing.

City staff regularly reviews Housing Element programs, objectives, and progress towards accommodating the City's share of the regional housing need. An annual implementation report will be prepared and provided to the California Office of Planning and Research (OPR) and California Department of Housing and Community Development (HCD). Depending on funding availability, the City will consider modifications to Housing Element programs as necessary and appropriate to implement General Plan goals and policies.

A. GOALS, POLICIES AND PROGRAMS

This section describes the City of El Cerrito's Policy Program for the 2007-2014 planning period. The Policy Program describes specific policy actions necessary to address present and future housing needs, meet statutory requirements and consider the input by residents and stakeholders. In developing this Policy Program, the City assessed its housing needs, evaluated the performance of existing programs, and collaborated with residents and stakeholders.

The City of El Cerrito has identified four broad areas of housing policy priorities and goals:

- Preservation, Rehabilitation and Conservation of Existing Housing Resources
- Production of New Housing
- Increase Access to Housing Opportunities
- Promote Energy Conservation and Green Building

Goal 1: Conserve and improve El Cerrito's existing housing supply.

Goal 2: Facilitate and encourage the development of housing to meet regional housing needs allocations established by the Association of Bay Area Governments (ABAG) by minimizing the impact of potential governmental constraints on the maintenance, improvement, and development of housing.

Goal 3: Expand housing opportunities for the elderly, the disabled, households with very low- to moderate-income and for persons with special housing needs.

Goal 4: Prohibit discrimination in the provision of housing based on race, color, religion, gender identity, age, marital status, national origin, ancestry, familial status, disability, or sexual orientation and to promote equal housing opportunities.

Goal 5: Promote energy conserving practices in the location, construction, renovation, and maintenance of El Cerrito's housing units.

Goal 1: Conserve and Improve El Cerrito's existing housing supply

Policy 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.

Program 1.1:

Continue to implement the Residential Rental Inspection Program under Section 16.30.040 of the El Cerrito Municipal Code. The Program's purpose is to ensure that rental housing units in the City are maintained in a safe and habitable condition and comply with all codes and standards applicable to rental housing and requires that each rental unit in the City be inspected every two years. If the property is in compliance with applicable codes and standards, a certificate of compliance shall be issued to the property owner. Over time, as it is implemented, the Program will provide a current housing condition survey of all rental housing units within the City. This survey should include the number of units in need of rehabilitation or replacement.

Responsibility: Building Division

Time Frame: Ongoing

Funding: General Fund

Program 1.2:

Continue to investigate complaints and take action about code violations in single- and multi-family rental housing, and provide information on the City's Residential Rental Inspection Program, the County Rental Rehabilitation Program and the County Neighborhood Preservation Program.

Responsibility: Building Division

Time Frame: Ongoing

Funding: General Fund

Program 1.3:

Continue to encourage the rehabilitation of existing housing units by providing information on programs available to assist in housing rehabilitation, such as the Contra Costa County Housing Authority Rental Rehabilitation Loan Program and the Contra Costa County Neighborhood Preservation Program.

Informational material on these programs will be available through the City's website, at City Hall and in conjunction with the City's code enforcement program.

Responsibility: Economic Development Department and Planning Division.

Time Frame: 2010

Funding: General Fund, outside Grants

Program 1.4:

Continue to permit new housing units and housing rehabilitation in mixed use and commercial zoning districts subject to Zoning Ordinance requirements so that housing and commercial uses can complement and support one another.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Program 1.5:

Continue to regulate condominium conversions in accordance with Chapter 19.45 of the Zoning Ordinance.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Program 1.6:

Continue to regularly monitor assisted housing units to help preserve the existing stock of affordable housing. The Redevelopment Agency will continue to maintain a database of assisted housing units and annually review existing agreements to ensure that they are in compliance with affordability requirements.

Responsibility: Redevelopment Agency

Time Frame: Annual

Funding: Redevelopment Funds, General Fund where appropriate for housing analyst

Program 1.7:

Continue to enforce notification requirements on Below Market Rate [BMR] and Section 8 Project Based Subsidy units, prior to resale of units or and/or conversion of such units to market-rate in accordance with Chapter 19.22 of the Zoning Ordinance.

Responsibility: Redevelopment Agency

Time Frame: Ongoing

Funding: Redevelopment Funds

Program 1.8:

Capital Improvements Program: The Planning Commission and City Council shall, on an annual basis, review the City Capital Improvement Program (CIP) to determine what special priorities are needed for capital improvement projects required to maintain the community's older residential neighborhoods. Annual review of the CIP shall also include verification that needed improvements are scheduled for funding.

Responsibility: Planning Division, Public Works Department

Time Frame: Annually

Funding: General Fund

Policy 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.

Program 2.1:

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

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 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.

Program 3.1:

Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings.

Responsibility: Planning Division, Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Funding, General Fund, grant funding

Program 3.2:

Explore possible funding sources or programs to minimize the financial impact of retrofits on low- and moderate-income residents. Review upcoming grant opportunities on a quarterly basis and explore programs bi-annually.

Responsibility: Planning Division, Economic Development Department

Time Frame: Review opportunities quarterly, plan for programs bi-annually

Funding: Redevelopment Funding, General Fund, grant funding

Goal 2: Facilitate and encourage the development of housing to meet regional housing needs allocation established by ABAG by minimizing the impact of potential governmental constraints on the maintenance, improvement, and development of housing.

Policy 4:

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

Program 4.1:

Conduct an annual evaluation of the City's inventory of available sites, and take appropriate action to ensure that the inventory list is available to potential housing developers.

Responsibility: Economic Development Department

Time Frame: Annually

Funding: Redevelopment Funding

Policy 5:

Encourage the development of multi-family residential uses in mixed-use projects, in the redevelopment area, and near transit-oriented facilities to help meet ABAG's Regional Housing Needs Allocation for El Cerrito and so that housing and commercial uses can complement and support one another.

The City will encourage the construction of transit-oriented developments (TODs) that seek to maximize opportunities for the use of public transit and transportation corridors through high-density residential and mixed-use projects along those corridors in accordance with the City's Incentives Program (Chapter 19.23 of the El Cerrito Zoning Ordinance).

Program 5.1:

Maintain General Plan designations for mixed use and high-density residential housing and the Transit Oriented Mixed Use districts in the development nodes of the City.

Promote such development through the use of the following zoning tools that are incorporated in the City's Zoning Ordinance:

- o Incentives program
- o Density Bonus
- o PD and DA process
- o Parking reduction ¼ mile from Transit
- o Economic Development efforts to market vacant and underutilized sites (Potential Dev. Sites workbook).

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 6:

Encourage and facilitate the construction of second/accessory dwelling units, pursuant to the City's Second Unit regulations (Section 19.20.190 of the El Cerrito Zoning Ordinance).

Program 6.1:

Continue to fast-track processing for units meeting established City standards and provide additional information on second units and the application process for public distribution.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 6.2:

Consider the establishment of a “pre-approved” second unit program. Such a program could offer residents and contractors the opportunity to purchase or use second unit plans that have been pre-approved by the City for conformance with building codes and many other standards.

Responsibility: Planning Division

Time Frame: 2012-2013

Funding: General Fund

Policy 7:

Continue to permit manufactured and prefab housing in residential districts.

Program 7.1:

Continue to implement City-adopted regulations that allow manufactured housing and pre-fab housing in residential districts provided any manufactured unit is certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976 (42 USC 5401 et seq.) and follows the standards set in Chapter 19.20 of the Zoning Ordinance.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 8:

Identify and evaluate the reuse of underutilized or deteriorated sites in commercial areas with potential under the City’s zoning requirements for conversion or redevelopment to mixed use housing, retail, and commercial uses that can support and complement one another.

Program 8.1:

Continue to support property owners and developers to identify underutilized and deteriorated properties where redevelopment as higher-density, transit-oriented developments could be feasible.

The required 431 units may be realized through the redevelopment of lots to higher density across the City’s TOM (Transit Oriented Mixed-Use) zoning district

Responsibility: Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Funding

Policy 9:

Encourage innovative housing approaches in the design and ownership of units to increase the availability of affordable housing.

Program 9.1:

Encourage the use of the planning development process included in the recently updated Zoning Ordinance to allow innovative approaches aimed at increasing affordable rental and for-sale housing opportunities.

Through applications for Planned Development or Development Agreements for new units or the conversion of apartments to condo or vice-versa, staff will negotiate with the applicant to provide 15% of the units to be affordable housing units.

Through the City's Density Bonus program in the Zoning Ordinance developers are allowed to build additional units and in turn create additional affordable housing units.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Policy 10:

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

Program 10.1:

Revise the Zoning Ordinance to include housing size diversity standards.

Staff will examine incentives (i.e. expedited plan check and planning review, see Program 13.1 and 15.3) for multi-family residential projects that have 3 to 4 bedroom units

Responsibility: Planning Division

Time Frame: 2012

Funding: General Fund

Policy 11:

Provide regulatory and/or financial incentives where appropriate to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards.

Program 11.1:

Continue to enforce the Zoning Ordinance which provides regulatory incentives for affordable housing development, including density bonuses and site flexibility.

Incentives currently in the ZO:

- o Incentives program
 - o Density Bonus
-

- o PD and DA process
- o Parking reduction ¼ mile from Transit

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 11.2:

Continue to inform developers about and allow density bonuses consistent with State law, the General Plan, and Zoning Ordinance (Chapter 19.22 ECMC).

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment and General funds

Policy 12:

Periodically review the City's regulations, ordinances and development fees to ensure they do not unduly constrain the production, maintenance and improvement of housing.

Program 12.1:

During the annual revision of the Master Fee Schedule evaluate planning and development fees as they relate to housing development.

Responsibility: Planning and Building Division and Public Works Department

Time Frame: Annually

Funding: General Fund

Policy 13:

Provide for streamlined processing of residential projects to minimize the time and costs in order to encourage housing production.

Program 13.1:

The City will help streamline the application process by continuing to offer interdepartmental team meetings with applicants, conceptual review and study sessions with approval bodies and assistance with pursuing outside funding opportunities.

Responsibility: Planning and Building Division and Public Works Department

Time Frame: Ongoing

Funding: General Fund

Policy 14:

Based on the land-use strategy developed in the General Plan and Zoning Ordinance, direct growth into compact patterns of development to promote infill and intensify land uses

Program 14.1:

Continue to enforce the Zoning Ordinance and encourage development in the Transit Oriented Mixed Use Zone.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Goal 3: Encourage and Expand housing opportunities for the elderly, the disabled, households with extremely low to moderate incomes, and for other persons with special housing needs.

Policy 15:

Encourage the provision of housing for special needs groups.

Program 15.1:

Assist developers in obtaining state and federal funding available to develop affordable housing for seniors, persons with special needs, large families and households with children. Where possible, leverage Redevelopment Agency funds with state and federal sources of funding.

Responsibility: Economic Development Department and Redevelopment Agency

Time Frame: Ongoing

Funding: Redevelopment Agency funding and grant funding

Program 15.2:

Continue to enforce Federal and State Handicapped Accessibility and Adaptability Standards.

Responsibility: Planning and Building Division

Time Frame: Ongoing

Funding: General Fund

Program 15.3:

The City will continue to fast track the planning and building inspection processes for housing units with three or more bedrooms for large families, housing for seniors, and other special needs housing for extremely low-, very low-, low-, and moderate-income households.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 15.4:

The City shall continue to encourage and support development of senior housing that offers a wide range of housing choices that offer a wide range of community services including healthcare, nutrition, transportation and other amenities.

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Agency funding and General Fund.

Program 15.5:

Facilitate the provision of housing that supports “aging in place” for the City’s senior population.

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Agency funding and General Fund.

Program 15.6:

The City shall update its Zoning Ordinance to include a definition of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Transitional and supportive housing will be allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.

Responsibility: Planning Division

Time Frame: Dec 2012

Funding: General Fund.

Policy 16:

Provide housing opportunities for very low-, low-, and moderate-income households.

Program 16.1:

To the extent financially feasible, assist in the development of extremely low-, very low-, low- and moderate income housing units.

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Agency funding and General Fund.

Program 16.2:

Conduct a study of the feasibility of an inclusionary housing ordinance that would include the terms and conditions under which new developments would be required to provide a specified percentage of housing affordable to very low-, low-, and/or moderate-income households. or pay into an affordable housing in-lieu fee (i.e. based on a % of project cost) to offset building affordable units. As part of a potential inclusionary program, the City will consider requirements and incentives to developers for a mix of dwelling sizes, including units with three or more bedrooms to meet the need of large families.

Responsibility: Planning Division

Time Frame: 2012

Funding: General Fund

Program 16.3:

Continue to encourage developers to leverage limited Redevelopment Agency Housing Funds with other sources of assistance, such as Low Income Housing Tax Credits, mortgage revenue bonds and other sources that fund affordable housing. Provide assistance and support to developers in pursuing these sources of funds for affordable housing developments.

Responsibility: Redevelopment Agency and Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency Funds

Policy 17:

Support efforts to provide temporary and permanent shelter and transitional housing for the homeless.

Program 17.1:

Continue to allow emergency and transitional housing facilities as a permitted use within the CC zone.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Program 17.2:

Consult with the El Cerrito Police Department and the County's Task Force on Homelessness to maintain 2007 - 2014 estimates of the demand for emergency housing.

Responsibility: Economic Development Department and Redevelopment Agency

Time Frame: Ongoing

Funding: General Fund, Grant Funding

Program 17.3:

Continue to coordinate with the County and cities to develop the annual 5-Year Consolidated Plan to address housing and social service needs of the homeless in Contra Costa County.

Responsibility: Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency funding

Policy 18:

Assist and cooperate with non-profit, private, and public entities to maximize opportunities to develop affordable housing.

Program 18.1:

The City will look for opportunities with non-profits and other agencies for cooperative efforts to expand the City's supply of affordable housing.

Responsibility: Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency funding

Goal 4: Prohibit discrimination in the provision of housing based on race, color, religion, gender identity, age, marital status, national origin, ancestry, familial status, disability, or sexual orientation and to promote equal housing opportunities.

Policy 19:

Promote fair housing opportunities for all people.

Program 19.1:

Continue to provide non-discrimination clauses in rental agreements and deed restrictions for housing constructed with either City or DD&A's funds and Owner Participant Agreements when Redevelopment Agency participation occurs.

Responsibility: Redevelopment Agency, Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency funding

Program 19.2:

Reasonable Accommodation Procedures
To accommodate the needs of persons with disabilities and provide a streamlined permit review process, the City will continue to implement reasonable accommodation procedures through the City's Building Official. The City will continue to provide information on accommodation procedures.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 19.3:

Continue the City's participation in the Contra Costa Urban County CDBG Consortium. The County utilizes CDBG funds to help fund the Contra Costa County Housing Services Collaborative on behalf of the Urban County jurisdictions. The Housing Services Collaborative offer free housing services including tenant-landlord counseling, fair housing services, and legal advice and representation to Urban County residents, including El Cerrito. Brochures and information about the services offered by the Housing Services Collaborative will be distributed through the City's website, at City Hall, the City's Senior and Community Centers, and the El Cerrito Library.

Responsibility: Economic Development Department and Redevelopment Agency

Time Frame: Ongoing

Funding: Redevelopment Funds

Program 19.4:

To comply with Senate Bill (SB) 2 the City will continue to maintain emergency shelters, transitional housing and supportive housing to homeless individuals and families to be allowed by right in the CC (Community Commercial) zone.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Goal 5: Promote energy conserving practices in the location, construction, renovation and maintenance of El Cerrito's housing units.

Policy 20:

Promote residential energy conservation programs which provide assistance for energy conservation improvements.

Program 20.1:

Develop an energy conservation strategy that includes programs that 1) promote programs offered by PG&E; 2) provide educational materials and technical assistance; 3) encourage green building and energy conservation in projects.

Responsibility: Environmental and Developmental Service Department

Time Frame: Adopt policies by 2011.

Funding: General Fund

Policy 21:

Encourage the incorporation of energy conservation design features in existing and future residential development.

Program 21.1:

Continue to enforce the State Energy Conservation Standards for new residential construction and additions to existing structures, and promote the City policy that provides for no fee building permits for solar energy installations.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Policy 22:

Encourage the use of sustainable and green building design in new and existing housing in compliance with the legislation in AB32 and SB375.

Program 22.1:

Develop policies consistent with AB32 and SB375 to reduce greenhouse gas emissions and work with other agencies in the region to establish common thresholds for Green Building.

Incorporate incentives for green building to reduce the costs of compliance, such as reduced building fees and rebates. To address energy conservation in existing buildings, promote Pacific Gas and Electric utility assistance programs on the City's website and through handouts.

Responsibility: Environmental and Developmental Service Department

Time Frame: Adopt policies by 2011.

Funding: General Fund

Policy 23:

Encourage the location of multi-family 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.

Program 23.1:

Continue to enforce the sections of the Zoning Ordinance that increase density, reduce parking requirements, and establish design and development standards to create inviting, mixed-use neighborhoods around transit.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

B. QUANTIFIED OBJECTIVES

State law requires that the City plan to accommodate its fair share of the Regional Housing Needs Allocation (RHNA). In addition, this Housing Element includes quantified objectives for the number of units that can reasonably be expected to be rehabilitated, conserved or constructed during the next five years. The quantified objectives expected to be met through Housing Element programs are estimated based on past program performance, construction trends, land availability and anticipated future program funding. These quantified objectives reflect current economic conditions and the dramatic decrease in housing starts between 2008 and 2010.

Table IV-1**Quantified Objectives (January 1, 2007 – June 30, 2014)**

Income Category	New Construction	Rehabilitation	Preservation ²
Extremely-Low Income ¹	46	0	0
Very-Low Income	47	0	0
Low Income	59	0	0
Moderate Income	80	0	0
Above-Moderate Income	199	0	0
Total	431	0	0
Notes:			
¹ The Extremely-Low Income need is assumed to be 50 percent of the Very-Low Income need. The Extremely-Low Income need is a subset of Very-Low Income units; not included in total.			
² The City will continue to monitor at-risk assisted units.			

Appendices

APPENDIX A: LAND RESOURCES

A. ADEQUATE SITES ANALYSIS

Each city is mandated through 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 2007-2014 planning period. The State Department of Finance (DOF) is responsible for developing the total Statewide housing demand projection. With the State Department of Housing and Community Development (HCD), this demand is apportioned to each of the State's regions. The demand represents the number of additional units needed to accommodate the anticipated growth in the number of households, to replace expected demolitions and conversions of housing units to non-residential uses, and to allow for a future vacancy rate conducive to a healthy functioning housing market.

The Association of Bay Area Governments (ABAG), the Council of Governments (COG) representing the region, in cooperation with local jurisdictions, is responsible for allocating the region's projected new housing demand in each jurisdiction. This process is known as the Regional Housing Needs Allocation (RHNA) and the goals are referred to as the RHNA goals or the "regional share" goals for new housing construction. The allocation takes into account factors such as employment opportunities, market demand for housing, availability of suitable sites and public facilities, community patterns, types and tenure of housing needs and others. The allocation is divided into four income categories:

- Extremely Low Income – 0 to 30 percent of median household income
- Very-Low Income – 0 to 50 percent of the median income
- Low Income – 51 to 80 percent of the median income
- Moderate Income – 81 to 120 percent of the median income
- Above-Moderate Income – more than 120 percent of the median income

In determining a jurisdiction's share of new housing needs by income category, the allocation is adjusted to avoid an over-concentration of lower-income households in one jurisdiction. In addition to the allocation in the four income categories, recent legislation requires cities to consider the needs of Extremely-Low Income households earning 30 percent or less of the median income.

The RHNA prepared by ABAG for the planning period of January 1, 2007 through June 30, 2014, identifies El Cerrito's projected regional share need as 431 new housing units.

1. Achievements through December 2010

Housing units built and or approved after January 1, 2007 may be counted towards satisfying El Cerrito's current regional housing need numbers. Since January 2007, El Cerrito has built or approved 244 units, with 46 of these units affordable to very-low income households and 38 to low-, or moderate income households. Having met 56% of the RHNA objective, El Cerrito plans to continue to work towards satisfying its remaining RHNA, particularly focusing on the targets for affordable housing production.

Construction of the remaining RHNA units may continue to be an issue as the current economic downturn has significantly delayed or cancelled construction starts and has had a chilling effect on proposed residential development projects.

As shown in Table A-1, El Cerrito has built or approved a mix of single family and multi-family units along with a number of second units. The income-restricted units recently currently approved but not yet built reflect at least the minimum number of required affordable units. As noted elsewhere in this Housing Element, the City should pursue the construction of new multi-family income-restricted units as part of its program to make progress toward meeting its RHNA targets.

Table A-1
Residential Projects Built or Approved since January 1, 2007

Project Name	Status -Built -Under Construction -Approved	Total Units	Units by Income Level				Methodology of Affordability Determination
			VL	L	M	AM	
Creekside @ El Cerrito Plaza	Approved	128			22	106	RDA inclusionary agreement
6431 and 6495 Portola Avenue – Hatlen	Approved	57	46		11		State Affordable Housing Density Bonus
10520-10536 San Pablo Avenue	Approved	31			5		RDA inclusionary agreement
New Single Family	Built/Under Construction	17				17	None
Accessory Living Units	Built/Under Construction	11				11	None

To show the development capacity to meet the remaining RHNA of 213 units illustrated in Table A-2, a site by site analysis of sites suitable for residential development was conducted. This section provides detailed information about the sites identified in this Housing Element. Together, the identified vacant and housing opportunity sites can yield more than 1000 new housing units, meeting and exceeding the City's RHNA. A majority of those units would occur on land owned by Bay Area Rapid Transit (BART) and have additional hurdles to development beyond that of normal land development. The City is poised to work closely with BART and facilitate these future developments.

Table A-2
Remaining Need Based on Units Approved/Built/Under Construction

Income Category	A	B	A-B
	New Construction Need	Units Built, Under Construction or Approved	Remaining Need
Very Low (0-50% of AMI)	93	46	47
Low (51-80% of AMI)	59	0	59
Moderate (81-120% of AMI)	80	38	42
Above Moderate (over 120% of AMI)	199	134	65
TOTAL UNITS	431	218	213

There is market interest in the redevelopment of the BART parking lots at each of the stations. Over the years, there have been numerous attempts to redevelop the BART parking lots. Two recent proposals, one at each of the stations, failed due to the downturn in the economy. Redevelopment staff is working closely with BART to put together a joint planning agreement to facilities new proposals for redevelopment.

2. Sites Summary – Future Development Potential

There is vacant and underutilized land located throughout the City ranging from very low- to high-density zoning. The following table, Table A-2, summarizes the Development potential of the vacant lots based on it zoning classification, general plan land use designation and comments specific to the site. A set of maps following Table A-2 showing the location of each site within the City limits.

For the purposes of this table, a maximum density of 35 units per acre has been assumed for most multi-family and mixed use projects in the RM, TOM and CC zones. This is the maximum density normally allowed by the City's General Plan and Zoning Ordinance. Additional density is allowed through the City's incentive program (up to 45 units per acre), affordable housing bonus program or when housing for the elderly or disabled persons is provided with services (up to 70 units per acre.)

It has been the City's experience that these densities are realistically achievable when all other required development standards are taken into account. Several recently approved multi-family projects have achieved densities at or near 35 units per acre and 45 units per acre through the incentives program. These examples demonstrate that the development standards in the City's Zoning Ordinance do not prohibit development from achieving the maximum allowed density. The Creekside project and Vitale Mixed-Use project were approved through the City's incentives program with densities of 45 and 44 units per acre, respectively. The incentives program allows developers relief from certain development standards when public benefits are included in the project. The program provides developers with flexibility necessary to achieve a maximum density of 45 units per acre.

The Village at Town Center is the most recently approved multi-family project which was not subject to the City's incentives program. This project which is situated on four separate, unconnected parcels was approved with densities of 30-35 units per acre.

The Ohlone Gardens project is the City's most recently approved multi-family project which includes housing for the disabled with services. This project was approved with a density of 61 units per acre.

As stated in Section 1, a majority of those units would occur on land owned by Bay Area Rapid Transit (BART) and have additional hurdles to development beyond that of normal land development. These sites have had multiple development attempts over the years and have been thoroughly investigated (CEQA analysis, Phase I & II evaluations). There are no existing conditions that require remediation on either of the BART station area sites.

Table A-3
Available Land Inventory

Map No.	Address or Location	Zoning	General Plan	Maximum Permitted Density (According to General Plan)	Lot Size (Square Feet or Acres)	Vacant or Under Utilized (Existing use)	Estimated # of dwelling units	Infrastructure Capacity	Constraints & Comments
1	El Cerrito Plaza BART Central Ave. (surface parking lot)	TOM	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	8.28 acres	Under Utilized - El Cerrito Plaza BART Station surface parking lot.	260-333	Yes	289-370 units could be developed under the 35-45 units/acre density standards. Number is discounted by 10% to account for flexibility related to development standards. Maximum number is achievable with reductions to development standards allowed in the TOM district.
2	Mayfair Block Bordered by San Pablo Avenue, Knott Blvd, Cutting Blvd, and Kearny Street	TOM	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	1.56 acres	Vacant	54-70	Yes	54-70 units could be developed under the 35-45 units/acre density standards. Previous development proposals included 50-60 units.

Map No.	Address or Location	Zoning	General Plan	Maximum Permitted Density (According to General Plan)	Lot Size (Square Feet or Acres)	Vacant or Under Utilized (Existing use)	Estimated # of dwelling units	Infrastructure Capacity	Constraints & Comments
3	Del Norte BART Bordered by Key Blvd, Knott Blvd, Cutting Blvd, and Kearny Street	TOM	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2.72 acres	Under Utilized - Site is currently a Del Norte BART Station surface parking lot.	85-110	Yes	95-122 units could be developed under the 35-45 units/acre density standards. Number is discounted by 10% to account for flexibility related to development standards. Maximum number is achievable with reductions to development standards allowed in the TOM district.
4	Del Norte BART bordered by San Pablo Avenue, Cutting Boulevard, Hill Street and Key Blvd	TOM	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	9.8 acres	Under Utilized - Site is currently used as a Del Norte BART Station surface parking lot.	309-397	Yes	About 343-441 units could be could be developed under 35-45 units/acre density standards. Number is discounted by 10% to account for flexibility related to development standards. Maximum number is achievable with reductions to development standards allowed in the TOM district.

Map No.	Address or Location	Zoning	General Plan	Maximum Permitted Density (According to General Plan)	Lot Size (Square Feet or Acres)	Vacant or Under Utilized (Existing use)	Estimated # of dwelling units	Infrastructure Capacity	Constraints & Comments
5	11450 San Pablo Avenue	TOM	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	5.95	Under Utilized – Site is location of a former Target store now converted to new Safeway store.	104-133	Yes	About 208-267 units could be developed under 35-45 units/acre density standards across the site. The number is reduced by 50% given the location of the new Safeway. There is still a desire to see Transit Oriented development including housing on the corner of the project site.
6	10520-10536 San Pablo Avenue	CC	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	30,000 sq. ft.	Vacant	31	Yes	31 units have been approved; Density is 45 units/acre.
7	2101 Kearney St.	CC	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,250 sq. ft.	Vacant	1	Yes	Minimum required residential lot size is 5,000 square feet. Multi-family development is allowed in CC zoning district subject to a use permit, but minimum lot size must be met. This parcel would need to merged with 2103 Kearney Street to create a conforming parcel size and unit number.

Map No.	Address or Location	Zoning	General Plan	Maximum Permitted Density (According to General Plan)	Lot Size (Square Feet or Acres)	Vacant or Under Utilized (Existing use)	Estimated # of dwelling units	Infrastructure Capacity	Constraints & Comments
8	2103 Kearney St.	CC	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,250 sq. ft.	Vacant	1	Yes	Minimum required residential lot size is 5,000 square feet. Multi-family development is allowed in CC zoning district subject to a use permit, but minimum lot size must be met. This parcel would need to merged with 2103 Kearney Street to create a conforming parcel size and unit number.
9	10496 San Pablo Ave.	CC	Commercial/ Mixed Use	35 units/acre, up to 45 units per acre with zoning ordinance incentives	7,500 sq. ft.	Vacant	6-7	Yes	Multi-family allowed in CC zoning district. This site could accommodate a small mixed use or multi-family residential project
10	2635 Ellerhorst Ave.	RS-5	Low Density Residential	9 units/acre	5,000	Under utilized - large driveway for 2639 Ellerhorst.	1 primary and 1 accessory unit could be developed on this parcel	Yes	
11	7500 Moeser Lane	RS-5	Low Density Residential	9 units/acre	55,757	Vacant	0	Yes	Site is owned by the City of El Cerrito and is adjacent to large PG&E power lines.
12	6515 Morris St.	RS-5	Low Density Residential	9 units/acre	2,500	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.

Map No.	Address or Location	Zoning	General Plan	Maximum Permitted Density (According to General Plan)	Lot Size (Square Feet or Acres)	Vacant or Under Utilized (Existing use)	Estimated # of dwelling units	Infrastructure Capacity	Constraints & Comments
13	1330 Scott St.	RS-5	Low Density Residential	9 units/acre	3,450	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
14	1431 Scott St.	RS-5	Low Density Residential	9 units/acre	3,850	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling..
15	2065 Tapscott Ave.	RS-5	Low Density Residential	9 units/acre	4,425	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	This parcel has a steep slope that may determine the location of a residence or accessory structure or prohibit construction of a home or accessory structure can be built. It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
16	2610 Yuba St	RS-5	Low Density Residential	9 units/acre	6,775	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	

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17	5711 Alta Punta	RS-5	Low Density Residential	9 units/acre	3,000	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
18	2332 Alva Ave	RS-5	Low Density Residential	9 units/acre	3,564	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
19	2220 Arlington Blvd.	RS-5	Low Density Residential	9 units/acre	3,074	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
20	928 Arlington Blvd.	RS-5	Low Density Residential	9 units/acre	6,885	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	These parcels are landlocked and access easements would be required in order for them to be developed.
21	934 Arlington Blvd.	RS-5	Low Density Residential	9 units/acre	7,155	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	

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22	809 Ashbury Ave.	RS-5	Low Density Residential	9 units/acre	2,812	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be impossible to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
23	716 Balra Dr.	RS-5	Low Density Residential	9 units/acre	6,000	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	This parcel has a steep slope that may limit the location of the residence and or any accessory structure.
24	721 Balra Dr.	RS-5	Low Density Residential	9 units/acre	4,320	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
25	920 Balra Dr.	RS-5	Low Density Residential	9 units/acre	5,460	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.

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26	None Balra Dr. (two lots)	RS-5	Low Density Residential	9 units/acre	10,500 4,300	Vacant	2 primary and 2 accessory units could be developed on these two parcels.	Yes	Minimum required residential lot size is 5,000 square feet. These parcels have steep slopes that may the limit number and location of the residences and any accessory structures. A lot line adjustment could be performed to increase the square footage of the 4,300 sq. ft. lot to 5,000 sq. ft.
27	5914 Barrett Avenue	RS-5	Low Density Residential	9 units/acre	3,036 1,360	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	The lots should be combined. It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
28	Adj. to 565 Bonnie Dr.	RS-5	Low Density Residential	9 units/acre	2,750	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.

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29	7846 Burns Ct.	RS-5	Low Density Residential	9 units/acre	5,035	Under Utilized	1 primary and 1 accessory unit could be developed on this parcel	Yes	Previous residence deemed uninhabitable and demolished. Site is within close proximity of a severe slide and may not be developable.
30	7858 Burns Ct.	RS-5	Low Density Residential	9 units/acre	5,000	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	Site may be undevelopable and unstable due to severe slide.
31	911 Clark Pl.	RS-5	Low Density Residential	9 units/acre	11,750	Vacant	2 primary and 2 accessory units could be developed on this parcel if it was split.	Yes	This parcel has a steep slope and is located within the Alquist-Priolo fault zone both of which may limit the location of a residence or accessory structure or prohibit a residence and any accessory structures.
32	704 Colusa Ave.	RS-5	Low Density Residential	9 units/acre	5,600	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	
33	834 Craft Ave.	RS-5	Low Density Residential	9 units/acre	7,280	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	Parcel is landlocked and an access easement would be required in order for it to be developed.

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34	6607 Cutting Blvd.	RS-5	Low Density Residential	9 units/acre	2,700	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
35	6631 Cutting Blvd.	RS-5	Low Density Residential	9 units/acre	2,660	Vacant	1 primary and 1 accessory unit could be developed on this parcel	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
36	7140 Cutting Blvd.	RS-5	Low Density Residential	9 units/acre	6,970	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	Part of a 4-lot subdivision. This is the remaining vacant lot.
37	7120 Cutting Blvd.	RS-5	Low Density Residential	9 units/acre	32,670	Vacant	2 primary and 2 accessory units could be developed on this parcel.	Yes	Site contains huge rock outcropping limiting buildable area; owner proposing one single-family residence at this time.
38	5205 Cypress Ave.	RS-5	Low Density Residential	9 units/acre	2,300	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.

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39	7755 Earl Ct.	RS-5	Low Density Residential	9 units/acre	6,000	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	
40	441 Everett St.	RS-5	Low Density Residential	9 units/acre	3,700	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
41	443 Everett St.	RS-5	Low Density Residential	9 units/acre	2,500	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
42	630 Everett St.	RS-5	Low Density Residential	9 units/acre	2,500	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
43	943 Galvin Dr.	RS-5	Low Density Residential	9 units/acre	13,780	Vacant	2 primary and 2 accessory unit could be developed on this parcel if it was split.	Yes	This parcel has steep slopes that may the limit number and location of any residences or accessory structures.

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44	712 Gelston Pl.	RS-5	Low Density Residential	9 units/acre	4,984	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	
45	6465 Hagen Blvd.	RS-5	Low Density Residential	9 units/acre	2,775	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	These parcels have steep slopes that may the limit number and location of residences even if they are combined.
46	6469 Hagen Blvd.	RS-5	Low Density Residential	9 units/acre	2,750	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	
47	6473 Hagen Blvd.	RS-5	Low Density Residential	9 units/acre	2,750	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
48	6518 Hagen Blvd.	RS-5	Low Density Residential	9 units/acre	6,000	Vacant	1 primary and 1 accessory unit could be developed on this parcel-See comment to the right	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit whether a home or accessory structure can be built.

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49	6747 Hagen Blvd.	RS-5	Low Density Residential	9 units/acre	5,000	Vacant	1 primary and 1 accessory unit could be developed on this parcel-See comment to the right	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit whether a home or accessory structure can be built.
50	6806 Hagen Blvd.	RS-5	Low Density Residential	9 units/acre	1,440	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
51	2134 Junction Ave.	RS-5	Low Density Residential	9 units/acre	2,575	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	Lots could be combined into conforming parcels to allow for larger single family construction.
52	2138 Junction Ave.	RS-5	Low Density Residential	9 units/acre	2,525	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	
53	2142 Junction Ave.	RS-5	Low Density Residential	9 units/acre	2,500	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	

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54	2146 Junction Ave.	RS-5	Low Density Residential	9 units/acre	2,277	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	
55	2150 Junction Ave.	RS-5	Low Density Residential	9 units/acre	2,574	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	
56	941 King Dr.	RS-5	Low Density Residential	9 units/acre	8,848	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	Large portion of the sites are encumbered by a Pacific Gas and Electric utility company easement that would prohibit construction of a residence.
57	953 King Dr.	RS-5	Low Density Residential	9 units/acre	10,080	Vacant	2 primary and 2 accessory units could be developed on this parcel.	Yes	
58	961 King Dr.	RS-5	Low Density Residential	9 units/acre	10,340	Vacant	2 primary and 2 accessory units could be developed on this parcel.	Yes	
59	969 King Dr.	RS-5	Low Density Residential	9 units/acre	10,971	Vacant	2 primary and 2 accessory units could be developed on this parcel.	Yes	

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60	1244 Liberty St.	RS-5	Low Density Residential	9 units/acre	2,500	Vacant	1 primary and 1 accessory unit could be developed on this parcel.1	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
61	5550 Ludwig	RS-5	Low Density Residential	9 units/acre	1,595	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
62	1415 Navellier St.	RS-5	Low Density Residential	9 units/acre	1,250	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	Minimum required residential lot size is 5,000 square feet.
63	543 Norvell St.	RS-5	Low Density Residential	9 units/acre	2,100	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
64	805 Park Way	RS-5	Low Density Residential	9 units/acre	3,910	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.

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65	754 Pomona Ave.	RS-5	Low Density Residential	9 units/acre	6,800	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	
66	814 Pomona Ave.	RS-5	Low Density Residential	9 units/acre	2,331	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
67	5334 Potrero Ave.	RS-5	Low Density Residential	9 units/acre	4,600	Vacant	1 primary and 1 accessory unit could be developed on this parcel.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
68	925 Richmond St.	RS-5	Low Density Residential	9 units/acre	5,000	Vacant	1 primary and 1 accessory unit could be developed on this site.	Yes	
69	1534 Richmond St.	RS-5	Low Density Residential	9 units/acre	2,125	Vacant	1 primary and 1 accessory unit could be developed on this site.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.

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70	710 Sea View Dr.	RS-5	Low Density Residential	9 units/acre	3,705	Vacant	1 primary and 1 accessory unit could be developed on this site.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
71	956 Sea View Dr.	RS-5	Low Density Residential	9 units/acre	15,400	Vacant	2 primary and 2 accessory units could be developed on this site.	Yes	It would be difficult to locate a detached accessory unit on a lot less than 5,000 feet but it is possible to incorporate one into a primary dwelling.
72	839 Shevlin Dr.	RS-5	Low Density Residential	9 units/acre	12,580	Vacant	2 primary and 2 accessory units could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit whether a home or accessory structure can be built.
73	928 Shevlin Dr.	RS-5	Low Density Residential	9 units/acre	10,170	Vacant	2 primary and 2 accessory units could be developed on this site	Yes	Large portions of these sites are encumbered by a Pacific Gas and Electric utility company easements that would prohibit construction of a residence.
74	937 Shevlin Dr.	RS-5	Low Density Residential	9 units/acre	10,925	Vacant	2 primary and 2 accessory units could be developed on this site	Yes	

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75	941 Shevlin Dr.	RS-5	Low Density Residential	9 units/acre	29,400	Vacant	6 primary and 6 accessory units could be developed on this site	Yes	
76	2570 Tassajara Ave.	RS-5	Low Density Residential	9 units/acre	11,550	Vacant	2 primary and 2 accessory units could be developed on this site	Yes	2 units could be developed if the lot were subdivided, otherwise 1 primary and 1 accessory unit could be developed on this parcel.
77	8049 Terrace Dr.	RS-5	Low Density Residential	9 units/acre	10,200	Vacant	2 primary and 2 accessory units could be developed on this site	Yes	A utility easement and slide traverse this site and it has a steep slope, all of which may prohibit where residences are located or if residences can be built.
78	8350 Terrace Dr.	RS-5	Low Density Residential	9 units/acre	8,184	Vacant	1 primary and 1 accessory unit could be developed on this site.	Yes	A slide traverses this site and it has a steep slope, both of which may prohibit where residences are located or if residences can be built.
79	8363 Terrace Dr.	RS-5	Low Density Residential	9 units/acre	4,995	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	

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80	8551 Terrace Dr.	RS-5	Low Density Residential	9 units/acre	5,200	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.
81	1013 King Dr.	RS-10	Very Low Density Residential	6 units/acre	3,049	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum required residential lot size is 5,000 square feet
82	Madera Dr.	RS-10	Very Low Density Residential	6 units/acre	18,295	Vacant	14 primary and 14 accessory units could be developed on this site	Yes	Bay Vista Subdivision proposed 14 lots. The tentative map was approved, but a subsequent tentative map extension request was denied. The site has a known slide and is very steep.
83					2,614			Yes	
84					331,492			Yes	
85	1370 Contra Costa Dr.	RS-10	Very Low Density Residential	6 units/acre	13,600	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	These parcels have steep slopes that may the limit number and location of residences.
86	1364 Contra Costa Dr.	RS-10	Very Low Density Residential	6 units/acre	13,188	Vacant	1 primary and 1 accessory unit could be developed on this site.	Yes	

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87	1324 Contra Costa Dr.	RS-10	Very Low Density Residential	6 units/acre	11,900	Vacant	1 primary and 1 accessory unit could be developed on this site.	Yes	
88	1304 Contra Costa Dr.	RS-10	Very Low Density Residential	6 units/acre	8,400	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum lot size in the RS-10 zoning district is 10,000 sq. ft., so an exception to the subdivision ordinance would be required to build on this site.
89	1103 Contra Costa Dr.	RS-10	Very Low Density Residential	6 units/acre	9,798	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.
90	1115 Contra Costa Dr.	RS-10	Very Low Density Residential	6 units/acre	9,750	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	
91	1340 Brewster Dr.	RS-10	Very Low Density Residential	6 units/acre	9,310	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.

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92	1618 Julian Dr.	RS-10	Very Low Density Residential	6 units/acre	10,800	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.
93	1626 Julian Dr.	RS-10	Very Low Density Residential	6 units/acre	10,560	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.
94	1638 Julian Dr.	RS-10	Very Low Density Residential	6 units/acre	11,600	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.
95	Leneve Pl.	RS-7.5	Very Low Density Residential	6 units/acre	10,120	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	This parcel has a steep slope that may limit the location of a residence or accessory structure or prohibit a residence or accessory structure.
96	8407 Wildcat Dr.	RS-20	Very Low Density Residential	6 units/acre	19,994	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	These sites are located within the Alquist-Priolo fault zone and contain active landslides.

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97	8440 Wildcat Dr.	RS-20	Very Low Density Residential	6 units/acre	19,800	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	
98	8430-36 Wildcat Dr.	RS-20	Very Low Density Residential	6 units/acre	20,043	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	
99	1460 Rifle Range Rd.	RS-20	Very Low Density Residential	6 units/acre	19,994	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	
100	1610 Liberty St.	RD	Medium Density Residential	20 units/acre	2,500	Vacant	2	Yes	
101	444 Richmond St.	RD	Medium Density Residential	20 units/acre	3,700	Vacant	2	Yes	
102	1745 Elm St.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	6,150	Vacant	2	Yes	Zoning Ordinance allows up to 2 units on a 5,000 sq. ft. lot
103	1743 Liberty St.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	6,500	Vacant	3	Yes	Zoning Ordinance allows up to 3 units on a 6,500 sq. ft. lot

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104	3405 Carlson Blvd.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,280	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum required residential lot size for more than one unit is 5,000 square feet. The parcel could possibly be merged with adjacent parcel, but no application has been submitted for a lot merger.
105	3416 Yosemite Ave.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,500	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum required residential lot size for more than one unit is 5,000 square feet.
106	5833 Central Ave.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,704	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum required residential lot size for more than one unit is 5,000 square feet.
107	3027 Carlson Blvd.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,500	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum required residential lot size for more than one unit is 5,000 square feet.
108	5931 Avilla St.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,950	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum required residential lot size for more than one unit is 5,000 square feet.

Map No.	Address or Location	Zoning	General Plan	Maximum Permitted Density (According to General Plan)	Lot Size (Square Feet or Acres)	Vacant or Under Utilized (Existing use)	Estimated # of dwelling units	Infrastructure Capacity	Constraints & Comments
109	5627 Central Ave.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	2,175	Vacant	1 primary and 1 accessory unit could be developed on this site	Yes	Minimum required residential lot size for more than one unit is 5,000 square feet.
110	5730 El Dorado St.	RM	High Density Residential	35 units/acre, up to 45 units per acre with zoning ordinance incentives	12,500	Vacant	9	Yes	Zoning Ordinance allows up to 9 units on a 12,150 sq. ft. lot

SUMMARY BY ZONE	
Community Commercial and Transit Oriented Mixed Use:	851-1083 units
RS-5, RS- 7.5, RS-10, Low Density:	178 units
RS-20, Very Low Density:	60 units
RD, Medium Density:	6 units
RM, High Density:	40 units
Total:	1135-1367 units

Source: City of El Cerrito, 2010.

Notes:

The lower end of the range for commercial mixed-use projects reflects the City's estimate of realistic development potential based on potential site constraints described in Table A-3 for several of the mixed use projects. With the Zoning Ordinance Incentives Program, the dwelling units per acre can be increased to 45 for Community Commercial (CC) and Transit Oriented Mixed Use (TOM) zoning districts and 25 for Neighborhood Commercial (CN) zoning districts.

Explanation of Site Development Potential (Table A-3)

The number of units identified in the Unit Production Summary Chart takes into account Zoning Ordinance standards and General Plan requirements. For the vacant parcels in the Single-Family Residential (R-1) zoning districts, some of the lots are constrained, as noted in Table A-2, by their topography (steep slopes) or small size. A few of these sites are within landslide and/or seismic hazard zones based on their proximity to a fault that runs along the eastern border of the City. Both potential landslide hazards and topography specific to each site determine whether and where residences and/or accessory structures can be built.

The areas adjacent, to or immediately surrounding, San Pablo Avenue have a General Plan land use designation of “Mixed Use,” indicating that the sites could contain a mix of uses that include high-density residential. These areas consist of “Transit Oriented Mixed Use (TOM)” and Community Commercial (CC)” zoning district classifications. The intent of mixed use zoning and the allowance of multi-family residential housing on commercially zoned parcels is to balance the need for commercial growth with housing opportunities. The maximum permitted density for multi-family housing is 35 units/acre, or up to 45 units/acre if a project is eligible and meets the criteria of the Zoning Ordinance Incentives Program. The Zoning Ordinance Incentives Program allows exceptions to height, setbacks and other zoning ordinance requirements for a development if it exhibits desirable features, such as affordable housing.

On commercial and TOM sites, the City considered factors such as commercial development potential, height, parking, and setbacks in assessing residential development potential on these sites. These factors may limit the number of residential units that can realistically be developed, and the comments on the City’s analysis in Table A-2 reflect those limitations.

Other factors that govern residential development on vacant sites include design criteria and building height. Site-specific design requirements that aid in ensuring the compatibility of a development with surrounding uses dictate how a site is configured, thus affecting the number of units created. Design criteria for mixed use, general commercial, industrial, high-density and duplex zoning districts are determined by the City’s Design Review procedures. Design Review is a discretionary process whereby developments are reviewed either by staff or the City’s Design Review Board for quality and adequacy in architecture and landscaping. Sites in the RS single-family residential zoning district are not subject to Design Review. In medium- to high-density residential and Community Commercial zones, the maximum allowable building height is 35 feet, which restricts housing unit construction to within three stories. In the TOM zoning districts, with the exception of the midtown TOM node, the maximum allowable building height is 50 feet. Table A-4 summarizes height limits by zoning district.

Even with the parking, design, and height limits discussed above, the City has determined that the maximum permitted densities of 35 and 45 units per acre are achievable for mixed-use projects with a combination of studio, one- and two-bedroom units.

The Zoning District and General Plan Designations are as follows:

Table A-4
Zoning Districts that Permit Residences

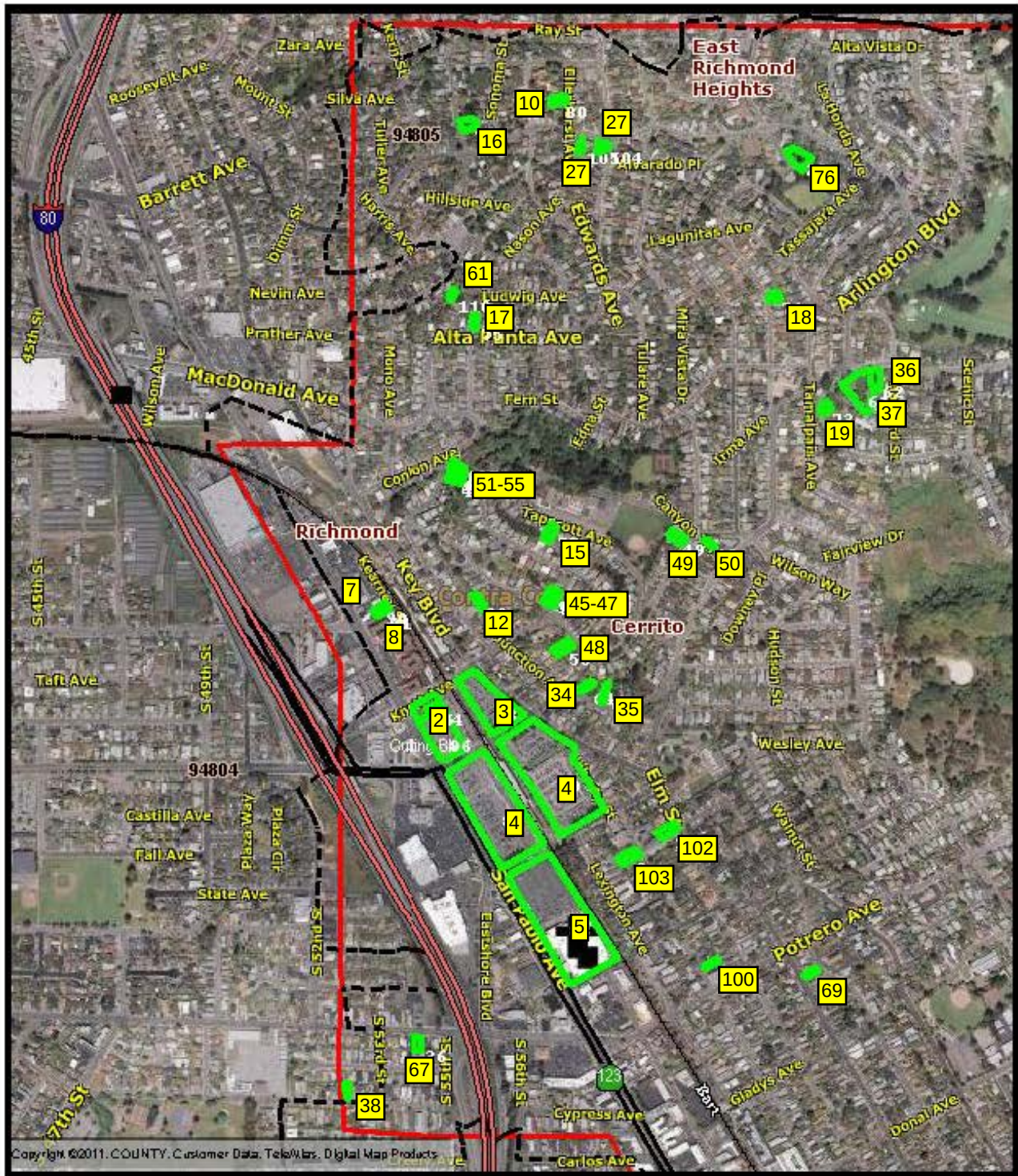
SYMBOL	ZONING	GENERAL PLAN DESIGNATION	
RS	Single-Family Residential	Very Low Density Low Density	Up to 6 units per net acre Up to 9 units/acre
RD	Duplex (2 units)	Medium Density	Up to 20 units/acre
RM	High-Density Residential	High Density	Up to 35 units/acre and up to 45 units/acre with Zoning Ordinance Incentives
CN	Neighborhood Commercial	Commercial/Mixed Use	Up to 35 units/acre and up to 45 units/acre with Zoning Ordinance Incentives
CC	Community Commercial		
TOM	Transit Oriented Mixed-Use		

Table A-5
Allowable Building Height

Zoning Districts	Ground Slope	Height
TOM	Not Applicable	50, up to 65 with CUP in Del Norte & Plaza areas 35, up to 45 with CUP in Midtown node
CC	Not Applicable	35, up to 50 with CUP
NC	Not Applicable	35
RS-5, RS-7.5, RS-10, RS-20	Less than 10%	25 Feet
	10%-50%	30 Feet
	Greater than 50%	35 Feet

Map of Available Land

Northern 1/3 of El Cerrito



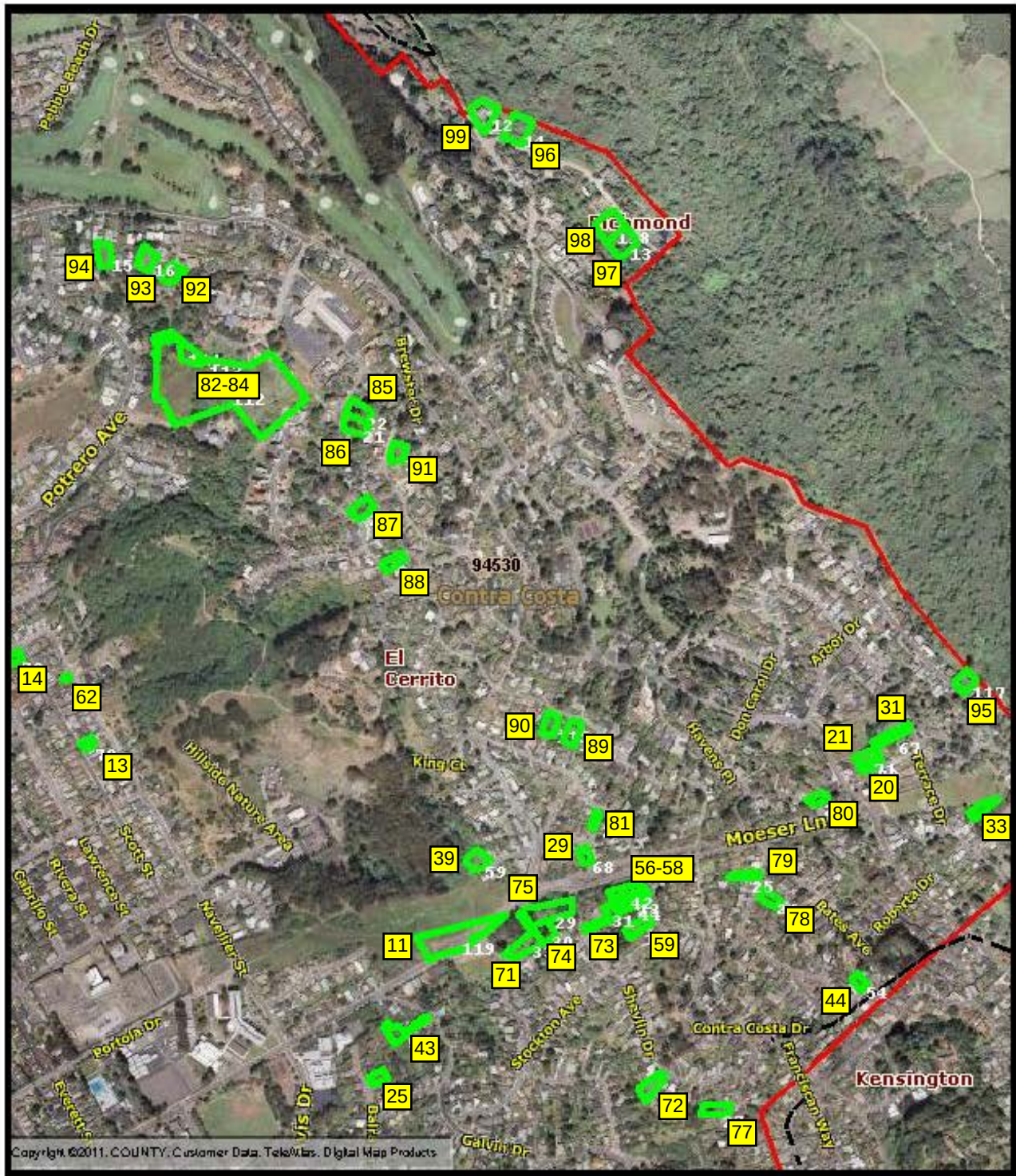
DIGITAL MAP
PRODUCTS



985 ft
CityGIS

Map of Available Land

Middle 1/3 of El Cerrito



DIGITAL MAP
PRODUCTS

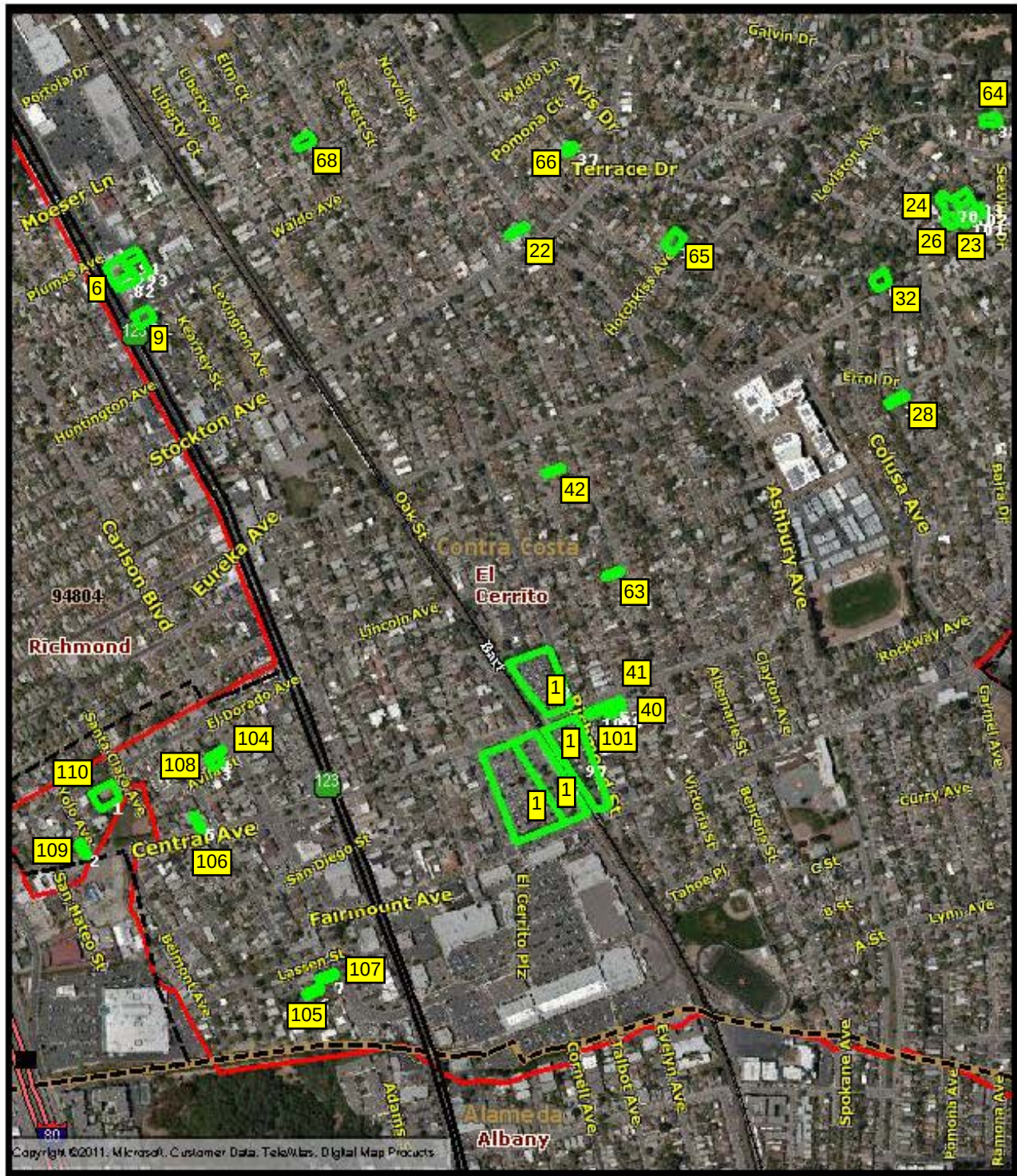


971 ft

CityGIS

Map of Available Land

Southern 1/3 of El Cerrito



DIGITAL MAP
PRODUCTS



857 ft
CityGIS

APPENDIX B: AT RISK ASSISTED UNITS

1. Assisted Housing Units at Risk of Converting to Market Rate Rents

Housing that receives governmental assistance is often a significant source of affordable housing in many communities. Because of its significance, this section identifies publicly assisted rental housing in El Cerrito, evaluates the potential of such housing to convert to market rate during a ten-year planning period (2010 to 2020), and analyzes the options and associated costs to preserving these units.

Covenants and deed restrictions are the typical mechanisms used to maintain the affordability of publicly assisted housing, ensuring that these units are available to lower and moderate income households in the long term. Over time, the City may face the risk of losing some of its affordable units due to the expiration of covenants and deed restrictions. As the relatively tight housing market continues to put upward pressure on market rents, property owners are more inclined to discontinue public subsidies and convert the assisted units to market-rate housing. Table B-1 provides the inventory of assisted rental housing units in El Cerrito as of June 2010. Of the 487 total assisted units within five developments, 121 units in three developments are at risk of converting to market-rate during the 2010 to 2020 period.

Table B-1
Inventory of Publicly Assisted Rental Housing

Project Name	Address	Total Units	Assisted Units	Population Assisted	Type of Subsidy	Earliest Expiration of Affordability	At-Risk
Hazel Shirley Manor	11025 San Pablo	63	63	Senior; mobility impaired	HUD 202 & Project-based Section 8	2011 (Sec. 8), 2026 (I	Yes
El Cerrito Royale Assisted Living	6510 Gladys	102	31	Senior	RDA; CDBG; County Tax-Exempt bonds	2019 (RDA)	Yes
Del Norte Place	11720 San Pablo	135	27	Senior/Family	TCAC; County Tax-Exempt bonds; RDA	2020 (RDA)	Yes
Idaho Apartments	10203 San Pablo	29	25	HIV/AIDS/Hom eless/Mental Illness	RDA; County HOPWA; Richmond	2052 (RDA)	No
Village at Town Center Apartments	10810 San Pablo	158	24	Family	RDA Inclusionary Agreement	2035 (RDA)	No
Total Assisted Units:		487	170				
At-Risk Units:			121				

2. At-Risk Units

Eskaton Hazel Shirley Manor: At the time the project-based Section 8 contract was renewed for this 63-unit affordable senior development, a five-year contract renewal was the maximum extension granted by the US Department of Housing and Urban Development (HUD). The property was funded through HUD Section 202 program and

the property owner, a non-profit affordable senior housing provider, has expressed their intention to pursue a renewal of the Section 8 contract when it expires in 2011. Given these two factors, this development is not considered at high risk of conversion to market-rate in the next ten years. [California Housing Partnership Corporation, Affordable Rental Housing At-Risk in Alameda, Contra Costa and San Mateo Counties, January 2010.] Nevertheless, the options for preserving and/or replacing these affordable units are included in this analysis.

El Cerrito Royale: The El Cerrito Royale is a 102-unit congregate care facility that is licensed through the State. The project includes 31 very low-income units. The El Cerrito Redevelopment Agency holds the ground lease though a partnership. The County issued tax-exempt bonds for the project. The initial 30-year period of affordability is set to expire in 2019. Room, board and care are included in the unit monthly rent and some units are double occupancy. This makes the market value of the project difficult to estimate as this project is not a typical multi-family rental development. For this analysis, the market value was estimated assuming an operating cost that included an estimated social service expense.

Del Norte Place: Del Norte Place is a 135-unit apartment complex in El Cerrito near the Del Norte BART Station. In exchange for El Cerrito Redevelopment Agency assistance through a Disposition & Development Agreement and a ground lease, the development allocates 27 units for very low income households. These units are also restricted through the Low Income Housing Tax Credit program. The term of affordability is set to expire in 2020. Because it is not possible to only acquire the 27 affordable units in Del Norte Place, the estimated market value is calculated for all 135 units in the project, as shown in Table B-2.

3. Preservation and Replacement Options

To preserve the existing affordable housing stock, the City must either preserve the existing assisted units or facilitate the development of new units. Depending on the circumstances of the at-risk projects, different options may be used to preserve or replace the units. Preservation options typically include: 1) transfer of project to non-profit ownership; 2) provision of rental assistance to tenants using other funding sources; and 3) purchase of affordability covenants. In terms of replacement, the most direct option is the development of new assisted multi-family housing units.

Transfer of Ownership: Transferring ownership of an at-risk project to a non-profit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable for the long term. By transferring property ownership to a non-profit organization, low income restrictions can be secured and the project would become potentially eligible for a greater range of governmental assistance.

The estimated market value for the at-risk units in three projects is provided in Table B-2. Because it is not possible to only acquire the affordable units in the Del Norte and El Cerrito Royale developments, the estimated market value is calculated for all units in each of the projects, as indicated in Table B-2. Current market value for the projects is estimated on the basis of the project's potential annual income, and operating and maintenance expenses. As indicated below, the estimated market value of the three projects is \$36.3 million. (These estimates are provided for purposes of comparison and understanding the magnitude of costs involved and do not represent the precise market

values of these projects. The actual market values at time of sale will depend on market and property conditions, among other factors.)

Table B-2
Market Value of At-Risk Projects

Del Norte Place	Total	
1-bedroom units		67
2-bedroom units		68
Total Units		135
Annual Operating Costs	\$	864,000
Annual Gross Income	\$	2,110,668
Estimated Market Value	\$	14,960,016

Hazel Shirley		
1-bedroom units		63
Total Units		63
Annual Operating Costs	\$	333,459
Annual Gross Income	\$	920,052
Estimated Market Value	\$	7,039,116

El Cerrito Royale		
1-bedroom units		102
Total Units		102
Annual Operating Costs	\$	570,486
Annual Gross Income	\$	1,489,608
Estimated Market Value	\$	11,029,464

Total Estimated Market Value	\$	33,028,596
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Assumptions

Average monthly market rent

1-bedroom	\$	1,217
2-bedroom	\$	1,388
3-bedroom		

source: PMC rental survey, December 2009 from Contra Costa

Consortium Analysis of Impediments to Fair Housing Choice

Annual operating expenses PUPY

Del Norte	\$	6,400.00
Hazel Shirley	\$	5,293.00
EC Royale	\$	5,593.00

source: Bay Area LISC Operating Cost Database

According to a list of qualified entities maintained by the California Department of Housing and Community Development (HCD), there are a number of non-profit housing providers that would be suitable candidates to receive the transfer ownership of the at-risk units discussed here. There are three qualified entities on the HCD list that are well established non-profit housing providers active in Contra Costa County, including

BRIDGE Housing Corporation (San Francisco), Resources for Community Development (Berkeley), and Eden Housing, Inc. (Hayward), which could be suitable candidates for the transfer of ownership. The HCD list does not include a number of housing developers who have the capacity to own and manage this type of property. The entities named above are representative of the active developers in the County.

Rental Assistance: Rental subsidies using other funding sources can be used to maintain affordability of the 121 at-risk affordable units. These rent subsidies could be structured to mirror the federal Section 8 program. Under Section 8, HUD pays the difference between what tenants can pay (defined as 30 percent of household income) and what HUD estimates as the fair market rent (FMR) on the unit. In Contra Costa County, the 2009 FMR was \$1,093 for a one-bedroom unit and \$1,295 for a two-bedroom unit. The feasibility of this alternative is highly dependent upon the availability of reliable funding sources necessary to make rent subsidies and the willingness of property owners to participate in the program. As indicated in Table B-3, the total cost of subsidizing the rents of all 121 at-risk units is estimated at \$45,951 per month or \$551,406 annually.

Table B-3
Rental Subsidies Required

Unit Size	Total Units	2009 Fair Market Rent	Household Size	Annual HH Income - Very Low Income	Monthly Affordable Housing Cost (less Utilities)	Monthly per unit Subsidy	Total Monthly Subsidy
1-bedroom	72	\$ 1,093	1	\$ 31,250	\$ 682	\$ 411	\$ 29,574
1-bedroom	35	\$ 1,093	2	\$ 35,700	\$ 794	\$ 300	\$ 10,483
2-bedroom	14	\$ 1,295	3	\$ 40,200	\$ 874	\$ 421	\$ 5,894
3-bedroom	0	\$ 1,756	5	\$ 48,200	\$ 1,042	\$ 714	\$ -
Total	121						\$ 45,951
Total Annual Cost:							\$ 551,406

Notes:

Fair Market Rent (FMR) is determined by HUD.

Contra Costa County 2009 Area Median Income (AMI) limits set by the California Department of Housing & Community Development (HCD).

Very Low Income is calculated at 50% of AMI.

Affordable Housing Cost equals 30% of household income less utility allowance

Bedrooms per units: Hazel Shirley (63 1-bedroom units); Del Norte (13 1-bedroom and 14 2-bedroom units);

El Cerrito Royale (31 1-bedroom units).

Tax-Exempt Bond Refinancing: Contra Costa County acts as a conduit issuer of mortgage revenue bonds. The El Cerrito Royale was partially financed with County-issued tax-exempt bonds. A potential way to preserve the affordability of the 31 very low-income restricted units at the El Cerrito Royale under the bond program is to refinance the remaining mortgage on the project. When refinanced, the project would be required by the 1986 Tax Reform Act to commit its 20 percent affordable units for the greater of 15 years or as long as the mortgages are outstanding. The costs to refinance the project would include the difference in interest rates on the remaining debt between the previous

and renegotiated loan packages, an issuance cost to be paid up front by the County, and administrative costs. To provide the property owner with an incentive to refinance, the County could offer to refinance the project with a new tax-exempt bond issue at an interest rate lower than the rate on the initial bond. Other assistance, such as rehabilitation loans or grants, may also be available.

Purchase of Affordability Covenants: Another option to preserve the affordability of the at-risk project is to provide an incentive package to the owner to maintain the project as affordable housing. Incentives could include writing down the interest rate on the remaining loan balance, providing a lump-sum payment, and/or supplementing the rents to market levels. The feasibility of this option depends on whether the complex is too highly leveraged. By providing lump-sum financial incentives or ongoing subsidies in rents or reduced mortgage interest rates to the owner, the City can ensure that some or all of the units remain affordable.

Construction of Replacement Units: The construction of new low income housing units is a means of replacing the at-risk units should they be converted to market-rate units. The cost of developing housing depends upon a variety of factors including density, size of the units, location, land costs, and type of construction. The average construction cost for a rental residential unit is approximately \$300,000 (including land costs), based on assessments from recent multi-family developments in the County. Based on this estimate, it would cost approximately \$36.3 million to develop 121 new assisted units should all three projects convert to market rate.

4. Cost Comparisons

The previous analysis attempts to estimate the cost of preserving the at-risk units under various options. The cost of acquiring the three projects and transferring ownership to non-profit housing organizations is high at approximately \$33 million. In comparison, the annual costs of providing rental subsidies to preserve the 121 assisted units are relatively low (\$551,406); however, long-term provision of rental subsidies for at least 55 years would cost more than \$30 million. Overall, new construction of 121 replacement units is the most costly option at approximately \$36.3 million and is constrained by a variety of factors, including growing scarcity of land zoned for residential use and land costs.

5. Resources for Preserving At-Risk Units

Available public and non-profit organizations with the capacity to preserve assisted housing developments include Contra Costa County, the City of El Cerrito, and various non-profit developers, including Eden Housing, Resources for Community Development, Mercy Housing, EAH, and Bridge Housing Corporation. Financial resources available include City of El Cerrito Redevelopment Agency Tax Increment Set-Aside monies, and bond financing, as well as CDBG and HOME funds, Section 8 rental assistance, and low income housing tax credits.

APPENDIX C

REVIEW OF HOUSING ELEMENT PAST PERFORMANCE

Goal/Policy/Action	Progress in Implementation
Goal 1: Conserve and improve El Cerrito's existing housing supply.	
P.1 <u>Housing Rehabilitation</u> : 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.	
P.2 <u>Displacement of Residential Units</u> : 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.	
P.3 <u>Condominium Conversions</u> : Allow condominium conversions where feasible recognizing that condominiums may offer affordable housing ownership opportunities.	
P.4 <u>Relocation/ of Non-conforming Mobile Home Parks</u> : Encourage conversion of non-conforming mobile home parks to other uses, while residents displaced from non-conforming mobile home parks shall be provided relocation assistance pursuant to State Law.	
P.5 <u>Energy Conservation Improvements</u> : Promote residential energy conservation programs which provide assistance for energy conservation improvements.	
IP. 1 <u>Maintain Existing Residential Zoning</u> : Retain existing residential zoning and discourage non-residential uses in these zones. The City will strictly enforce the Zoning Code which states that non-residential uses in residential areas are limited to churches, daycares, and schools. The City actively enforces zoning laws during review of development applications and a Code Enforcement officer will perform enforcement for existing land uses.	Completed and ongoing. The updated Zoning Ordinance effective March 2008 maintains existing residential zoning. A new code enforcement program was also launched in 2007 and is operating successfully.
IP.2 <u>Certificate of Occupancy Program</u> : Continue to implement the Certificate of Occupancy Permit Program for rental housing on a biennial basis to maintain the quality of the housing stock.	The City's Building Division launched the Residential Rental Inspection Program in 2009. The Program's purpose is to ensure that rental housing units in the City are maintained in a safe and habitable condition and comply with all codes and standards applicable to rental housing and requires that each rental unit in the

	City be inspected every two years. If the property is in compliance with applicable codes and standards, a certificate of compliance shall be issued to the property owner.
IP.3 <u>Condominium Conversion</u> : Amend the zoning ordinance to allow condominium conversions, require relocation assistance when units are converted; and require first right of refusal by occupants.	Completed with the adoption of new Zoning Ordinance in 2008. Since that time the City has received one application for a condominium conversion that was later withdrawn due to economic issues.
IP.4 <u>Rehabilitation Preservation Program</u> : Participate in the Neighborhood Preservation Program in cooperation with the Contra Costa County Housing Authority (CCCHA) which provides low interest loans for the rehabilitation of homes owned or occupied by low- to moderate-income households. The City will improve citizen awareness of this rehabilitation loan program by: a) making pamphlets on this program available at City Hall and at the public library; b) contacting neighborhood groups in older residential areas with this information; c) continuing building code enforcement; and d) use funding sources such as the Deferred Payment Rehabilitation Loan Program (DPRLP) as well as Redevelopment Tax Increment Set-Aside funds to implement this program.	Residential property owners in the City continue to be eligible to participate in Contra Costa County's Rental Rehabilitation Program and the Neighborhood Preservation Program. The City is a member of the Contra Costa Urban County CDBG Consortium and as such City residents and property owners are eligible for these programs, which are funded through Contra Costa County Community Development Block Grant (CDBG) funds. The City continues to make program information available to residents through the City's website, availability of program marketing materials at City Hall and other City locations and through City code enforcement efforts. The City has no plans to supplement County CDBG funds for this activity with Redevelopment Agency Housing Funds at this time as no funds are available. However, as funds are available the City would consider requests for matching funds for Rental Rehabilitation Program applicants within the City.
IP.5 <u>Housing Rehabilitation in Non-conforming Areas</u> : Continue to permit new housing units and housing rehabilitation in commercial zoning districts subject to Zoning Ordinance requirements so that housing and commercial uses can complement and support one another.	Ongoing

IP.6	<u>Capital Improvements Program</u> : The Planning Commission and City Council shall, on an annual basis, review the City Capital Improvement Program (CIP) to determine what special priorities are needed for capital improvement projects required to maintain the community's older residential neighborhoods. Annual review of the CIP shall also include verification that needed improvements are scheduled for funding.	Ongoing
IP.7	<u>Relocation of Mobile Home Residents</u> : The City has no plans to convert mobile home sites within the City to other uses during the 2001-2006 implementation and assessment period. To the extent that redevelopment projects cause mobile home parks to be converted to other uses, the Redevelopment Agency will ensure that residents of mobile home parks obtain relocation assistance pursuant to State law and that they are referred to agencies such as the Contra Costa Housing Authority and the Contra Costa Community Services Department. Relocation assistance would include the Redevelopment Agency conducting a relocation study and paying for the residents' relocation. The Agency would also build (or cause to be built) replacement housing units equal to the number removed.	The City did not convert any mobile home sites during the implementation period. The Redevelopment Agency, in its FY 2007-FY 2012 Implementation Plan, does not have any plans to convert or relocate any mobile home parks and there are no mobile home parks currently in the Redevelopment Project Area.
IP.8	<u>Code Enforcement New Hire</u> : The City will hire a full-time Code Enforcement Officer to replace the current part-time position.	A full time code enforcement officer is on staff and has a very active caseload. 452 cases were opened in 2009
Goal 2: Facilitate and encourage the development of the housing to meet regional housing needs allocations established by the Association of Bay Area Governments (ABAG).		
P.6	<u>Pursue Available Funding Sources</u> : Provide housing opportunities for very low-, low-, and moderate-income households.	
P.7	<u>Mixed Use</u> : Encourage the development of multi-family residential uses in existing and new commercial areas so that housing and commercial uses can complement and support one another.	
P.8	<u>Large Scale Commercial & Office Projects</u> : Consider impacts on housing demand in the environmental review	

process of commercial and office projects.	
P.9 <u>Regional Housing Needs</u> : The City will encourage the construction of multi-family housing in mixed-use projects, in the redevelopment area, and near transit-oriented facilities to help meet the ABAG's Regional Housing Needs Allocation for El Cerrito.	
P.10 <u>Transit-Oriented Development</u> : The City will encourage the construction of transit-oriented developments (TODs) that seek to maximize opportunities for the use of public transit and transportation corridors through high-density residential and mixed-use projects along those corridors in accordance with the City's Incentives Program (Chapter 19.32 of the El Cerrito Zoning Ordinance).	
P.11 <u>Accessory Living (Second Dwelling) Units</u> : Continue to facilitate the construction of second dwelling units, pursuant to the City's Accessory Living Unit Ordinance.	
P.12 <u>Adaptive Reuse</u> : Identify and evaluate the reuse of underutilized or deteriorated buildings in commercial areas with potential under the City's zoning requirements for conversion to mixed use housing, retail, and commercial uses that can support and complement one another.	
IP.9 <u>Mixed Use</u> : Review the Mixed Use Zoning District to consider revisions to parking, setback, height, lot coverage and other standards to facilitate increased multi-family housing densities integrated with retail and commercial uses. Among the items to be considered are alternative parking standards where several land uses share a parking facility; exemptions for structured parking facilities from lot coverage or building height standards; and establishment of performance criteria, so that housing and commercial uses can complement and support one another. El Cerrito has one Mixed Use Zoning District. The entire district is located adjacent to the Del Norte BART station and has the potential for high-density residential and mixed-use projects identified in Policy P.10-Transit-Oriented Development. The City currently offers incentives to promote high-density projects in this zoning district and will be considering revisions to the zoning ordinance to execute the tasks listed above. Higher densities would be subject to General Plan and Zoning	Completed with the adoption of new Zoning Ordinance in 2008.

Ordinance standards of 35 dwelling units per acre or up to 45 dwelling units per acre under the Zoning Ordinance Incentives Program. The City is also in the process of updating design guidelines for the Del Norte area and anticipates completion in November 2003.	
IP.10 <u>Adaptive Reuse and Transit Oriented Development:</u> Continue to survey the City to identify underutilized and deteriorated buildings and properties where adaptive reuse and high-density, transit-oriented developments could be feasible. Prepare a report for the Planning Commission and City Council with recommendations for specific strategies for adaptive reuse of identified building(s) and properties, taking into consideration the flexibility provided by the Incentives Program, participation of the Redevelopment Agency, and the density bonus provisions of the Zoning Ordinance. A few of the underutilized sites identified in the vacant land survey in Appendix B are located near or directly around the City's two BART stations and along San Pablo Avenue, the City's major transportation thoroughfare and could support public transit with high-density uses. These sites, in particular, have the potential to be high-density residential and mixed-use developments due to the General Plan's allowable densities and City incentives (under the El Cerrito Zoning Ordinance Incentives Program, Chapter 19.32). Criteria for incentives eligibility include "location of housing in close proximity to shopping, employment, or transportation centers". The Adaptive Reuse report will acknowledge the sites that are within close proximity to the City's BART stations with respect to the incentives offered by the zoning ordinance that promotes "the BART stations as focal points for integrated transportation, commercial, and residential centers".	Ongoing. Redevelopment/Economic Development completed a survey of potential development sites and continues to work with property owners, businesses and brokers on development opportunities of underutilized sites. The City works with property owners to assess the development potential of their property given current zoning and incentives offered by the zoning ordinance.
IP.11 <u>Facilitate the Construction of Accessory Living (Second</u>	Completed with the adoption of new Zoning Ordinance

<u>Dwelling) Units:</u> Consider fast-track processing for units meeting established City standards and prepare a brochure on second units to be distributed to the public at the City's development permit counter and promoted through other City communications to El Cerrito residents. The City will also consider amending the Zoning Ordinance to revise provisions relating to parking, setback, height, lot coverage and other zoning-related factors that could impact the feasibility of accessory living unit construction.	in 2008.
Goal 3: Expand housing opportunities for the elderly, the handicapped, households with very low- to moderate-income and for persons with special housing needs.	
P.13 <u>Facilitate Additional Special Needs Housing:</u> Special needs housing projects may be developed with density bonuses and with less restrictive parking and setback requirements than specified in the Zoning Ordinance, where found to be consistent with maintaining the character of the surrounding neighborhood. Continue to facilitate housing for all special needs persons. Continue to provide density bonuses to projects that provide the required percentage of total units affordable to very-low and low-income households and for units meeting the special housing needs requirements identified in this Element as specified by State law.	
P.14 <u>Notification Requirements for BMR and Section 8 Project-Based Subsidy Units:</u> Impose notification requirements on Below Market Rate [BMR] and Section 8 Project Based Subsidy units, prior to resale of units or and/or conversion of such units to market-rate.	
P.15 <u>Monitor Conversion of Section 8 to Market Rate Units:</u> Work with the Contra Costa Housing Authority to monitor Section 8 and other affordable BMR units that are scheduled to be converted to market rate units, and to develop programs preventing the loss of these affordable units.	
P.16 <u>Emergency and Transitional Housing:</u> Allow emergency and transitional shelter within the City as a permitted use in the C-2 and C-3 Zoning District.	
P.17 <u>Inter-agency Cooperation:</u> Work with private, County, and State Agencies to provide emergency housing for the homeless.	
IP.12 <u>Prepare the Appropriate Housing Impact and Mitigations Reports/Studies</u> for employment-generating commercial,	Ongoing

	office, and industrial developments in the Environmental Review process.
IP.13	<u>Additional Housing for Senior Households:</u> Assist developers in obtaining funding for construction of senior housing sites. Continue to permit senior housing developments, for persons aged 55 and over, in residential and commercial areas with reduced parking, setbacks and other requirements. Senior housing is allowed in all zoning districts, but, in commercial areas, approval of a use permit is necessary. The City will facilitate the construction of senior housing by soliciting development proposals on opportunity sites identified by the City that are suitable for senior housing. The availability of these sites will be advertised to senior housing developers through the City's web site and an inventory to be provided to developers upon request.
IP.14	<u>Additional Housing for Persons with Disabilities and Other Special Needs:</u> The City will abide by the Federal and State American Disabilities Act (ADA) laws which require at least 5 percent of new residential projects comprising 25 or more units to be adapted to or built for handicapped persons. The City will investigate the possibility of implementing a preference system to ensure that persons requiring handicap-accessible units are given preference for handicap-accessible units. The City will also amend the Zoning Ordinance to designate appropriate zoning districts in which residential care facilities and other group homes of more than six persons may locate under a conditional use permit process and to change the definition of "family" in the Zoning Ordinance to clarify that households comprised of unrelated individuals (such as in large group homes) are permitted by the City. The City will offer regulatory incentives as described in

	the City's Incentives Program (Chapter 17.32 of the Zoning Ordinance) for projects meeting accessibility criteria.	
IP.15	<u>Fast-Tracking of Affordable Housing for Special Needs Groups</u> : The City will "fast track" the planning process for housing units with three or more bedrooms for large families, housing for seniors, and other special needs housing for very low-, low-, and moderate-income households. Fast tracking indicates that those applications are processed as a higher priority than other projects.	Completed with the adoption of new Zoning Ordinance in 2008.
IP.16	<u>Density Bonus</u> : The City will comply with the Density Bonus provisions of Government Code Section 65913.4 and 65917 requiring the granting of a density bonus and an additional financial incentive, or financially equivalent incentive(s), to a developer of housing agreeing to construct at least: a) 20 percent of the units for low-income households; b) 10 percent of the units for very low-income households; or c) 50 percent of the units for senior citizens. In addition, the City will continue to implement fast track processing for projects with affordable housing.	Completed with the adoption of new Zoning Ordinance in 2008.
IP.17	<u>Evaluate the Feasibility of an Inclusionary Housing Ordinance</u> . The City will conduct a study of the feasibility of an inclusionary housing ordinance that would include the terms and conditions under which new developments would be required to provide a specified percentage of housing affordable to very low-, low-, and/or moderate-income households. As part of a potential inclusionary program, the City will consider requirements for units with three or more bedrooms to meet the need of large families.	Not included in 2008 ZO update, but still under consideration. For new residential projects within the Redevelopment Project Area, the City has successfully implemented a 15% inclusionary policy, which resulted in 24 low- and moderate-income affordable units constructed in 2006.
IP.18	<u>Redevelopment Agency and Housing Fund</u> : Continue to operate the Housing Fund. Contributions to the Housing Fund would come from Redevelopment Agency Set-Aside	The Redevelopment Agency continues to operate the Housing Fund under the requirements of California

	funds and funds collected from private and public sources to implement and/or supplement the City's housing programs. Use of the Housing Fund will be governed by guidelines as set out in the City Redevelopment regulations, where applicable. Currently the Housing Fund is in a deficit due to expenditures on affordable housing projects: Del Norte Place, Shirley Hazel Manor, and El Cerrito Royal and the Idaho Apartments.	Community Redevelopment Law.
IP.19	<u>Tax-Exempt Financing</u>: Continue to encourage developers to utilize tax-exempt financing for affordable housing financing by informing them of available bonds, deadlines, and or contracts. Tax-exempt bonds require the developer to rent to low-income persons. Developers should follow the specifics of the bond language to meet this requirement.	The Redevelopment Agency continues to work with developers to encourage them to access a variety of financing available to developers of affordable housing.
IP.20	<u>Conversion of Section 8 and BMR Units</u>: Consider an ordinance requiring a one year notice to residents, the City, and the Contra Costa Housing Authority of all conversions of Section 8 and Below Market Rate housing units to market rents.	Completed with the adoption of new Zoning Ordinance in 2008.
IP.21	<u>Standards for Emergency and Transitional Housing</u>: Revise the Zoning Ordinance to designate an emergency and transitional housing facility as a permitted use in the C-2 and C-3 District subject to the following performance standards. Through such standards, the City believes it can facilitate and expedite the approval of emergency shelter and transitional housing because applicants will know in advance the requirements for obtaining permits for these uses.	Completed with the adoption of new Zoning Ordinance in 2008.
IP.22	<u>Rental Deposit Guarantee and Revolving Loan Fund Programs</u>: Consider funding the Rental Deposit Guarantee and Revolving Loan Fund Programs operated by Shelter, Inc. to specifically assist El Cerrito residents and to prevent and reduce homelessness based on possible funding from the Redevelopment Agency	Ongoing. The City is a member of the Contra Costa Urban County CDBG Consortium. The County utilizes CDBG funds to help fund this program on behalf of the Urban County jurisdictions.

Housing Fund and the annual availability of Community Development Block Grant (CDBG) funds from Contra Costa County.	
IP.23 <u>Maintain 2001 - 2006 Estimates of the Demand for Emergency Housing:</u> Consult with the El Cerrito Police Department and the County's Task Force on Homelessness to maintain 2001 - 2006 estimates of the demand for emergency housing.	The Contra Costa County Interjurisdictional Council on Homelessness conducts a countywide homeless count every two years to assess the met and unmet need for emergency shelter, transitional housing and permanent supportive housing. The City refers to this assessment in estimating the demand for emergency housing as well as consulting with the El Cerrito Policy Department.
IP.24 <u>Adopt 2002 Zoning Ordinance Amendments:</u> The City is currently updating the Zoning Ordinance. The amendment is a comprehensive update of the Ordinance to revise outdated provisions of the City's zoning requirements and to bring the Ordinance into conformance with the General Plan and the requirements of State law. Among the amendments will be clarification of Chapter 17.32 (Incentives Program) to indicate that incentives will be mandatory for qualifying development proposals.	Completed.
Goal 4: To prohibit discrimination in the provision of housing based on race, color, religion, sex, age, marital status, national origin, ancestry, familial status, disability, or sexual orientation and to promote equal housing opportunities.	
P.18 <u>Equal Housing Opportunity:</u> Continue to facilitate non-discrimination in housing in El Cerrito.	
P.19 <u>Landlord-Tenant Disputes:</u> Continue to refer landlord-tenant disputes to housing counseling organizations such as Shelter, Inc.	
IP.25 <u>Equal Housing Opportunity:</u> Facilitate equal housing opportunity by referring housing complaints and landlord-tenant disputes to the appropriate agencies. The City will document fair housing complaint occurrences for	Ongoing. The City is a member of the Contra Costa Urban County CDBG Consortium. The County utilizes CDBG funds to help fund the Contra Costa County Housing Services Collaborative on behalf of the Urban

evaluation of future service needs. The City will designate a staff person to coordinate referral of housing discrimination and documentation of complaints. The City will also prepare brochures and pamphlets listing Shelter In. and other social service agencies. The brochures and pamphlets shall be available to the public at City Hall, the City Library, the Community Center, and office of social services organizations that serve tenants or handle tenant disputes.	County jurisdictions. The Housing Services Collaborative offer free housing services including tenant-landlord counseling, fair housing services, and legal advice and representation to Urban County residents, including El Cerrito. Brochures and information about the services offered by the Housing Services Collaborative will be distributed through the City's website and at City Hall and the El Cerrito Library.
IP.26 <u>Non-Discrimination Clauses</u>: Continue to provide non-discrimination clauses in rental agreements and deed restrictions for housing constructed with either City or DD&A's funds and Owner Participant Agreements when Redevelopment Agency participation occurs.	The Redevelopment Agency includes non-discrimination clauses in all its housing agreements.
Goal 5: Adopt and implement a Housing Element that is in compliance with State law and the requirements of the State Department of Housing and Community Development.	
P.25 <u>City Leadership</u>: Provide active leadership in implementing the policies and programs contained in the Housing Element in a timely manner.	
P.26 <u>Public Participation</u>: Encourage and support public participation in the formulation and review of the City's housing and development policies.	
P.27 <u>Redevelopment Agency</u>: The Redevelopment Agency shall promote the implementation of the policies and goals of the Housing Element, through its unique powers.	
P.28 <u>Annual Review of Housing Element Implementation</u>: Planning Commission and City Council shall annually review progress in implementing the Housing Element.	
IP.27 <u>Prepare an Annual Report</u>: to the City Council and Planning Commission, that describes the amount and type of housing activity, tied to an updated summary of the City's housing needs.	Ongoing.
IP.28 <u>Update Demographic Information</u>: when the results of the 2000 Census become available.	Completed.

APPENDIX D: GLOSSARY OF HOUSING TERMS

Above-Moderate Income Household. A household with an annual income usually greater than 120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available legibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Apartment. An apartment is one (1) or more rooms in an apartment house or dwelling occupied or intended or designated for occupancy by one (1) family for sleeping or living purposes and containing one (1) kitchen.

Assisted Housing. Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal state, or local housing programs including, but not limited to Federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), Federal Sections 213, 236, and 202, Federal Section 221 (d) (3) (below-market interest rate program), Federal Section 101 (rent supplement assistance), CDBG, FmHA Section 515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.

Below-Market-Rate (BMR). Any housing unit specifically priced to be sold or rented to low- or moderate income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as “low income” or “moderate income.” (2) The financing of housing at less than prevailing interest rates.

Build-Out. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum level of development envisioned by the General Plan. Build-out does not assume that each parcel is developed to include all floor area or housing units possible under zoning regulations.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitlement communities and by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Condominium. A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. (See “Townhouse.”)

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Deed. A legal document which affects the transfer of ownership of real estate from the seller to the buyer.

Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density, Residential. The number of permanent residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre.

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Down Payment. Money paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed.

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling Unit (du). A building or portion of a building containing one or more rooms, designed for or used by one family for living or sleeping purposes, and having a separate bathroom and only one kitchen or kitchenette. See Housing Unit.

Elderly Housing. Typically one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them.

Emergency Shelter. A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (See "Homeless" and "Transitional Housing.")

Extremely-Low Income Household. A household with an annual income equal to or less than 30% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Fair Market Rent. The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposes of administering the Section 8 Housing Program.

Family. (1) Two or more persons related by birth, marriage, or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity,

sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [California].

General Plan. A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

Green Building. Green or sustainable building is the practice of creating healthier and more resource efficient models of construction, renovation, operation, maintenance, and demolition. [US Environmental Protection Agency]

Historic Preservation. The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

Historic Property. A historic property is a structure or site that has significant historic, architectural, or cultural value.

Household. All those persons—related or unrelated—who occupy a single housing unit. (See “Family.”)

Housing and Community Development Department (HCD). The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low-and moderate income house holds.

Housing Element. One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and implementation programs for the preservation, improvement, and development of housing. Under State law, Housing Elements must be updated every five years.

Housing Payment. For ownership housing, this is defined as the mortgage payment, property taxes, insurance and utilities. For rental housing this is defined as rent and utilities.

Housing Ratio. The ratio of the monthly housing payment to total gross monthly income. Also called Payment-to-Income Ratio or Front-End Ratio.

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

Housing and Urban Development, U.S. Department of (HUD). A cabinet-level department of the federal government that administers housing and community development programs.

Implementing Policies. The City's statements of its commitments to consistent actions.

Implementation. Actions, procedures, programs, or techniques that carry out policies.

Infill Development. The development of new housing or other buildings on scattered vacant lots in a built-up area or on new building parcels created by permitted lot splits.

Jobs-Housing Balance. A ration used to describe the adequacy of the housing supply within a defined area to meet the needs of persons working within the same area. The General Plan uses ABAG's definition which is a job total equal to 1.2 times the number of housing units within the area under consideration.

Land Use Classification. A system for classifying and designating the appropriate use of properties.

Live-Work Units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Low Income Household. A household with an annual income usually no greater than 51%-80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the §8 housing program.

Low-Income Housing Tax Credits. Tax reductions provided by the federal and State governments for investors in housing for low-income households.

Manufactured Housing. Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U. S. Department of Housing and Urban Development (HUD). (See "Mobile Home" and "Modular Unit.")

Mixed-Use. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Moderate Income Household. A household with an annual income usually no greater than 81%-120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Monthly Housing Expense. Total principal, interest, taxes, and insurance paid by the borrower on a monthly basis. Used with gross income to determine affordability.

Multiple Family Building. A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowding Housing Unit. A housing unit in which the members of the household, or group. Are prevented from the enjoyment of privacy because of small room size and housing size. The U.S. Bureau of Census defines an overcrowded housing unit as one which is occupied by more than one person per room.

Parcel. A lot or tract of land.

Planning Area. The area directly addressed by the general plan. A city's planning area typically encompasses the city limits and potentially annexable land within its sphere of influence.

Policy. A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See "Program.")

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or "poverty thresholds" varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the "who," "how" and "when" for carrying out the "what" and "where" of goals and objectives.

Redevelop. To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area.

Regional Housing Needs Assessment. A quantification by ABAG of existing and projected housing need, by household income group, for all localities within a region.

Rehabilitation. The repair, preservation, and/or improvement of substandard housing.

Residential. Land designated in the General Plan and zoning ordinance for building consisting of dwelling units. May be improved, vacant, or unimproved. (See "Dwelling Unit.")

Residential Care Facility. A facility that provides 24-hour care and supervision to its residents.

Residential, Multiple Family. Usually three or more dwelling units on a single site, which may be in the same or separate buildings.

Residential, Single-Family. A single dwelling unit on a building site.

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Rezoning. An amendment to the map to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Second Unit. A self-contained living unit, either attached to or detached form, and in addition to, the primary residential unit on a single lot. "Granny Flat" is one type of second unit.

Section 8 Rental Assistance Program. A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing "housing assistance payments" to owners, developers, and public housing agencies to make up the difference between the "Fair Market Rent" of a unit (set by HUD) and the household's contribution toward the rent, which is calculated at 30% of the household's adjusted gross monthly income (GMI). "Section 8" includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

Shared Living. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by §1566.3 of the California Health and Safety Code.

Single-Family Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See "Townhouse.")

Single-Family Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See "Family.")

Single Room Occupancy (SRO). A single room, typically 80-250 square feet, with a sink and closet, but which requires the occupant to share a communal bathroom, shower, and kitchen.

Subsidize. To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in California Health and Safety Code Section 53260(d), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Target population" means adults with low incomes having one or more disabilities, including mental illness, HIV or A IDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. [California Health and Safety Code Sections 50675.14(b) and 53260(d)]

Target Areas. Specifically designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by Very-Low and Low-income households.

Tax Increment. Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20% to be used to increase and improve the community's supply of very low and low income housing.

Tenure. A housing unit is "owned" if the owner or co-owner lives in the unit, even if it is "owned only if it is mortgaged or not fully paid for. A cooperative or condominium unit is "owned only if the owner or co-owner lives in it. All other occupied units are classified as "rented," including units rented for cash rent and those occupied without payment of cash rent.

Townhouse. A townhouse is a dwelling unit located in a group of three (3) or more attached dwelling units with no dwelling unit located above or below another and with each dwelling unit having its own exterior entrance.

Transitional Housing. Shelter provide to the homeless for an extend period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self sufficiency through the acquisition of a stable income and permanent housing. (See "homeless" and "Emergency Shelter.")

Undevelopable. Specific areas where topographic, geologic, and/or superficial soil conditions indicate a significant danger to future occupants and a liability to the City are designated as "undevelopable" by the City.

Acronyms Used

ABAG: Association of Bay Area Governments

ACS: American Community Survey

BMPs: Best Management Practices

CALTRANS: California Department of Transportation

CEQA: California Environmental Quality Act

CIP: Capital Improvement Program

DIF: Development Impact Fee
DU/ac: Dwelling units per acre
EDD: California Employment Development Department
FAR: Floor Area Ratio
FEMA: Federal Emergency Management Agency
HCD: Department of Housing and Community Development
HOA: Homeowners Association
HUD: Department of Housing and Urban Development
LAFCO: Local Agency Formation Commission
MFI: Median Family Income
NPDES: National Pollutant Discharge Elimination System
RTP: Regional Transportation Plan
SPA: Sectional Planning Area
STF: Summary Tape File (U.S. Census)
TOD: Transit-Oriented Development
TDM: Transportation Demand Management
TSM: Transportation Systems Management
WCP: Water Conservation Plan

APPENDIX E: COMMENTS FROM THE PUBLIC

There have been no comments submitted from the public through the Housing Element process. There have been questions posed to Staff regarding the draft and revised Element and State Housing Element law from Planning Commissioners and City Councilmembers for clarification purposes.

DRAFT
INITIAL STUDY

A. BACKGROUND

- | | |
|--|---|
| 1. Project Proponent: City of El Cerrito | 2. Proponent Phone Number: (510) 215-4330 |
| 3. Proponent Address: 10890 San Pablo Ave., El Cerrito, CA 94530 | |
| 4. Project Name: El Cerrito General Plan Housing Element | |
| 5. Project Location: Citywide | |
| 6. Assessor Parcel Nos.: various | 7. Staff Contact Person: Jennifer Carman,
Development Services Manager |
| 8. Staff Contact Phone Number: (510) 215-4332 | 9. General Plan Designation: various |
| 10. Zoning Designation: Various | |

B. DESCRIPTION OF PROJECT:

Project Description

The Housing Element is a State-mandated component of the General Plan. It is a comprehensive statement of the City's current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The El Cerrito Housing Element is based on five strategic goals:

- 1) Conserve and improve El Cerrito's existing housing supply.
- 2) Facilitate and encourage the development of housing to meet regional housing needs allocations established by the Association of Bay Area Governments (ABAG) by minimizing the impact of potential governmental constraints on the maintenance, improvement, and development of housing.
- 3) Expand housing opportunities for the elderly, the disabled, households with very low- to moderate-income and for persons with special housing needs.
- 4) Prohibit discrimination in the provision of housing based on race, color, religion, gender identity, age, marital status, national origin, ancestry, familial status, disability, or sexual orientation and to promote equal housing opportunities.
- 5) Promote energy conserving practices in the location, construction, renovation, and maintenance of El Cerrito's housing units.

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 City's General Plan. Table I-2, Summary of General Plan Goals and Policies Affecting Housing, identifies the means by which the City will achieve consistency between the Housing Element and the other General Plan elements. In terms of projected capacity for housing production, the Housing Element is consistent with the General Plan Land Use Element, with respect to the Regional Housing Needs Determination requirement to accommodate 431 new units by the end of June 2014. The City has identified vacant and underutilized sites with a capacity of 1312 units in Appendix A of the Housing Element. As a policy and action document, the Housing Element is consistent with the rest of the General Plan adopted in 1999, and thus the Master EIR prepared for the 1999 EIR Update is relied upon for its identification of mitigation measures applicable to the General Plan as a whole. The Initial Environmental Analysis of the Housing Element discusses reasonably foreseeable environmental consequences of the Housing Element within the framework of the General Plan and General Plan Master EIR. Specific development proposals will be subject to additional CEQA review of project -specific environmental impacts.

C. DRAFT DETERMINATION

On the basis of this initial evaluation,

- ☒ 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 project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find 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" impact 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 EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Development Services Manager (Signature)

Date

Jennifer Carman, Development Services Manager
Printed Name

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

1. **Aesthetics.** Would the project:

- a. Have a substantial adverse effect on a scenic vista?
- b. Substantially damage a scenic resource, 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 that would adversely affect day or nighttime views in the area?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X
			X
			X

Discussion:

- 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. Lighting is not addressed in the Housing Element.

2. **Agriculture Resources.** Would the project:

- 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. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X
			X

Discussion: a through c: The City of El Cerrito is an established urbanized area. The Housing Element will have no impact regarding agricultural resources. Reference: El Cerrito General Plan Land Use and Circulation Diagram, General Plan page 4-13, which indicates that no land in El Cerrito is designated for agricultural uses.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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3. **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:

- Conflict with or obstruct implementation of the applicable air quality plan?
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 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)?
- Expose sensitive receptors to substantial pollutant concentrations?
- Create objectionable odors affecting a substantial number of people?

			X
			X
			X
			X
			X

Discussion: a,b,c,d & e:

As discussed in the project description, the Housing Element does not change development capacity within the City. The Housing Element has a policy encouraging development near existing transit facilities, thus contributing to mitigation of air quality impacts. It is Housing Element policy P.5 and P.14 related to transit oriented development and compact development. P.5: "The City will encourage the construction of transit oriented developments (TODs) that seek to maximize opportunities for the use of public transit and transportation corridors through high-density residential and mixed-use projects along those corridors" – P.14 "Based on the land-use strategy developed in the General Plan and Zoning Ordinance, direct growth into compact patterns of development to promote infill and intensify land uses". 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 P.5 and P.14, above.

4. **Biological Resources.** Would the project:

- 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 by the California Department of Fish and Game or US Fish and Wildlife Service?
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game or US Fish and Wildlife Service?
- 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,

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X
			X

- or other means?
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native 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 provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

			X
			X
			X

Discussion: a through f:

The Housing Element does not contain development goals or policies that conflict with the City's conservation objectives. Any specific housing project will have separate CEQA analysis. At that time, conformance with the General Plan policies which mitigate potential biological impacts (if any) will be analyzed. 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.

5. **Cultural Resources.** Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d. Disturb any human remains, including those interred outside of formal cemeteries?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X
			X
			X

Discussion: a through d: The Housing Element will not result in any physical impacts upon cultural resources. The pattern, distribution, and intensity of development within the City of El Cerrito will be consistent with the City's General Plan. 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.

6. **Geology and Soils.** Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X

- the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
2. Strong seismic ground shaking?
 3. Seismic-related ground failure, including liquefaction?
 4. 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 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

			X
			X
			X
			X
			X
			X
			X

Discussion:

a.1, a.2, a.3, a.4: 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 of 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.

7. **Greenhouse Gas Emissions.** Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an application plan, policy, or regulation adopted for the purpose of reducing the emissions of green

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
		X	
			X

house gases?

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Discussion of a)

In May 2011, the Bay Area Air Quality Management District (BAAQMD) adopted updated thresholds of significance for greenhouse gas (GHG) emissions in their document entitled "Air Quality CEQA Thresholds of Significance." BAAQMD provided two different thresholds of significance for GHG emissions: one pertaining to annual operations for a land use project, and another specifically for general plans.

BAAQMD recommends that when assessing GHG impacts for plans other than regional plans (transportation and air quality plans) and general plans, such as specific plans and area plans, the appropriate thresholds and methodology is the same as project-level GHG impact assessments. Specifically, the project level thresholds are:

1. The threshold is consistent with a qualified GHG Reduction Strategy; or
2. Annual emissions are less than 1,100 metric tons per year (MT/yr) of CO₂e; or
3. 4.6 MT CO₂e/SP/yr (residents + employees).

If annual emissions of operational-related GHGs exceed these levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change.

The Housing Element Update does not involve specific development projects but rather is intended to identify and facilitate the development of housing for all economic segments of the community to meet the demand forecasted by the Regional Housing Needs Assessment (RHNA). Through the RHNA, the Element could indirectly facilitate increased Greenhouse gas (GHG) emissions within El Cerrito through energy use and vehicular travel associated with the new housing units. However, the GHG emissions associated with these units is expected to fall below the project-level threshold of 4.6 MT CO₂e/SP/yr (residents + employees).

Because El Cerrito is built-out, the development potential of the City lies almost exclusively with infill and underutilized sites near two BART stations and along the heavily used transit corridor of San Pablo Avenue. Thus, a projected RHNA number of 431 units housing will be multi-family housing that will be located in TOD-housing or along well served transit corridors that directly link El Cerrito to the Bay Area's job centers.

In addition, by virtue of being high-density multi-family housing, and subject to the latest energy efficiency requirements of Title 24 and El Cerrito's robust solid waste reduction and recycling programs, these units will be using considerably less energy and generating less waste than the typical residential unit in El Cerrito.

The City of El Cerrito is currently developing a Climate Action Plan (CAP). The CAP has not yet been adopted and cannot as yet be used as a qualified a Greenhouse Gas Emissions Reduction Strategy. However, as part of the planning process, the City has completed a baseline Greenhouse Gas Emissions Inventory for the year 2005. As such, the inventory provides a good baseline for GHG emissions in El Cerrito relative to the City's existing residents, which primarily live in single family dwellings built between the 1940s and 1970s, prior to the development of California's energy efficiency building standards.

Data from the 2005 GHG inventory and academic and empirical research on the transportation, energy, and waste efficiency of multi-family housing can be used to model the expected GHG emissions from the new housing units. Based on the metrics provided in Table Y (GHG Emissions Metrics), Table X (Potential Housing Element GHG Emissions) outlines the total estimated energy use, vehicle miles travelled (VMT), and waste

generated by the 431 units allocated as part of the Housing Element. Using accepted GHG emissions factors¹ for each of these sources of GHG pollution, the total CO₂e from these new units is estimated to be a little over 4,400 metric tons per year. Divided by the population of residents living in units, the GHG emissions per "service population" per year is 4.54 MT CO₂e.

Table X: Potential Housing Element GHG Emissions		
Source of Emissions	GHG Source Units	MT CO ₂ e
1) Electricity (kWh)	2,259,893	696.26
2) Natural Gas (therms)	236,730	1,526.55
3) TOD Transportation VMT	3,688,360	1,136.37
4) Transit Corridor VMT	3,390,912	1,044.73
5) Landfill emissions from waste		0.38
Total MT CO₂e/ yr		4,404.28
Service Population (residents)	970	
Total MT CO₂e SP/yr		4.54

Table Y: GHG Emissions Source Units		
Housing Element Metrics	Typical El Cerrito Single Family Unit	Higher Density Multi-Family Unit
Persons/ HHD	2.25	2.25
Housing Units		431
Service Population		970
Average Annual Use per Unit		
Avg kWh/ Household /yr	4,661	2,330
Avg Therms/ Household/yr	488	244
Avg VMT/ Household/yr	9,400	
Avg VMT/ TOD-Unit/yr		4,700
Avg VMT/ Transit Corridor Unit/yr		7,050
Avg Lbs CO ₂ e from Waste	1,215.00	680

Table Y provides information about the metrics used to calculate emissions. Average annual consumption of energy, generation of VMT, and of waste for single family homes were derived from data collected for the City's 2005 GHG Emissions inventory.

Metrics for multi-family housing in transit rich areas were derived from academic and other empirical studies. Recent urban design research have shown that TOD-housing units and higher density housing in transit rich areas well connected to job centers result in as much as 50% less trips.² This research was applied to the average annual VMT of housing that could be built near El Cerrito's two BART stations (approximately 62% of the housing allocation. See Appendix A – Table A-2 of the Draft Housing Element). Other academic research on density and trip generation indicate that increased density, especially in transit rich areas (but not necessarily

¹ 0.599 lbs CO₂e per kWh for PG&E electricity fuel mix; 11.7 lbs CO₂e per therm of natural gas; 1.31 lbs CO₂e per vehicle mile traveled for light trucks and cars. Emissions from waste decomposing in landfills were calculated using EPA's WARM model.

² Arrington, G.B. and Robert Cervero. *Report 128. Effects of TOD on Housing, Parking and Travel*. Transportation Research Board. 2008.

near light rail), can decrease VMT by as much as 25%.³ This more conservative percentage was applied to the annual VMT of housing (38% of the housing allocation) that would be located near the bus lines along San Pablo Avenue.

Energy use of multifamily dwellings is estimated to be 50% less than in El Cerrito's single family dwellings, based on research that has shown that the average multifamily household uses half as much energy as the average single-family household.⁴ This energy differential is likely to be even higher in any new units built in El Cerrito, due to the fact that these buildings will be subject to Title 24 energy efficiency requirements while the vast majority of El Cerrito's single family homes were not.

Finally, waste generation in multifamily units was estimated to be about 44% less than in single family dwellings. This is based on data from waste generation studies comparing multifamily buildings to single family buildings in six California cities.⁵

Discussion of b:

The City of El Cerrito is currently preparing a Green House Gas Emissions Reduction Strategy (also known as the El Cerrito Climate Action Plan). The Housing Element will be adopted prior to adoption of the Climate Action Plan. Therefore, the Housing Element does not conflict with other local plans designed to reduce green house gas emissions.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Hazards and Hazardous Materials. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site that 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?				X
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?				X
f. For a project within the vicinity of a private airstrip, would the				X

³ *Driving and the Built Environment: The Effects of Compact Development on Motorized Travel, Energy Use, and CO2 emissions. Special Report 298.* National Research Council. 2009

⁴ Diamond, Rick. "Energy Savings Rise High in Multifamily Buildings." *Home Energy Magazine*. October, 1995.

⁵ <http://www.calrecycle.ca.gov/wastechar/wastegenrates/Residential.htm>

- 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 a significant risk of loss, injury or death involving wildland fires, including where residences are intermixed with wildlands?

			X
			X

Discussion:

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 ¼ 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 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 sixteen 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.

9. **Hydrology and Water Quality.** Would the project:

- 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 (e.g., 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)?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
			X
			X

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 that would result in substantial erosion or siltation on- of off-site?				X
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?				X
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f. Otherwise substantially degrade water quality?				
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significance risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X

Discussion:

a through e: The potential for environmental impacts due to development was addressed in the General Plan Master 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. Land Use and Planning. Would the project:				
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:

- 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 analysis is set forth in the Housing Element, Table 1. 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 Determination 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.

11. **Mineral Resources.** Would the project:

- 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?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X

Discussion: a and 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.

12. **Noise.** Would the project result in:

- 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 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 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?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
			X
			X
			X
			X
			X

- 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?

			X
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Discussion:

a,b,c,d: The General Plan 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. No physical projects are proposed as part of the Housing Element. 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.

13. **Population and Housing.** Would the project:

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other 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?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X
			X

Discussion:

- 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 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.
- 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:
- Policy P.1, Housing Rehabilitation. 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.
 - Policy P.2, Displacement of Residential Units. 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.
 - Policy P.3, Condominium Conversion. Allow condominium conversions where feasible recognizing that condominiums may offer affordable housing ownership opportunities.
 - Policy P.4, Relocation of Non-conforming Mobile Home Parks: Encourage conversion of non-conforming mobile home parks to other uses, while residents displaced from non-conforming mobile home parks shall be provided relocation assistance pursuant to State Law.
 - Policy P.5, Energy Conservation Improvements: Promote residential energy conservation programs that provide assistance for energy conservation improvements.

14. Public Services.

- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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:

1. Fire protection?
2. Police protection?
3. Schools?
4. Parks?
5. Other public facilities?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X
			X
			X
			X

Discussion:

- a.1 Fire Protection: 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.
- a.2 Police Protection: 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.
- a.3 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, PS3.5.
- a.4 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, PR2.3.
- a.5: The General Plan EIR identifies the impact of development within the parameters of the General Plan with regard to other public facilities to be mitigated to a less than Significant level with the following mitigating policies: CF1.1, CF1.2, CF1.4, CF1.5, CF1.6, CF1.7, CF1.8.

15. Recreation.

- 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?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X

Discussion:

- a and b: 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.

16. Transportation/Traffic. Would the project:

- a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- b. Exceed, either individually or cumulatively, a level of service

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X
			X

standard 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?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e. Result in inadequate emergency access?				X
f. Result in inadequate parking capacity?				X
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion: 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, a change in air traffic pattern 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.

17. Utilities and Service Systems. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
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?			X	
c. Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by the wastewater treatment			X	

- 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 regulation related to solid waste?

		X	
		X	

Discussion: 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, 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, 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.

Potential ly Significa nt Impact	Less Than Significa nt With Mitigatio n Incorpor ation	Less Than Signific ant Impact	No Imp act
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18. **Mandatory Findings of Significance**

- 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 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)?
- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

			X
			X
			X

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. Table 1, Summary of General Plan Goals and Policies Affecting Housing, identifies the means by which the City will achieve consistency between the Housing Element and the other General Plan elements. In terms of projected capacity for housing production, the Housing Element is consistent with the General Plan Land Use Element, with respect to the Regional Housing Needs Determination requirement to accommodate 431 new units by the end of June, 2014. The City has identified vacant and underutilized sites with a capacity of 1312 units in Appendix B of the Housing Element. As a policy and action document, the Housing Element is consistent with the rest of the General Plan adopted in 1999, and thus the Master EIR prepared for the 1999 EIR 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.

I. POTENTIALLY SIGNIFICANT IMPACTS:

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

II. 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.

III. REFERENCES

1. City of El Cerrito General Plan
2. City of El Cerrito General Plan Final EIR

V. INITIAL STUDY PREPARATION

Jennifer Carman, AICP, Planner

Exhibits:

A. Draft Housing Element

**Significant changes in Revised Housing Element
(Page numbers refer to Redline version):**

Page 14: E. Citizen Participation - Additional background detail regarding public involvement process

Page 30: Added Section g. Extremely Low Income Households

Page 31: Added Table II-17 within Extremely Low Income Household section

Page 39-41: Significant changes to Section 10.a. Regional Housing Needs Allocation (RHNA) discussion

Page 42: Addition of Section 10.c. Progress in Meeting the RHNA

Page 53: Addition of paragraph clarifying size of and infrastructure available to parcels capable of accommodating emergency shelters

Page 53: Addition of paragraph describing how supportive housing is dealt within the City's zoning ordinance.

Page 56: Clarification that Residential care facilities - general (for 6 or more individuals) are allowed in all residential and commercial zones with a conditional use permit.

Page 59: Clarification regarding environmental review fees

Page 61: Clarification regarding multifamily projects and the conditional use permit process

Page 62: Significant rewrite of 9. El Cerrito Redevelopment Agency Housing Fund Program

Page 64: Addition of Section 10. On and Off-Site Improvements discussing required improvements for new subdivisions

Page 85: Additional of Program 15.6 requiring the City to update its Zoning Ordinance to include a definition of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14.

Page 86: Significant addition to Program 16.2 to allow developers to pay an in-lieu fee rather than produce affordable units.

Page 92: Revision to Extremely Low Income unit objective. Extremely Low Income is 50% of Very Low Income need. Previously written as 25%.

Appendix A: Significant revisions to Tables A-1, A-2 and A-3 based on HCD comments.



2007-2014 Housing Element Update **REVISED DRAFT**

January 2012

City of El Cerrito
Environmental and Development Services Department
10890 San Pablo Avenue
El Cerrito, CA 94530

Adopted by the City Council on

Certified by the State Department of Housing and Community Development on

DRAFT

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I. INTRODUCTION

A. PURPOSE AND CONTENT

The City of El Cerrito's Housing Element is the component of the City's General Plan that addresses housing needs and opportunities for present and future El Cerrito residents through 2014. The Housing Element provides the primary policy guidance for local decision-making related to housing. The Housing Element of the General Plan is the only General Plan Element that requires review and certification by the State of California.

The Housing Element provides a detailed analysis of El Cerrito's demographic, economic and housing characteristics as required by State law. The Element also provides a comprehensive evaluation of the City's progress in implementing the past policy and action programs related to housing production, preservation, conservation, and rehabilitation. Based on the community's housing needs, available resources, constraints, opportunities and past performance, the Housing Element identifies goals, policies, actions and objectives that address the housing needs of present and future El Cerrito residents.

The El Cerrito Housing Element is based on four strategic goals that have been developed by the community over time: 1) conserve and improve El Cerrito's existing housing supply, 2) facilitate and encourage the development of housing to meet regional housing needs allocations established by the Association of Bay Area Governments (ABAG), 3) expand housing opportunities for the elderly, the handicapped, households with very low- to moderate-income, and for persons with special housing needs, and 4) promote housing opportunities for all persons regardless of race, age, marital status, ancestry, national origin or color.

B. HOUSING ELEMENT UPDATE PROCESS

The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of their comprehensive General Plans (California Government Code Section 65580 et al.).

It is intended that this Housing Element be reviewed annually and updated and modified no less than every five years in order to remain relevant and useful and reflect the community's changing housing needs. This Housing Element covers the planning period from January 2007 to July 2014. The time frame of the planning period is determined by State law. This document represents the update required and responds to the issues that currently face the City.

C. STATE LAW AND LOCAL PLANNING

1. Consistency with State Law

The Housing Element is one of the seven General Plan elements mandated by the State of California, as articulated in Sections 65580 to 65589.8 of the California Government Code. State law requires that each jurisdiction's Housing Element consist of "an identification and analysis of existing and projected housing needs and a statement of goals, policies,

quantified objectives, and scheduled program actions for the preservation, improvement, and development of housing.” The Housing Element plans for the provision of housing for all segments of the population.

Section 65583 of the Government Code sets forth specific requirements regarding the scope and content of each Housing Element. Table I-1 summarizes these requirements and identifies the applicable sections in the Housing Element where these requirements are addressed.

Table I-1
State Housing Element Requirements

Required Housing Element Component	Reference
A. Housing Needs Assessment	
1. Analysis of population trends in El Cerrito in relation to countywide trends	Section II
2. Analysis of employment trends in El Cerrito in relation to regional trends	Section II
3. Projections and quantification of El Cerrito's existing and projected housing needs for all income groups	Section III
4. Analysis and documentation of El Cerrito's housing characteristics, including:	
a. Level of housing cost compared to ability to pay	Section II
b. Overcrowding	Section II
c. Housing stock condition	Section II
5. An inventory of land suitable for residential development including vacant sites and having redevelopment potential and an analysis of the relationship of zoning, public facilities and services to these sites	Appendix A
6. Analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels	Section III
7. Analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels	Section III
8. Analysis of special housing need: elderly, persons with disabilities, large families, farm workers, and families with female heads of household	Section II
9. Analysis of housing needs for families and persons in need of emergency shelter	Section II
10. Analysis of opportunities for energy conservation with respect to residential development	Section III
11. Analysis of assisted housing developments that are eligible to change from lower-income housing during the next 10 years	Appendix B
B. Goals and Policies	
12. Identification of El Cerrito's goals, quantified objectives and policies relative to maintenance, improvement and development of housing	Section IV
C. Implementation Program	

13. Identify adequate sites which will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels	Appendix A
14. Programs to assist in the development of adequate housing to meet the needs of low and moderate income households.	Section IV
15. Address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing	Section IV
16. Remove constraints to or provide reasonable accommodations for housing for persons with disabilities	Section IV
17. Conserve and improve the condition of the existing affordable housing stock in El Cerrito	Section IV
18. Promote housing opportunities for all persons	Section IV
19. Identify programs to address the potential conversion of assisted housing development to market-rate housing	Appendix B
20. Program actions to identify zone(s) where emergency shelters are permitted without a conditional use or other discretionary permit and with the capacity to meet the needs of individuals and persons needing emergency shelter.	Section II

2. General Plan Consistency

The Housing Element is one component of the City's overall long-range planning strategy. The California Government Code requires that the General Plan contain an integrated, consistent set of goals and policies. The Housing Element is affected by policies contained in other elements of the General Plan. For example, the Land Use Element designates land for residential development and indicates the type, location and density of the residential development permitted in the City. Working within this framework, the Housing Element identifies goals, policies, actions and objectives for the planning period that directly addresses the housing needs of El Cerrito's existing and future residents. The policies contained within other elements of the General Plan affect many aspects of life that residents enjoy – the amount and variety of open space, the preservation of natural, historic and cultural resources, the permitted noise levels in residential areas and the safety of the residents in the event of a natural or man-made disaster.

The Housing Element policies must be consistent with policies identified in other elements of the General Plan. The Housing Element has been reviewed for consistency with the City's other General Plan elements. The policies and programs in this Element reflect the policy direction contained in other parts of the General Plan, which was last updated in 1999. As portions of the General Plan are amended in the future, this Housing Element will be reviewed to ensure that internal consistency is maintained.

The 1999 General Plan contains several elements with policies related to housing. Policies and the means for achieving consistency are summarized in Table I-2. The City will ensure consistency between the Housing Element and General Plan policies through the following actions:

Table I-2
Summary of General Plan Goals and Policies Affecting Housing

General Plan Element	Policy	Means for Achieving Consistency
Land Use	LU1.1	Ensure that the existing single-family neighborhoods remain in predominately single-family use, but include accessory units, by prohibiting incompatible uses. All new housing units developed will comply with the City's existing zoning.
	LU1.3	Ensure that all multi-family or mixed-use development in residential areas addresses compatibility and quality of life issues. All new housing units proposed by the updated Housing Element will incorporate size and design to blend with existing architecture and neighborhood character as well as provide housing for a variety of needs.
	LU1.5	Promote suitably located housing and services for all age groups within the City. All new housing units proposed by the updated Housing Element will be phased in accordance with the population and job growth in the City and will provide for a variety of housing needs.
	LU1.6	Encourage diverse housing types, such as live-work units, studio spaces, townhouses, co-housing, congregate care, and garden apartments. The updated Housing Element policies encourage a diversity of housing types to be incorporated in order to meet the City's Regional Housing Needs Allocation (RHNA).
	LU1.7	Maintain the maximum multi-family density at 35 dwelling units per acre, except as otherwise provided in this Plan. All new housing units proposed by the updated Housing Element will be developed in compliance with the City's Zoning Ordinance and General Plan densities.
	LU1.8	Maintain the appearance of existing residential areas by discouraging paving of front yards and parkway strips, excessively wide curb cuts and driveways, and inappropriate fence materials in front yards. All new proposed housing units constructed in the City would be in compliance with the City's design guidelines.
	LU5.1	Encourage high-densities and a mix of uses near the city's two Bay Area Regional Transit (BART) stations to take advantage of the transit opportunities they provide. Some housing units proposed by the updated Housing Element may be constructed between the City's two BART stations to take advantage of the transit opportunities the City provides.

	LU5.2	Encourage mixed-use centers along San Pablo Avenue including development along Fairmount Avenue, Stockton Avenue and Moeser Lane, between San Pablo Avenue and the Ohlone Greenway, that provide the opportunity for people to walk among business, employment, and residences. Some high-density housing units may be constructed in mixed-use centers along various downtown City streets to encourage people to walk among business, employment, and residences.
	LU5.3	Encourage mixed uses, especially offices or housing over ground-floor retail uses, where commercial uses are allowed. Some high-density housing units may be incorporated into mixed-use projects over commercial uses on the ground floor.
Community Development and Design	CD1.1	Preserve and enhance the character of existing residential neighborhoods by limiting encroachment of new buildings and activities that are out of scale and character with the surrounding uses. All new housing units constructed in the City will reflect the architectural style of the neighborhoods in which they are placed and any visual impacts to the surrounding environment will be carefully considered.
	CD4.3	Provide front yards in residential areas with structures and parking lots stepped along public streets in keeping with the character and setbacks of surrounding buildings. Ensure that yard spaces are landscaped appropriately to fit the surrounding context. All new housing developed will comply with the City's Community Development and Design Element. Policies established in the updated Housing Element will not conflict with the current General Plan.
	CD4.4	Ensure that building design takes into consideration air circulation, natural lighting, views, and shading areas to interior and exterior spaces. All proposed housing units will take into special consideration air circulation, natural lighting, views, and shading areas around interior and exterior spaces.
	CD4.5	Integrate good design with the use of energy efficient techniques and equipments, and with materials and construction practices that minimize adverse environmental affects. The updated Housing Element policies encourage the use of energy efficient techniques and equipment, and construction practices that minimize adverse environmental affects.
	CD5.2	Encourage planned development projects and other techniques that cluster developments to create and preserve open spaces, views, and other amenities. Where possible, all new housing units proposed in the updated Housing Element will be clustered to reduce encroachment into open space areas, views, and other amenities.

Growth Management	GM5.1	Adopt and implement a development mitigation program requiring developers to pay the costs necessary to offset impacts of their projects on the local police, fire and park service system. Ensure that the local development review process includes consultation with contract agencies supplying domestic water, sanitary sewage and flood control services so that cost impacts are identified and appropriate mitigation included on a cooperative basis. All new housing units proposed by the updated Housing Element will comply with the City's development review process.
Transportation and Circulation	T2.1	Recognize the link between land use and transportation. Promote land use and development patterns that encourage walking, bicycling, and transit use. Emphasize high-density and mixed land use patterns that promote transit and pedestrian travel. Some of the City's housing units proposed by the updated Housing Element will be located in mixed-use projects and high density housing units that promote transit and pedestrian travel.
	T2.2	Projects should be designed to include features that encourage walking, bicycling, and transit use. Where feasible new housing units proposed by the updated Housing Element will incorporate features that encourage walking, bicycling, and transit use.
Public Facilities and Services	PR1.3	Use a level of service standard of five acres of publicly owned parkland per 1,000 residents as the minimum requirement for recreation and open space land. All new housing units proposed by the updated Housing Element will comply by the City's standard of five acres of publicly owned park land per 1,000 residents as the minimum requirement for recreation and open space land.
	PR1.12	Require that all new multi-family residential projects provide on-site open space and recreational facilities for residents or provide a combination of park in-lieu fees and on-site facilities. All new multifamily residential projects proposed by the updated Housing Element will provide on-site facilities for the residences including open space or a means for providing open space.
Police Service	PS1.1	Prior to approval of new development, the Police Department shall be requested to review all applications to determine the ability of the department to provide protection services. All new housing units proposed by the updated Housing Element will be reviewed by the Police Department to determine the ability of the department to provide protection services.

Fire Service	PS2.1	Prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, and conveyance facilities, and access for fire protection either are, or will be, provided concurrent with development All new housing units proposed by the updated Housing Element will be reviewed by the Fire Department to determine the ability of the department to provide protection services.
Public Infrastructure	PS3.1	Approve new development only if the capacity of public infrastructure is in place or can be reasonably provided. All new housing units developed will show proof that they will be developed to comply with existing capacities.
	PS3.5	Coordinate and work with other service providers, including East Bay Municipal Utilities District (EBMUD), the Stege Sanitary District, the East Bay Sanitary Company, Contra Costa County, Caltrans, BART, AC Transit, and the East Bay Regional Park District to ensure adequate and safe public infrastructure to serve existing and planned development in the community. All new housing units developed will be designed to comply with existing service providers in the community.
Resources and Hazards	R1.1	Limit development in areas that support rare and endangered species. If development of these areas must occur, any loss of habitat should be fully compensated onsite. If off-site mitigation is necessary, it should occur within the El Cerrito planning area whenever possible, and a monitoring program prepared by a qualified biologist. No new housing units are proposed in environmentally sensitive areas, and if development should occur, any loss of habitat will be fully compensated onsite. If off-site mitigation is necessary, it should occur within the El Cerrito planning area wherever possible.
	R1.3	Encourage development patterns that minimize impacts on the City's biological, visual and cultural resources, and integrate development with open space areas. The updated Housing Element does not propose the development of housing in any environmentally sensitive areas.
	R1.9	For development adjacent to creeks and major drainages, provide adequate building setbacks from creek banks, provision of access easements for creek maintenance purposes and for public access to creekside amenities, and creek improvements such as bank stabilization. Also, protect riparian vegetation outside the setback. Any new housing units constructed adjacent to creeks and major drainages will require the necessary building setbacks regulated by the City, and special consideration for the natural vegetation in the area will be taken in to consideration.

	R1.12	Control development on ridges to protect the form of the ridges and, in particular, by restricting development on ridgelines. Natural contours and vegetation on ridgelines should be maintained. Locate and design structures and other public and private improvements so as to minimize cut and fill areas that will impact public views, safety and surrounding uses, and avoid building profiles (silhouettes) being located above the ridgelines when viewed from public and designated public access areas. No new housing units developed in the City will be developed on ridgelines. All new units will be constructed in a way that minimizes cut and fill areas that could potentially impact public views, safety, and surrounding uses.
	R1.13	Preserve prominent views of visual resources and the bay, and consider visual access and view corridors when reviewing development proposals. Require assessment of critical public views, ridgelines, scenic overlooks, bay vista points, significant knolls, stands of trees, rock outcrops, and major visual features as part of the project review process to assure that projects protect natural resources through proper site planning, building design and landscaping, and that public access is provided if possible to vista points. An assessment of critical public views will be taken into consideration in every housing-units proposal. All prominent views of visual resources and the bay will be preserved.
	H1.9	Evaluate new development on sites that may have involved hazardous materials (such as older fill sites, historical auto service uses, industrial uses, or areas where hazardous materials may have been used) prior to development approvals. All new housing units proposed by the updated Housing Element will comply with the City's Building Code and will be inspected by the City's Building Inspector for compliance with all geological hazards prevention standards
	<u>H1.15</u>	<u>Flood Hazards. Assure existing and new structures are designed to protect people and property from the threat of potential flooding. New development shall be designed to provide protection from potential impacts of flooding during the "1% chance" or "100-year" flood.</u>
	<u>H1.16</u>	<u>In order to maintain unobstructed drainage courses, existing laws prohibiting the dumping of debris, fill or other waste materials into creeks and channels, and the littering of garbage should be strictly enforced. The City will also continue to maintain a high level of maintenance for its storm drainage facilities. New developments will be carefully reviewed to insure that adequate storm drain facilities are available both on and off the site.</u>
	<u>H1.17</u>	<u>Ensure storm drainage capacity to be available to carry runoff generated by new developments, and implement the City's Storm Water Master Plan.</u>

	H3.1	New residential development projects shall meet acceptable exterior noise level standards. All new housing units proposed by the updated Housing Element will comply with the City of El Cerrito's General Plan, which includes noise level standards.
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3. Relationship to Other Plans and Programs

The Housing Element identifies goals, objectives, policies and action programs for the 2007-2014 Planning period that directly address the housing needs of El Cerrito. There are a number of City plans and programs that work to implement the goals and policies of the Housing Element, including, the City's Municipal Code and Zoning Ordinance.

a. El Cerrito Municipal Code

The El Cerrito Municipal Code contains the regulatory and penal ordinances and certain administrative ordinances of the City, codified pursuant to Sections 50022.1 through 50022.8 and 50022.10 of the Government Code. The El Cerrito Municipal Code includes the City's Zoning regulations.

The Subdivision Chapter of the Municipal Code regulates the design, development and implementation of land division. It applies when a parcel is divided into two or more parcels; a parcel is consolidated with one or more other parcels; or the boundaries of two or more parcels are adjusted to change the size and/or configuration of the parcels.

Title 19 - Zoning of the Municipal Code is the primary tool for implementing the General Plan, and is designed to protect and promote the health, safety and welfare of the people. The Zoning Chapter designates various districts and outlines the permitted, conditionally permitted and prohibited uses for each zone district.

Finally, Title 19 provides property development standards for each zone district and overall administrative and legislative procedures.

b. Redevelopment Plans

The State Legislature allows cities to adopt Redevelopment Plans under the State of California's Community Redevelopment Law (CRL). The Redevelopment Plans are intended to reverse deteriorating economic and physical conditions; redevelop blighted, underutilized and vacant properties; improve public facilities and infrastructure; and produce revenues through the development of job-creating properties. These plans are one of the more powerful means cities have to implement the goals and policies set forth in their General Plan. El Cerrito has one redevelopment project area with approximately 368 acres of land.

c. Specific Plans

Specific Plans are customized regulatory documents that provide focused guidance and regulations for a particular area to address the specific characteristics or needs for that area. They generally include a land use plan, circulation plan, infrastructure plan, zoning classifications, development standards, design guidelines, and implementation plan. The San Pablo Avenue Specific Plan is currently in progress and is the first plan for San Pablo Avenue that cooperatively involves the City of Richmond.

D. HOUSING ELEMENT ORGANIZATION

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 implementing the policies set forth in the Housing Element.

The El Cerrito Housing Element is organized into four parts:

- I. Introduction - Explains the purpose, process and contents of the Housing Element.
- II. 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.
- III. Resources and Constraints - Analyzes the actual and potential governmental and nongovernmental constraints to the rehabilitation, preservation, conservation and construction of housing
- IV. 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.

Given the detail and lengthy analysis in developing the Housing Element, supporting background material is included in the following appendices:

- Appendix A: Land Resources
- Appendix B: At-Risk Assisted Units
- Appendix C: Review of Past Performance
- Appendix D: Glossary of Housing Terms
- Appendix E: Comments from the Public

E. CITIZEN PARTICIPATION

The California Government Code requires that local governments make diligent efforts to solicit public participation from all segments of the community in the development of the Housing Element. In compliance with this requirement, the City of El Cerrito has completed the public outreach and community involvement activities described below:

The Housing Element was developed through combined efforts of City staff, the City's Planning Commission, City Council and El Cerrito residents and stakeholders. Community input was sought and received through public workshops, hearings and direct communication with stakeholder groups. Citywide informational materials were available via a Citywide newsletter and the City website. The City also reached out to the organizations and stakeholders listed in the Element. Response and participation by those organizations was limited. The City has historically had low participation when it comes to long-range planning. For example, when a new Zoning Ordinance was developed, over 10,000 individual postcards were sent to every household in the City. This generated less than 8 people at the City Council hearings and even less at the Planning Commission. Community involvement has historically been much higher for individual development projects than for policy items.

1. Public Meetings and Hearings

A Housing Element Study Session/Community Workshop was held on May 19, 2010 to cover general information about the housing element as it related to 1) The City's General Plan, 2) State and Federal requirements, and 3) Association of Bay Area Government's (ABAG's) Regional Housing Needs Determination and begin discussion of existing and proposed goals and policies.

A Housing Element Study Session was held on June 16, 2010 with the Planning Commission to review and revise the Housing Element's existing and proposed goals and policies.

A study session was conducted on the draft Housing Element prior to its submittal to the California Department of Housing and Community Development (HCD) for the initial review with the Planning Commission on February 16, 2011 and the City Council on February 22, 2011.

Public hearings on the revised Housing Element were conducted after receipt and consideration of HCD's comments, and prior to City Council adoption of the updated Housing Element. The Planning Commission hearing was conducted on October 19, 2011, and the City Council hearing on TBD.

2. Public Notice and Outreach

The City prepared notification using a variety of media and techniques to inform the public and interested organizations of the update process, and to solicit participation by all segments of the community.

Articles and notices regarding the development of the Housing Element and references to meetings and available resources regarding the Element were included numerous times within the Citywide Newsletter that is delivered to all residences and businesses in the City.

The City of El Cerrito website established a web page for the Housing Element (<http://www.el-cerrito.org/planning/HousingElement.html>) to keep the public and interested stakeholders up to date on Element development process. The draft Housing Element was made available on the City's website for public review and comment at the same time as the initial submittal to HCD for compliance review. Subsequent drafts will be placed on the City's website. Additionally, the City ~~will be notifying~~ stakeholder groups and other interested parties of the availability of the draft in writing.

The following is a list of Community Outreach Groups that ~~have been~~ notified about all public meetings and the availability of the draft document.

Executive Director Shelter Inc. 1815 Arnold Drive Martinez, CA 94553	Housing Coordinator Salvation Army 4600 Appian Way El Sobrante, CA	Pastor St. John Baptist Catholic Church 11150 San Pablo Ave. El Cerrito, CA 94530
Contra Costa Housing Authority 3133 Estudillo Street Martinez, CA 94553	Executive Director Child Care Council 3065 Richmond Parkway Suite #112 Richmond, CA 94801-5719	Contra Costa Housing Authority Richmond Office 1601 N. Jade St. Richmond, CA 94801
Housing Coordinator County Homeless Crisis Center P.O. Box 3364 Walnut Creek, CA 94598	Executive Director Bay Area Rescue Mission 2114 MacDonald Ave. Richmond, CA 94801-2934	Housing Coordinator St. Vincent De Paul Society 2210 Gladstone Drive Pittsburg, CA 94565
Executive Director WIC 2355 Stanwell Circle Concord CA 94520	Executive Director Contra Costa Housing Authority 3133 Estudillo Ave. Martinez, CA 94553	Executive Director Greater Richmond Interfaith Program (GRIP) 165 22 nd St. Richmond CA, 94801
Greenbelt Alliance 631 Howard Street, Suite 510 San Francisco, CA 94105	Bay Area Legal Aid 1025 MacDonald Ave. Richmond, CA 94802	Non-Profit Housing Association of Northern California 369 Pine Street, Suite 350 San Francisco, CA 94104
ABAG P.O. Box 2050 Oakland, CA 94604-2050	Contra Costa County Homeless Program 597 Center Ave., Suite 325 Martinez, CA 94553	Center for Elders Independence 510 17th Street, Suite 300 Oakland, CA 94612

Rubicon Programs Inc.
2500 Bissell Ave,
Richmond, CA 94804.
Attention: Director of Housing and
Case Management.

East Bay Housing Organizations
538 9th Street, Suite 200
Oakland, CA 94607
Attention: Executive Director

Urban Habitat
436 14th St. # 1205
Oakland California, 94612
Attention: Land Use & Housing
Program

3. Stakeholder meetings

A Housing Element Community Forum addressing the draft Housing Element was held on February 15, 2011. Members of the public and representatives of housing advocacy organizations and homeowners associations attended the forum.

4. Public Review of Documents

Throughout the process of updating the Housing Element, the City posted relevant documents, including presentation materials and draft documents on the website for easy download and review by residents and interested parties.

A public review draft was prepared and made available to the community for a 60-day period from March 1, _____ 2011. The public review draft was sent to the State Department of Housing and Community Development (HCD), Contra Costa County, non-profit organizations, and various service providers.

Public comments received on the Draft Housing Element are summarized in Appendix E. As appropriate, the Housing Element has been revised to address the comments. The 2007-2014 Housing Element includes programs to further housing rehabilitation and neighborhood improvement efforts and to facilitate the development of a variety of housing types to better match the community's housing needs.

However, the City recognizes the limited resources available compared to the extent of housing needs. Objectives established in the Housing Element are based on the realistic financial resources available to the City.

II. HOUSING NEEDS ASSESSMENT AND INVENTORY

A. INTRODUCTION

The Housing Needs Assessment analyzes population and housing characteristics, identifies special housing needs among certain population groups, evaluates housing conditions, and provides other important information to support the goals, policies, and programs to meet the needs of current and future El Cerrito residents. An understanding of housing needs helps formulate an appropriate and adequate housing plan for the City.

The needs assessment and inventory focuses on demographic information, such as population trends, ethnicity, age, household composition, income, employment, housing characteristics, general housing needs by income, and housing needs for specialized segments of the population.

Primary data sources utilized in this analysis include the 2000 U.S. Census, the 2006-2008 American Community Survey 3-Year Estimates, the California Department of Finance (DOF), the federal Department of Housing and Urban Development (HUD) and the Association of Bay Area Governments (ABAG). These data sources are the most reliable for assessing existing conditions and provide a basis for consistent comparison with historical data and for making forecasts.

B. COMMUNITY PROFILE

1. Population Trends and Characteristics

The type and amount of housing need in a community is largely determined by population growth and various demographic characteristics. Factors such as age, race/ethnicity, occupation, and income level combine to influence the type of housing needed and the ability to afford housing. This section provides a summary of the changes to the population size, age and racial composition of the City.

a. Historical, Existing and Forecast Growth

The City of El Cerrito is one of 19 cities in Contra Costa County. The DOF estimates that Contra Costa County's population in 2008 was 1,061,325. Table 10-2 lists adjacent counties and their respective populations.

El Cerrito was incorporated in 1917. Since then, the City's population has increased steadily until the 1960s, with the greatest increase occurring between 1940 and 1960. Between 1960 and 1980, the population declined slightly as the City reached build-out and household sizes declined. El Cerrito's population began to increase again slowly, beginning in 1980 due to an influx of residents seeking lower housing costs and larger home sizes. Between 1990 and 2000, the City gained 482 residents, increasing from 22,869 to 23,171. Much of the population growth experienced in El Cerrito since 1990 has resulted from infill development, redevelopment and changes in household size. Between 2000 and 2008, limited growth has occurred as El Cerrito continues to rely on infill development. Table II-1 compares changes in El Cerrito's and Contra Costa County's population since 1990.

Table II-1
Population Growth

	1990	2000	2008	Percent Change
City	22,869	23,171	23,431	+ 1%
County	803,732	948,816	1,061,325	+ 12%

Source: 1990 and 2000 U.S. Census Data, California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2010.

Table II-2 shows the City of El Cerrito and Contra Costa County's projected population increases between 2008 and 2030 according to the American Community Survey and the Association of Bay Area Governments (ABAG). ABAG has projected an approximately 4 percent increase in population between 2008 and 2020, and an approximately 4.7 percent increase between 2020 and 2030. Comparatively, in Contra Costa County, ABAG has projected a 19 percent growth rate increase between 2008 and 2020, and an 8 percent growth rate increase between 2020 and 2030.

U.S. Census data indicate that the number of households in the City increased from 10,208 to 10,213 (less than 1 percent) between 2000 and 2008. ABAG projects that the number of households in the City is estimated to grow to 10,820 by 2020 (6 percent) and is expected to grow to 11,310 in 2030 (5.5 percent). By 2020 the number of persons per household is projected to decrease from 2.3 to 2.23. In the year 2030, the number of persons per household is estimated to remain relatively the same at 2.24. ABAG projects Contra Costa County to experience an increase in the number of persons per household from 2.73 to 2.75 by 2020, and decrease from 2.75 to 2.73 by 2030.

Table II-2
Projected El Cerrito and Contra Costa County Population Growth 2008-2030

	2008	2020	2030
Population			
El Cerrito	23,431 ¹	24,400 ²	25,600 ²
Contra Costa County	948,816 ¹	1,177,400 ²	1,273,700 ²
Households			
El Cerrito	10,213 ¹	10,820 ²	11,310 ²
Contra Costa County	344,129 ¹	424,340 ²	461,330 ²
Persons per Household			
El Cerrito	2.3 ¹	2.23 ²	2.24 ²
Contra Costa County	2.73 ¹	2.75 ²	2.73 ²

Source: 2006-2008 American Community Survey 3-Year Estimates and ABAG Projections 2009.

¹ 2006-2008 American Community Survey 3-Year Estimates.

² ABAG 2009 Projections.

b. Ethnicity

An analysis of El Cerrito's population between 2000 and 2008 (Table II-3) shows a slight shift in the City's demographic distribution. Over 50 percent of the population is White; however, there was a 1 percent increase in Blacks, a 1 percent decrease in Asian/Pacific Islanders and a 1 percent increase in Hispanics. In 2000, the Census introduced a new

category called “two or more races.” Nine percent of the City’s residents have identified themselves with this category. By comparison, the countywide and statewide population has a larger percentage of persons of Hispanic origin and a smaller proportion of persons of Asian/Pacific Islander origin.

Table II-3
Comparison of Race by City, County, and State Population

Race	City (1990)	City (2000)	City (2008)	County (2008)	State (2008)
White	62%	58%	56%	62%	60%
Black	9%	9%	10%	9%	6%
Native American	<1%	<1%	<1%	<1%	1%
Asian/Pacific Islander	22%	25%	24%	14%	13%
Other	<1%	3.1%	4.2%	10%	16%
Two or More Races	*	5.5%	6%	4%	3%
Hispanic or Latino (of any race)	6%	8%	9%	22%	36%

Source: 1990 & 2000 U.S. Census Data, 2006-2008 American Community Survey 3-Year Estimates.

*This category began with the 2000 Census.

c. Age of Population

A comparison of the ages of the City, County, and State population shows significant differences (Table II-4). El Cerrito has a higher percentage of residents aged 65 and older, and a lower percentage of minors (under 18) than either countywide or statewide. Therefore, El Cerrito has a higher median age, 44 in 2008 according to the Census, compared to 38 for all of Contra Costa County and 35 for all of California. Individuals over the age of 35 comprised 64 percent of the City’s population in 2000, compared to 54 percent countywide and 50 percent statewide.

Table II-4
Age Distribution (percent)

Age	El Cerrito 2008	Contra Costa County 2008	California 2008
Under 5 years	6%	7%	7%
5 to 19 years	12%	21%	21%
20 to 34 years	17%	19%	22%
35 to 54 years	31%	30%	29%
55 to 64 years	14%	12%	10%
65 and over	19%	12%	11%
Median age	44	38	35

Source: 2006-2008 American Community Survey 3-Year Estimates.

2. Household Type and Composition

Further insight into the characteristics of the City's population can be gained by examining the composition of the household population, such as the proportion of families with children, single adults, and single parents.

Table II-5 shows that two-person households represented the highest percentage of households (40 percent). One-person households represented the next largest percentage (28 percent). Compared to the countywide population, El Cerrito has a higher proportion of one- and two-person households and a lower percentage of households with three or more persons.

Table II-5
Number of Persons per Household (2008)

	El Cerrito 2008	Contra Costa County 2008
1 Person	28%	22%
2 Persons	40%	34%
3 Persons	16%	18%
4 Persons	11%	16%
5 Persons	3%	6%
6 Persons	1%	2%
7+ Persons	1%	2%

Source: 2006-2008 American Community Survey 3-Year Estimates.

Consistent with the City's profile of smaller households, El Cerrito has a lower percentage of family households and a higher percentage of non-family, single-person and elderly households (Table II-6).

Table II-6
Household Composition by Type (2008)

Household Type	Number of People		Percent of People	
	City	County	City	County
Households				
Family households (families)	6,359	254,623	62.30%	69.80%
With own children under 18 years	2,640	124,249	25.80%	34.10%
Married-couple family	4,692	194,163	45.90%	53.20%
With own children under 18 years	1,673	91,514	16.40%	25.10%
Male householder, no wife present, family	409	18,795	4.00%	5.20%
With own children under 18 years	153	8,939	1.50%	2.50%
Female householder, no husband present, family	1,258	41,665	12.30%	11.40%
With own children under 18 years	814	23,796	8.00%	6.50%
Nonfamily households	3,854	110,020	37.70%	30.20%

Householder living alone	2,915	88,842	28.50%	24.40%
65 years and over	1,014	30,216	9.90%	8.30%
Total	10,213	364,643		

Source: 2006-2008 American Community Survey 3-Year Estimates.

3. Income Characteristics

The 2006-2008 American Community Survey 3-Year Estimates reported that the median household income in El Cerrito was \$81,972 and the mean household income was \$96,727. Contra Costa County's median household income was \$78,619 and the mean household income was \$103,553. Table II-7 shows the distribution of incomes in 2008 for El Cerrito and Contra Costa County.

Table II-7
Household Income (2008)

Income	2008 Percent of Total Households in El Cerrito	2008 Percent of Total Households in Contra Costa County
Less than \$10,000	2.70%	4.00%
\$10,000 to \$14,999	4.30%	3.70%
\$15,000 to \$24,999	7.40%	6.60%
\$25,000 to \$34,999	6.00%	6.90%
\$35,000 to \$49,999	9.50%	10.40%
\$50,000 to \$74,999	16.50%	16.10%
\$75,000 to \$99,999	11.80%	14.10%
\$100,000 to \$149,999	25.60%	18.90%
\$150,000 to \$199,999	9.10%	8.70%
\$200,000 or more	7.20%	10.70%
Median household income (dollars)	81,972	78,619
Mean household income (dollars)	96,727	103,553

Source: 2006-2008 American Community Survey 3-Year Estimates.

Four income categories are typically used for comparative purposes. These categories are based on a percentage of the County median income and adjusted for household size (Table II-8). These categories are referred to as "very low-income," "low-income," "moderate-income," and "above-moderate-income." The median income on which these four categories are based represents the mid-point at which half of the households earn more and half earn less. In a normally distributed population (that is, one not skewed to either end of the income scale), approximately 40 percent of the population will have income within the very low- and low-income ranges, about 20 percent within the moderate-income range, and about 40 percent in the above moderate-income range.

Table II-8
Income Characteristics

Income Definitions	
Extremely Low-Income	30 percent of the Contra Costa County Median Income
Very Low-Income	50 percent of the Contra Costa County Median Income
Low-Income	51 to 80 percent of the Contra Costa County Median Income
Moderate-Income	81 to 120 percent of the Contra Costa County Median Income
Above Moderate-Income	121 percent of the Contra Costa County Median Income

Source: HUD Income Limits, 2008.

Income comparison between the City and County, based on 2006-2008 American Community Survey 3-Year Estimates data shows that the City and County have a relatively similar percentage of people in the extremely low-, very low- and low-income categories (Table II-9). The City has a slightly higher percentage of households in the moderate- and above moderate-income category (57 percent compared to 56 percent).

Table II-9
City of El Cerrito and Contra Costa County
2008 Household Income Range by Income Category

Income Category	2008 Income Range	El Cerrito % of Households in 2008 (approximately)	Contra Costa County % of Households in 2008 (approximately)
Extremely Low Income	\$0-\$25,830	14.4%	14.3%
Very Low Income	\$25,831-\$43,050	12.34%	12.94%
Low Income	\$43,051-\$68,880	16.66%	16.58%
Moderate Income	\$68,881-\$103,320	15.8%	18.1%
Above Moderate Income	\$103,321 and over	40.9%	37.9%
2000 Contra Costa County Median Family Income: \$67,600 ¹		2000 El Cerrito City Median Family Income: \$57,253 ³	
2008 Contra Costa County Median Family Income: \$86,100 ²		2008 El Cerrito City Median Family Income: \$96,047 ⁴	

Source: 2006-2008 American Community Survey 3-Year Estimates

¹ 2000 Housing and Urban Development (HUD) Income Limits

² 2008 Housing and Urban Development (HUD) Income Limits

³ 2000 U.S. Census Median Family Income – American Fact Finder

⁴ 2008 U.S. Census Median Family Income – American Fact Finder

Another measure of change in income is the annual update of income limits prepared by the federal government and adopted by the State of California. These limits define income levels for the four income groups discussed previously (very low-, low-, moderate-, and above-moderate-) based on a percentage of median income for the county in which the jurisdiction is located. Although these income limits are not based on actual surveys of local

incomes, the annual changes can show trends in estimated changes among different regions of the State. Table II-10 provides limits for Contra Costa County for 2008.

Table II-10
Contra Costa County Income Limits (2008)

Household Size	Extremely Low-Income (30% of Median)	Very Low-Income (50% of Median)	Low-Income (80% of Median)
1 Person	18,100	30,150	46,350
2 Persons	20,700	34,450	53,000
3 Persons	23,250	38,750	59,600
4 Persons	25,850	43,050	66,250
5 Persons	27,900	46,500	71,550
6 Persons	30,000	49,950	76,850
7 Persons	32,050	53,400	82,150
8 Persons	34,100	56,850	87,450

Source: HUD, 2008.

4. Poverty

The poverty rate is a federally defined level of income for minimum subsistence. The dollar threshold for poverty is adjusted for household size and composition. Table II-11 provides year 2008 poverty thresholds for several types of households.

Table II-11
Poverty Thresholds (2008)

Single Person 65+	\$10,326	Two Adults, One Child	\$17,330
Single Person Under 65	\$11,201	One Adult, Three Children	\$21,910
Two Persons 65+	\$13,030	Two Adults, Two Children	\$21,834
Two Persons Under 65	\$14,489	One Adult, Four Children	\$25,301
One Adult, Two Children	\$17,346	Two Adults, Three Children	\$25,694

Source: 2008 U. S. Census Poverty Data - <http://www.census.gov/hhes/www/poverty/data/threshld/thresh08.html>

According to the 2006-2008 American Community Survey 3-Year Estimates, approximately 8.4 percent of the City's population was below the poverty level (Table II-12). Of households below the poverty level, the poverty rate for seniors was 3.9 percent, 8.3 percent for adults ages 18 to 64, 13.4 percent for persons younger than 18 years of age, and 14.8 percent for single mothers.

In the County, approximately 8.8 percent of all persons were impoverished. Eight point two (8.2) percent of all adults (18-64) in the County are below the poverty level, 6.1 percent of all senior citizens and 13.7 percent of all children under 18 are below the poverty level. Single mother represent 19.4 percent of impoverished families.

Table II-12
El Cerrito 2008 Poverty Rates

Group	Above Poverty Level	Below Poverty Level	Poverty Rate
65 years and over	4,545	185	3.9%
18-64	14,130	1,279	8.3%
Adults 18 years and over	18,649	1,490	7.4%
Under 18 years	3,564	552	13.4%
Single-Mother Families	1,072	186	14.8%
Married-Couple Families	4,495	197	4.2%

Source: 2006-2008 American Community Survey 3-Year Estimates

5. Employment Trends

Area Employment Profile

According to the 2006-2008 American Community Survey 3-Year Estimates, 32.6 percent of the El Cerrito residents were employed in educational services, and health care and social assistance. Professional, scientific, and management, and administrative and waste management services had the second largest number of employees (17.8 percent), 9.3 percent were employed in Finance and insurance, and real estate and rental and leasing, and 7.8 percent were employed in Retail trade.

In terms of major sources of employment within the City, according to the 2007 US Economic Census, highest number of employers in El Cerrito was based in retail trade, accommodations and food service and professional, scientific, and technical services. The largest number of paid employees were in the retail sector. Table II-13 lists major employers in El Cerrito.

Table II-13
Major Employers (2008-2009)

Autometrics	Nation's Restaurant
Barnes and Noble	Orchard Supply Hardware
Bed, Bath and Beyond	Pastime Hardware
Dollar Tree	PetCo Animal Supplies
City of El Cerrito	Romano's Macaroni Grill
Guitar Center	Ross Stores
Honda of El Cerrito	Safeway Stores
Long's Drugs	Staples
Lucky Supermarket	Trader Joe's
Marshall's	Walgreen's Drug Store
McDonald's Restaurant	West Contra Costa Unified School District

Source: City of El Cerrito 2009 Comprehensive Annual Financial Report.

The California Employment Development Department (EDD) produced an Occupational Employment and Wage Data spreadsheet by County for 2008. This spreadsheet lists over 600 jobs in Contra Costa County alone. A sample of jobs and salaries was taken relating to necessary services in El Cerrito. The mean annual wage, and the 25th percentile and 75th percentile of the working force for each job category are listed below (Table II-14).

Table II-14
Oakland-Fremont-Hayward Metropolitan Division Projections of Employment 2009

Occupational Group	Estimated Employment (2006)	Estimated Employment (2016)	Numeric Change	Annual Salary ¹	Income Group ²
Personal and Home Care Aides	16,650	25,190	8,540	\$24,470	Very Low
Registered Nurses	17,220	20,260	3,040	\$93,646	Above Moderate
Combined Food Preparation and Serving Workers, Including Fast Food	13,920	16,670	2,750	\$18,168	Extremely Low
Computer Software Engineers, Applications	7,890	10,460	2,570	\$96,353	Above Moderate
Home Health Aides	3,960	5,500	1,540	\$21,867	Very Low
Network Systems and Data Communications Analysts	3,460	4,580	1,120	\$76,675	Moderate
Medical Assistants	3,830	4,520	690	\$34,276	Low
Veterinary Technologists and Technicians	680	1,310	630	\$40,670	Low
Cleaners of Vehicles and Equipment	3,180	3,780	600	\$19,008	Extremely Low
Social and Human Service Assistants	2,940	3,530	590	\$41,942	Low

Source: Employment Development Department, 2009.

¹ Annual salary is figured by multiplying hourly wage by 2,080

² Based on a four-person household income

6. Special Housing Needs

a. Elderly

The elderly face special housing challenges related to physical and financial conditions. Older adults face declining mobility and self-care capabilities, which create special housing needs and challenges. Many older adults, even those owning their own homes, face financial challenges due to limited incomes from Social Security and other retirement benefits. Data on the incomes and housing expenses of households 65 and older indicate that a substantial number (although by no means the majority) of these older adults may need assistance related to:

- Repair and maintenance of owned dwellings units;
- Modifications to existing homes to better meet mobility and self-care limitation;
- Financial assistance to meet rising rental housing costs for those who do not own; and
- Supportive services to meet daily needs, such as those provided at assisted care residences.

Table II-15 compares the number of older adults in 2000 and 2008. The elderly population in El Cerrito is decreasing slightly compared to the total population.

Table II-15
Pattern of Aging of the El Cerrito Population

	2000	2008	Percent Change
Total Population	23,171	23,431	1%
Population 55+	7,053	3,501	-50%
Population 65+	4,733	4,730	<1%

Source: 2000 U.S. Census and 2006-2008 American Community Survey 3-Year Estimates

In 2008, the incidence of poverty in El Cerrito was lower among the population over 65 years of age (3.9 percent) than it was for the population between the ages of 18 to 64 (8.3 percent).

Tenure is important when analyzing the needs of seniors. Older adults tend to have the highest rates of homeownership of any age group. In 1990, the proportion of seniors living in owner-occupied housing was 83 percent (2,609) and 17 percent (540) living in rental units according to the 1990 Census. At that time, although seniors represented about 21 percent of the population, they comprised 43 percent of all homeowners. Although 2000 & 2008 Census data on tenure by age was not available, the total percentage of homeowners in 2000 was 61 percent and 62 percent in 2008, suggesting that the gap in homeownership rates by age may have decreased by about 50 percent since 1990. In 2008, of owner-occupied units in El Cerrito, 32% do not have a mortgage – meaning they are owned outright. Given the length of the standard mortgage of 20-30 years, this data point would suggest that nearly a third of all owner occupied units in El Cerrito are owned by seniors. This data point is supported by the 2008 data point that 27.6% of households in El Cerrito have one or more residents over 65.

One common special need for a growing portion of the elderly is for assisted living facilities that combine meal, medical, and daily living assistance in a residential environment. The State Department of Social Services licensed elderly care facilities provide services in El Cerrito (Table II-16). All offer assisted living services in a residential home setting.

Table II-16
State Department of Social Services Licensed Elderly Care Facilities

Name	Address	License Status	Number of Beds
Adams Care Home	7400 Potrero Avenue	Licensed	6
Bayview Happy Home	1345 Scott Street	Licensed	6
El Cerrito Royale	6510 Gladys Avenue	Licensed	185
Grace Elder Care	2610 Francisco Way	Licensed	6
Red Maple Residential Home	7100 Manila Avenue	Licensed	6
RN Loving Care Home	1299 Lawrence Street	Licensed	6
Rn3 Loving Care Home I	917 Elm Street	Licensed	6
Rn3 Loving Care Home II	921 Elm Street	Licensed	6
Rn3 Loving Care Home III	1320 Devonshire Drive	Licensed	6
Via Community	253 Pomona Avenue	Licensed	6
Yume Assisted Living	7450 Moeser Lane	Licensed	6

Source: State of California Care Network, 2010.

The facilities listed above are primarily institutional care facilities. Many of the seniors who might consider selling their home are younger, active seniors who do not yet require institutional, nursing care. There is a need in the community to provide high-quality, independent living senior housing that provides on-site nursing care and individual living units. Because many seniors desire to “downsize” when they move, these senior housing developments will likely be higher density projects with on-site supportive services. An increase in this type of available housing for seniors makes it possible for them to sell their homes and remain in the community.

b. Mobility and Self-Care Limitations

Less than 13 percent of the City’s non-institutionalized residents have physical conditions that affect their abilities to live independently in conventional residential settings. These individuals have mobility impairments, self-care limitations, or other conditions that may require special housing accommodations or financial assistance. Individuals with such disabilities can have a number of special needs that distinguish them from the population at large.

Individuals with mobility difficulties (such as those confined to wheelchairs) may require special accommodations or modifications to their homes to allow for continued independent living. Such modifications are often called “handicapped access.”

Individuals with self-care limitations (which can include persons with mobility difficulties) may require residential environments that include in-home or on-site support services, ranging from congregate to convalescent care. Support services can include medical therapy, daily living assistance, congregate dining, and related services.

Individuals with developmental disabilities and other physical and mental conditions that prevent them from functioning independently may require assisted care or group home environments.

Individuals with disabilities may require financial assistance to meet their housing needs. Because a higher percentage of the population at large are low-income, their special housing needs are often more costly than conventional housing.

Some people with mobility and/or self-care limitations are able to live with their families to assist in meeting housing and daily living needs. A segment of the disabled population, particularly low-income and retired individuals, may not have the financial capacity to pay for needed accommodations or modifications to their homes. In addition, even those able to pay for special housing accommodations may find them unavailable in the City.

Disabled persons often require special housing features to accommodate physical limitations. Some disabled persons may have financial difficulty due to the cost of having their special needs met or due to difficulty in finding appropriate employment. Although the California Administrative Code Title 24 requires that all public buildings be accessible to the public through architectural standards such as ramps, large doors, and restroom modifications to enable handicap access, not all available housing units have these features. According to 2007 American Fact Finder Census data, there were approximately 2,944 non-institutionalized disabled persons over age 5 in El Cerrito.

c. Female Heads of Households

Most female-headed households are either single elderly women or single-mothers. Traditionally, these two groups have been considered special needs groups because their incomes tend to be lower, making it difficult to obtain affordable housing, or because they have specific physical needs related to housing (such as child care or assisted living support). Single-mothers, in particular, tend to have difficulty in obtaining suitable, affordable housing. Such households also have a greater need for housing with convenient access to child-care facilities, public transportation, and other public facilities and services.

Of the 10,213 households in the City in 2008, 1,258 are female-headed households, or 12.5 percent of the total households in El Cerrito. Approximately 14.8 percent of female-headed households are classified as living below the poverty level and if there are children under age 5 in the home, that percentage rises to 38.7 percent. It may be assumed that most of these households are overpaying for housing (i.e. more than 30 percent of their income), or are experiencing other unmet housing needs. As a result of poverty, female heads of households often spend more on immediate needs such as food, clothing, transportation, and medical care, than on home maintenance, which can result in living units falling into disrepair.

d. Large Families

The Census Bureau defines large families as households of five or more related individuals. In El Cerrito, there were 550 households of five or more persons in 1990. In 2000, that number had increased to 561 households. Data is unavailable for 2008. In 1990, large families comprised approximately 98 percent of these households, 96 percent in 2000, while non-families, non-related persons living together, represented 2 percent, 4 percent in 2000. Large families often face special challenges in the housing market because they need to find housing of sufficient size (three or more bedrooms) and do not always have sufficient income to purchase or rent such housing. No specific information was available on the income of large families relative to housing payments to determine if there is a significant

problem of overpayment of housing costs by low-income large families. However, the 2006-2008 American Community Survey 3-Year Estimates reported 2.2 percent of El Cerrito households were overcrowded, (overcrowded households are defined as households with more than 1.01 persons per room) virtually all of which are likely to be large families based on the definition of overcrowding

e. Farm Workers

El Cerrito is not an agricultural area, although there are a few sites left in the City that have active agricultural uses as the primary land use. The likelihood of special farmworker housing needs is extremely low. According to the 2006-2008 American Community Survey 3-Year Estimates, less than 1 percent of the City's residents were employed in farming, forestry, and fishing occupations of the total labor force. The California Employment Development Department includes farm workers, nursery workers, delivery truck drivers for produce and flower, horticulturists, landscapers, tree trimmers, and lawn gardeners in this category. Given El Cerrito's location in an urban region, it is likely that few, if any, of these "farmworkers" are employed in crop production or harvesting and would require special farmworker housing. If needed, the construction of a farmworker housing project is allowed with in all residential and commercial zones.

f. Homeless and Individuals

Homeless individuals and families have perhaps the most immediate housing needs of any group. According to Contra Costa County's 2004 plan "Ending Homelessness in Ten Years: A County-Wide Plan for the Communities of Contra Costa County," the most common reasons for homelessness in the County are the inability to find a job because of lack of education or skills, high housing costs in comparison to incomes, and family disputes. For others, homelessness may also be the result of chronic health problems, physical disabilities, or substance abuse.

It is challenging to accurately count homeless populations, which include people living in vehicles and in places not designed to be permanent housing (such as motels) in addition to those on the streets and in shelters. According to the annual county-wide homeless count conducted by the Contra Costa Inter-jurisdictional Council on Homelessness (CCICH) and Project HOPE in January 30, 2007, there were 4,157 homeless persons in Contra Costa County. Of these, a total of 2,408 persons were sheltered and another 1,749 individuals were unsheltered at the time of the survey. The survey identified 117 unsheltered homeless people in El Cerrito including 21 women and 5 children under the age of 16. Of these 117, over one-quarter were in encampments.

There are no homeless or transitional shelters located in El Cerrito. The closest shelters are located in Richmond, including the Bay Area Crisis Nursery, which provides 20 year-round individual beds, Calli House Youth Shelter, with 6 year-round beds for transition-age youth, Emergency Shelter with 75 year-round beds for families with children, Bay Area Rescue Mission with 150 year-round beds for families with children.

In terms of permanent housing serving the formerly homeless, the City of El Cerrito was a sponsor of the Idaho Apartments, a 28-unit affordable housing development located on the El Cerrito-Richmond border.

Contra Costa County is the primary planning agency charged with providing services to the homeless throughout the County. The County's Public Health Division offers a variety of homeless programs such as the Shelter Plus Care (S+C) Program; Project HOPE; Project Coming Home; Health, Housing and Integrated Services Network (HHISN); and other programs. They are made available to all Contra Costa residents, including those in El Cerrito. Besides the County, there are a number of private non-profit organizations in and around the Bay Area that provide services to the homeless and special needs groups. They include Shelter, Inc., Rubicon Programs, Inc., The Food Bank of Contra Costa and Solano, American Red Cross, and Bay Area Rescue Mission.

The City supports the County's "Ending Homelessness in Ten Years: A County-Wide Plan for the Communities of Contra Costa County" (Ten Year Plan); particularly its "housing first" strategy, which works to immediately house a homeless individual or family rather than force them through a sequence of temporary shelter solutions. Additionally, the City supports the Ten Year Plan goal of deemphasizing emergency shelters by supporting "interim housing" as a preferred housing type. Interim housing is very short-term and focuses on helping people access permanent housing as quickly as possible. Services provided in interim housing include housing search assistance and case management to help address immediate needs and identify longer-term issues to be dealt with once in permanent housing.

Consistent with the Ten Year Plan, the City will prioritize the use of its limited housing development resources to support permanent housing affordable to those with extremely low, very low- and low-incomes.

In 2008, a new State law was adopted (Government Code 65583 (a)(4)) requiring local jurisdictions to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The City Zoning Ordinance allows emergency, transitional and group housing facilities as a permitted use within the Community Commercial (CC) zone.

The Idaho Apartments, operated by Rubicon Programs, is an example of permanent rental housing that offers supportive services for its residents.

g. Extremely Low Income Households

Extremely low-income households are defined as those households with incomes under 30 percent of the County's median income. Extremely low-income households typically consist of minimum wage workers, seniors on fixed incomes, the disabled, and farmworkers. This income group is likely to live in overcrowded and substandard housing conditions. This group of households has specific housing needs that require greater government subsidies and assistance, housing with supportive services, single room occupancy (SRO) and or shared housing, and/or rental subsidies or vouchers. In recent years, rising rents, higher income and credit standards imposed by landlords, and insufficient government assistance has exacerbated the problem. Without adequate assistance this group has a high risk of homelessness.

The area median income in Contra Costa County is \$78,619. For extremely low income households, this results in an income of \$25,830 or less for a four-person household. Households with extremely low incomes have a variety of housing situations and needs. In 2000, approximately 964 extremely low-income households resided in the City, representing

10.5 percent of the total households. Most (73.9 percent) extremely low-income households experience a high incidence of housing problems. Housing problems (primarily overpayment) exist for 76.7 percent of extremely low-income renters and 69.3 percent of extremely low income owners. Even further, 64.3 percent of extremely low-income households paid more than 50 percent of their income toward housing costs, compared to 11.5 percent for all households.

Table II-17
Housing Problems – Extremely Low Income Households

Household by Type, Income, & Housing Problem	Total Renters	Total Owners	Total Households
<u>Household Income <=30% MFI</u>	<u>589</u>	<u>375</u>	<u>964</u>
<u>% with any housing problems</u>	<u>76.7</u>	<u>69.3</u>	<u>73.9</u>
<u>% Cost Burden >30%</u>	<u>74</u>	<u>68.3</u>	<u>71.8</u>
<u>% Cost Burden >50%</u>	<u>70.6</u>	<u>54.4</u>	<u>64.3</u>
<u>Total Households</u>	<u>3,954</u>	<u>6,211</u>	<u>10,165</u>
<u>% with any housing problems</u>	<u>38.3</u>	<u>23.5</u>	<u>29.2</u>
<u>% Cost Burden >30</u>	<u>32.8</u>	<u>21.9</u>	<u>26.2</u>
<u>% Cost Burden >50</u>	<u>15.4</u>	<u>9</u>	<u>11.5</u>

Source: Comprehensive Housing Affordability Strategy, 2000 - <http://socds.huduser.org/chas/reports>

To calculate the projected housing needs, the City assumed 50 percent of its very low-income regional housing allocation are extremely low-income households. As a result, from the very low income need of 93 units, the City has a projected need of 46 units for extremely low-income households by 2014. Many extremely low-income households will be seeking rental housing and most likely facing an overpayment, overcrowding or substandard housing condition. Some extremely low-income households could be with mental or other disabilities and special needs.

7. Existing Housing Stock

a. Housing Composition

According to the California Department of Finance, over two-thirds of the units in El Cerrito in 2008 were single-family detached (69 percent), 15.3 percent were multiple units of five or more, 12.3 percent were multiple units of two to four, 3 percent were single-family attached housing and 1 percent were mobile homes. Analysis of the County's housing units shows, 68 percent single-family detached, 17 percent multiple units of five or more, 8 percent single-family attached, 6.5 percent multiple units of two to four, and 2 percent mobile homes. Tables II-~~1817~~ and II-~~1918~~ show annual changes in the housing stock (City and County respectively) between January 1990 and January 2010 as determined by the California Department of Finance.

Table II-187

Housing Estimates for the City of El Cerrito (2000 through 2010)

Year	Housing Units							Persons Per Household
	Total	Single		Multiple		Mobile Homes ^(a)	Occupied	
		Detached	Attached	2 to 4	5 Plus			
1990	10,311	7,299	324	1,295	1,319	74	9,924	2.29
2000	10,462	7,296	343	1,303	1,488	32	10,208	2.3
2001	10,468	7,300	343	1,305	1,488	32	10,214	2.23
2002	10,482	7,310	343	1,309	1,488	32	10,228	2.27
2003	10,490	7,318	343	1,309	1,488	32	10,236	2.28
2004	10,493	7,321	343	1,309	1,488	32	10,239	2.28
2005	10,504	7,332	343	1,309	1,488	32	10,250	2.25
2006	10,610	7,338	355	1,315	1,570	32	10,353	2.22
2007	10,614	7,342	355	1,315	1,570	32	10,357	2.11
2008	10,699	7,347	355	1,319	1,646	32	10,440	2.22
2009	10,705	7,350	358	1,319	1,646	32	10,446	2.23
2010	10,714	7,353	364	1,319	1,646	32	10,455	2.25

Source: California Department of Finance, 2000-2010 City/County Population and Housing Estimates.

^(a) El Cerrito contains one registered recreation vehicle (RV) park containing 28 spaces. There are no other known mobile home parks in El Cerrito. The Census count of mobile homes may include manufactured or modular units used as second units or temporary homes.

Table II-198

Housing Estimates for Contra Costa County (2000 through 2010)

Year	Housing Units							Persons Per Household
	Total	Single		Multiple		Mobile Homes	Occupied	
		Detached	Attached	2 to 4	5 Plus			
1990	316,170	202,523	26,269	23,227	56,739	7,412	300,288	2.64
2000	354,577	232,051	29,939	24,919	60,089	7,579	344,129	2.72
2001	357,381	234,541	29,939	25,169	60,160	7,572	346,848	2.75
2002	362,260	238,601	29,945	25,205	60,934	7,575	351,578	2.76
2003	366,882	242,681	30,229	25,284	61,097	7,591	356,052	2.76
2004	372,307	247,094	30,397	25,321	61,906	7,589	361,318	2.75
2005	378,954	251,915	30,712	25,624	63,103	7,600	367,742	2.73
2006	387,227	257,043	30,911	25,848	65,813	7,612	375,727	2.70
2007	392,650	261,448	31,020	25,996	66,563	7,623	380,770	2.69
2008	396,544	264,573	31,093	26,016	67,239	7,623	384,742	2.70
2009	399,187	266,199	31,120	26,066	68,174	7,628	387,147	2.71
2010	400,268	266,962	31,183	26,066	68,422	7,635	388,353	2.73

Source: California Department of Finance, 2000-2010 City/County Population and Housing Estimates.

b. Housing Occupancy and Tenure

Of the 10,675 year-round dwelling units in El Cerrito reported by the Census Bureau in 2008, 10,213 units (96 percent) were occupied and 462 units (4 percent) were vacant (Table II-19). By comparison, 93 percent of the dwelling units countywide were occupied and 7 percent were vacant. Table II-2019 shows that El Cerrito had a lower homeowner vacancy rate (1.2 percent) than Contra Costa County (3 percent). El Cerrito also has a lower rental vacancy rate of 2.8 percent while Contra Costa County has a rental vacancy rate of 6.1 percent. Of the 10,213 housing units in the City, 62 percent (6,335) of them were owner occupied and 38 percent (3,878) were renter occupied.

Table II-2019
Housing Occupancy (2008)

	City	County	City Percent	County Percent
Occupied housing units	10,213	364,643	96%	93%
Vacant housing units	462	27,846	4%	7%
Total housing units	10,675	392,489	100%	100%
Homeowner vacancy rate			1.2%	3.0%
Rental vacancy rate			2.8%	6.1%

Source: 2006-2008 American Community Survey 3-Year Estimates

Homeownership rates listed in Table II-210 reveal that half of all Whites, Blacks, Asian/Pacific Islander and Native Americans own their own homes. Persons of Other race, two or more races, and persons of Hispanic origin have the highest rental rates of all the races.

Table II-210
Homeownership Rates (2000)

Race	Owners	Renters	Ownership Rate	Rental Rate
White	4,200	2,383	64%	36%
Black	407	418	49%	51%
Native American	27	25	52%	48%
Asian	1,394	720	66%	34%
Other	109	204	35%	65%
Two of more races	102	254	29%	71%
Hispanic origin	214	357	37%	63%

Source: 2000 U.S. Census Data.

Due to a lack of data in the American Fact Finder for the 2008 period, analysis of 2000 Census data for tenure by age was completed. The analysis reveals that nearly one-third of persons age 45 and over in the City were homeowners. The ownership rate for persons aged 55 and older was over 70 percent, over 80% for persons 75 and over. The rental rate

for the majority of the population was low, as persons 15 to 34 rented the majority of their housing (over 80 percent) (Table II-224).

Table II-224
Tenure by Age (2000)

Age	Owners	Renters	Ownership Rate	Rental Rate
15 to 24	33	260	11%	89%
25 to 34	358	1,171	23%	77%
35 to 44	885	972	48%	52%
45 to 54	1,273	699	65%	35%
55 to 64	569	236	71%	29%
65 to 74	430	136	76%	24%
75 and over	1,114	220	84%	16%
Total	6,239	4004	61%	39%

Source: 2000 U.S. Census Data.

c. Age and Condition of Housing Stock

The age and condition of the housing stock provide additional measures of housing adequacy and availability in many communities. Although age does not always correlate with substandard housing conditions, neighborhoods with a preponderance of homes more than 40 years old are more likely than newer neighborhoods to have a concentration of housing problems related to deferred maintenance, inadequate landscape care, outdated utilities or interior amenities, and a need for housing rehabilitation.

The year a structure was built can, at times, be an indicator of the current condition of the housing unit. Housing units built before 1940 may be old, but may not necessarily be in a rundown condition. In contrast, newer homes that were built equipped with adequate utilities and amenities may already be rundown due to abuse or general lack of care. However, it is useful to look at the age of the housing stock to determine where inadequacies may lie, or why certain units remain vacant. Table II-232 shows that the highest percentage (60.8 percent) of housing units in the City were built between 1940 and 1950. Seventy percent of the City's housing stock was built between the 1940 and 1960.

Table II-232
Age of Housing Units

Year	Number of Units	Percentage
1939 or earlier	1,145	10.7%
1940 to 1949	3,223	30.2%
1950 to 1959	3,262	30.6%
1960 to 1969	1,237	11.6%
1970 to 1979	884	8.3%

1980 to 1989	365	3.4%
1990 to 1999	312	2.9%
2000-2004	88	.8%
2005 and later	159	1.5%
Total	10,675	100%

Source: 2006-2008 American Community Survey 3-Year Estimates

d. Overcrowding

In general, overcrowding is a measure of the ability of existing housing to adequately accommodate residents and can result in deterioration of the quality of life within a community. Overcrowding is defined by most housing analyses as more than one person per room. Extreme overcrowding is often defined as more than 1.5 persons per room. Overcrowding typically results when either: 1) the costs of available housing with a sufficient number of bedrooms for larger families exceeds the family's ability to afford such housing, or 2) unrelated individuals (such as students or low-wage single adult workers) share dwelling units due to high housing costs. This can lead to overcrowded situations if the housing unit is not large enough to accommodate all of the people effectively.

Table II-243 summarizes the overcrowding status in the City. Half of one percent of the City's occupied housing units were overcrowded, compared to .7 percent of the County's occupied housing units. In 2008, the average household size for owner-occupied housing was 2.39 persons in El Cerrito, 2.82 in Contra Costa County. For rental housing, the average persons per household was 2.20 in El Cerrito and 2.60 in Contra Costa County.

Table II-243
Persons Per Room in All Occupied Housing Units - 2008

Persons	City	Percent	County	Percent
1.00 or less	9,989	97.8%	351,758	96.5%
1.01 to 1.5	174	1.7%	10,218	2.8%
1.51 or more	50	.5%	2,667	.7%

Source: 2006-2008 American Community Survey 3-Year Estimates

8. Housing Costs

a. Rental Rates

A survey of rental rates in the City and surrounding communities reveal a variety of units and the different rental price ranges (Table II-254). El Cerrito's rental prices appear to be higher than some of the neighboring communities.

Table II-254

Median Rental Rates in El Cerrito and surrounding Cities (2009)

City	Type: Bedroom (BR)/Bath (BA)					Average Rent
	Studio	1BR/1BA	2 BR/1BA	2BR/1+BA	3BR/1+BA	
El Cerrito	\$756	\$1,217	\$1,260	\$1,515	\$1,387	\$1,227
Pinole	\$800	\$944	\$1,082	\$1,798	\$1,610	\$1,246
Richmond	\$985	\$888	\$1,026	\$1,510	\$2,450	\$1,372
San Pablo	\$870	\$899	\$1,247	\$1,908	\$1,751	\$1,335
Pleasant Hill	\$989	\$1,202	\$1,236	\$1,478	\$2,004	\$1,382
Concord	None	\$875	\$1,073	\$1,369	\$1,725	\$1,261
Martinez	\$723	\$1,137	\$1,204	\$1,512	\$1,860	\$1,287
Walnut Creek	\$1,122	\$1,075	\$1,090	\$1,578	\$2,725	\$1,518
El Sobrante	\$1,256	\$1,247	\$1,264	\$1,639	\$1,406	\$1,362

Source: 2010-2015 Contra Costa County Draft Consolidated Plan

Fair market rents for the Contra Costa County area in fiscal year 2008 are provided in Table II-265. The rental rates listed above (Table II-254), show that El Cerrito's rental rates are somewhat higher than the fair market rates for the area making El Cerrito less affordable compared to some of the other cities in the County. In 2009, El Cerrito's median rental rate for a one-bedroom apartment was \$1,217, and \$1,260 for a two-bedroom apartment.

Table II-265

2008 Fair Market Rents for Existing Housing in Contra Costa County

Studio	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms
\$866	\$1,046	\$1,239	\$1,680	\$2,080

Source: Federal Register, HUD, 2008.

Table II-276 shows the listing of one mobile home park space rents in El Cerrito. There are very few vacancies.

Table II-276

Mobile Home Park Space Rental Rates

Name	Total Spaces	Average Monthly Rent
Audiss RV Park	28	\$620.00

Source: Audiss RV Park, 2010.

b. Home Prices

Table II-287 lists prices of homes that were listed "for sale" or "sold" in October 2010, according to ZipRealty.com and Blockshopper.com. The highest percentage of homes in either category was two-bedroom single-family units.

Table II-287
Home Prices in El Cerrito (October 2010)

	Bedrooms	Units for Sale	Median	Average	City Range	% of Total
Single-Family Homes						
	1	0	--	--	--	0%
	2	15	\$425,000	\$416,125	\$74,888-\$665,000	45%
	3	11	\$479,000	\$495,636	\$245,000-\$699,000	33%
	4	7	\$745,000	\$787,000	\$539,000-\$1,255,000	21%
	5+	1	--	--	1,780,000	
Total		33	--	--	--	85%
Condominiums						
	1	1	--	--	\$138,000	50%
	2	1	--	--	\$345,000	50%
Total	--	2	--	--	--	5%

Source: RealtyTrac.com and Blockshopper.com, October 2010

Homes Prices in Surrounding Areas

Table II-298 is a list of median “for sale” home prices throughout El Cerrito and the surrounding area. These prices were taken from the Contra Costa County Consolidated Plan. These prices only reflect existing units during a survey done in November 2009; the size and number of bedrooms is not known. Housing sales prices for El Cerrito, noted on Table II-298, shows prices comparable to surrounding cities.

Table II-298
Median Home Prices for El Cerrito and Surrounding Areas (February 2010)

Jurisdiction	Median Home Price	Number of Units For Sale
Albany	\$518,500	45
Martinez	\$333,000	90
Pinole	\$267,354	32
Hercules	\$325,000	54
El Cerrito	\$539,500	21
Richmond	\$157,000	177
Lafayette	\$805,000	76
San Pablo	\$152,344	45
Pleasant Hill	\$439,500	54

Source: Trulia.com, February 2010.

9. Affordability

Lower Income Households Overpaying for Housing

As stated previously, there are four income categories typically used for comparative purposes based on the median countywide income: very low-income (0-50 percent of median income), low-income (50-80 percent of median income), moderate-income (80-120 percent of median income) and above moderate-income (120 percent or more of median income). One method of analyzing housing affordability to each income group is to compare the number and/or percent of housing units by cost to the number and/or percent of households by comparable income levels.

A standard measure of housing affordability is that housing expenses should not exceed 30 percent of a household's income, on the average. Those who pay 30 percent or more of their income on housing may have trouble in affording other necessities. However, to truly evaluate housing affordability, individual circumstances must be taken into account. These factors include other long-term debt, mortgage interest rates, the number of household members, and other large, ongoing expenses (such as medical bills). Since it is impossible to consider each household's individual circumstances, the 30 percent rule-of-thumb provides a general measure of housing affordability for the average household.

Table II-3029 shows the number of households paying over 30 percent of their income on housing in 2000. Data was unavailable for the 2008 planning period. Of renters, approximately 80 percent of very low-income households spend over 30 percent of their income on housing, and 46 percent of low-income households spend over 30 percent of their income on housing. For owner occupied households, 52 percent of very low-income and 37 percent of low income households spend over 30 percent of their income on housing. Some households choose to pay over 30 percent of their income for various reasons, such as location, aesthetics, or other factors. Other households choose to pay larger percentages of their income because they may receive tax advantages or are investing with the knowledge that their income will increase so that they pay a lower percentage of their income on a long-term basis. In contrast, very low- and low-income households are forced to pay a large percentage of their income either because they cannot afford anything less, or they are limited to certain costs due to a lack of available low-cost housing options.

Table II-3029
Number of Households Paying Over 30 Percent of Income on Housing (2000)

Income	Owners	% Paying over 30%	Renters	% Paying over 30%	Total
Very Low-Income	897	52%	1039	80%	1936
Low-Income	741	37%	651	46%	1392

Source: Comprehensive Housing Affordability Strategy, 2000 - <http://socds.huduser.org/chas/reports>

Further analysis of housing expenditures as a percent of income shows that most homeowners and renters with incomes of \$50,200 (2000) and above paid less than 30 percent of their income to housing (Table II-3119). Renters and owners with incomes below \$33,799 paid the highest percentages of income to housing.

Table II-~~3130~~

El Cerrito Housing Expenditure Rate per Income Group (2000)

Income	<\$20,300	\$20,300-33,799	\$33,800 – 50,199	\$50,200+	Total Households
Renters					
Under 30%	26	13	55	92.4	64
30%+	74	87	45	7.6	36
50%+	70	27	10	0.2	15
Total Households	589	450	651	2264	3954
Owners					
Under 30%	32	64	63	86	74
30%+	68	36	37	14	26
50%+	54	26	20	1.5	11.5
Total Households	964	972	1392	4573	6211

Source: Comprehensive Housing Affordability Strategy, 2000 - <http://socds.huduser.org/chas/reports>

A household can typically qualify to purchase a home that is 2.5 to 3.0 times its annual income, depending on the down payment, the level of other long-term obligations (such as a car loan), and interest rates. Based on the homes sold in October 2010, and affordability rates at 3.0 times the annual income of a four-person household, Table II-3~~21~~ shows that there was only one home affordable to very low-income households and it was a single bedroom condominium – unsuitable for a family of four. This particular home was also a short sale which can present a number of problems (length of time for approval, difficulty in financing) for the purchaser.

Table II-3~~21~~Homes Sold that Are Affordable to Lower-Income Households (2010)¹

Income Group	Affordability Level ²	Homes For Sale in 2010 ³
Very Low-Income	\$129,150	2%
Low-Income	\$206,640	8%
Moderate-Income	\$309,960	11%

Source: HUD 2001 Income Limits, ZipRealty.com and Blockshopper.com for October 2010.

¹Units include single-family homes and condominiums.² The affordability level is based on 3 times the Contra Costa County median income for 2008 (HUD 2008 Income Limits).³ Homes for sale were taken from the October 2010 search from ZipRealty.com and Blockshopper.com.

10. Current Housing Needs

a. Regional Housing Needs Allocation (RHNA)~~Determination~~

~~State law (California Government Code Section 65584) provides for councils of governments to prepare regional housing allocation plans that assign a share of a region's housing construction need to each city and county. In the nine-county San Francisco Bay Area, ABAG is the council of governments authorized under State law to identify existing and future housing needs for the region. This section evaluates projected future housing needs for El Cerrito based on the RHNA adopted by Association of Bay Area Governments~~

(ABAG) on May 15, 2008. ABAG allocates a "fair share" by income category based on projected housing need for each jurisdiction. Each jurisdiction is required to report to HCD on how the fair share allocation can be accommodated within the planning period. The allocations are intended to be used by jurisdictions when updating their housing elements as the basis for assuring that adequate sites and zoning are available to accommodate at least the number of units allocated. ABAG prepared a new regional housing allocation plan in 1999, called the Regional Housing Needs Determination. The "Regional Housing Needs Determination," was adopted by ABAG in March 2001. This plan covers the period from January 1, 1999 through June 30, 2006. Existing need is evaluated based on overpayment (30 percent or more of income) and overcrowding by lower income households. The housing allocation also includes an "avoidance of impactation" adjustment to reduce the further concentration of low-income households in jurisdictions that have more than the regional average. The RHND also establishes each city and county's existing unmet need based on overpayment and overcrowding.

State law (California Government Code Section 65584) provides for councils of governments to prepare regional housing allocation plans that assign a share of a region's housing construction need to each city and county. In the nine-county San Francisco Bay Area, ABAG is the council of governments authorized under State law to identify existing and future housing needs for the region.

ABAG's methodology is based on the regional numbers supplied by the HCD. These are "goal numbers" and often exceed anticipated growth in housing units. A goal vacancy rate is set by HCD, and then a housing unit needs to meet that vacancy rate is derived by assessing potential growth rates (population, jobs, households) and loss of housing due to demolition. The numbers produced by HCD are provided to ABAG in the form of a regional goal number, which is then broken into income categories. ABAG is then mandated to distribute the numbers to Bay Area jurisdictions by income categories.

The Regional Housing Needs Allocation is a minimum needs number—cities and counties are free to plan for, and accommodate, a larger number of dwelling units than the allocation. The City must however use the numbers allocated under the RHND to identify measures (policies and ordinances) that are consistent with these new construction goals. While the City must also show how it will accommodate for these units to be built, it is not obligated to build any of the units itself or finance their construction.

According to the RHND, the City of El Cerrito has a total housing construction need of 431 units and an annual need of 54 units. Table II-332 shows El Cerrito's 2007-2014 planning period allocation.

Table II-332
Regional Housing Needs Determination-Allocation (2007-2014)

Dwelling Units	% of Total	Income Level
<u>46</u>	<u>10%</u>	<u>Extremely Low-Income</u>
<u>9347</u>	<u>211%</u>	Very Low-Income
59	14%	Low-Income
80	19%	Moderate-Income
199	46%	Above Moderate-Income
431	100%	Total

HCD allows jurisdictions to count four types of credits toward meeting their Regional Housing Needs Allocation:

- Actual Production. Jurisdictions can count the number of approved and built units during the planning period of 2007-2014 toward their RHNA.
- Rehabilitation of Units. Under State law, cities can count up to 25 percent of their RHNA for the rehabilitation of qualified substandard units that would otherwise be demolished.
- Preservation of Affordable Units. AB 438 (2002) authorizes jurisdictions to count a part of the affordable units which would otherwise revert to market rents but are preserved through committed assistance from the jurisdiction.
- Available Land for Development. Cities and counties may also count potential housing production on suitable vacant and underutilized sites within the community.

b. Regional Housing Needs Plan and Residential Potential by Income Level

Although most of the vacant or under-utilized parcels are small infill lots, the potential number of units is well over 431, ABAG's RHND number for El Cerrito. Of the 431 units, at least 93 must be affordable to very low-income households, 59 to low-income households, and 80 to moderate-income households. The remaining 199 housing units are allocated to households with above-moderate incomes. Based on the Vacant and Under-utilized land inventory in Appendix A, Table A-3 illustrates a minimum number of potential units for each zoning district classification. Table II-343 illustrated the estimated number of units produced for each income category.

The City believes that the Community Commercial and Transit-Oriented Mixed Use zones and the RM zone have the greatest potential to produce housing affordable to low- and moderate-income households because they allow up to 45 dwelling units per acre up to 70 units per acre under certain circumstances.

California Redevelopment Law requires that 15% of all housing units produced within the Redevelopment Project Area by a public or private entity (other than a Redevelopment Agency itself), must be affordable to very low, low or moderate-income households. Of that 15%, a minimum of 40% of the units must be affordable for very low-income households.

Based on the available land inventory in Appendix A, El Cerrito would be able to meet its RHND-RHNA for all income categories. The affordable units would be created primarily in the Community Commercial and Transit-Oriented Mixed Use zones and the RM zoning district. Table II-34 demonstrates a distribution of affordable units that could be built based on the total number of vacant or underutilized lots in Table A-3: Available Land Inventory.

Table II-343
Affordable Unit Development Chart based on Table A-3: Available Land Inventory

Zoning District Classification	Very Low-Income	Low-Income	Moderate	Above-Moderate	Total
Community Commercial, Transit Oriented Mixed Use	65	<u>4758</u>	51	<u>921909</u>	1083

RM, Multifamily Residential	3	1	2	34	40
RD, Duplex				6	6
RS, Single-Family Residential				238	238
TOTALS	68	4859	53	11991187	1367

c. Progress in Meeting the RHNA

One of the Housing Element's main goals is to ensure that a variety of housing opportunities at a range of prices and rents are made available to residents. This includes, but is not limited to, conventional single-family homes, multi-family apartments, town homes, and housing for special needs groups. Since the Housing Element planning period runs from January 1, 2007, to June 30, 2014, El Cerrito's Regional Housing Needs Allocation (RHNA) can be reduced by the number of new units built or approved since January 1, 2007. Table A-1 showing all residential projects with an affordable housing component that have been approved or constructed since the start of the current Housing Element planning period (January 1, 2007) is located in Appendix A.

III. RESOURCES AND CONSTRAINTS

A. GOVERNMENTAL RESOURCES AND CONSTRAINTS

Governmental resources include programs that provide funds for housing-related activities, as well as, incentives provided by the local jurisdiction for the provision of housing. Governmental constraints are policies, standards, requirements and actions imposed by the government that may have a negative impact on the development and provision of housing for a variety of income levels. These constraints may include land use controls, building codes and their enforcement, environmental review fees and processes, site improvements, fees, exactions required of developers, and local processing and permit procedures. Land use controls may limit the amount or density of development, thus increasing the cost of housing per unit. Building codes may set specific building standards that add material costs or limit building space on a site, thus increasing costs, as do off-site costs such as the installation of a traffic signal. State and federal agencies play a role in the imposition of governmental constraints; however, these agencies are beyond the influence of local government and are, therefore, not addressed in this analysis.

1. Land Use Controls

Land use controls include city-initiated General Plan policies, zoning regulations and standards, permit processing requirements and development fees.

a. General Plan

The General Plan constitutes the highest-level policy document for the City of El Cerrito. The Land Use Element of the General Plan identifies the location, distribution and density/intensity of the land use within the City. Residential densities are measured in dwelling units per acre (du/ac). The 1999 El Cerrito General Plan identifies five land use designations that permit residential uses.

Table III-1
El Cerrito General Plan Residential Land Use Designations

Designation	Description	Permitted Density
Very Low Density Residential	The Very Low Density category of residential land uses is intended for single-family, residential units on large lots. Typically the Very Low Density category is to protect sensitive hillside areas from extensive development and to protect against hazards related to earthquakes, unstable terrain, and wild fires. In addition, Very Low Density land uses are also intended to protect sensitive environmental areas and features, and provide sites for larger, distinctive residences.	Maximum of 6 dwelling units per net acre.
Low Density Residential	The Low Density category of residential land uses is intended to promote and protect single-family neighborhoods.	Maximum of 10 dwelling units per net acre.

Designation	Description	Permitted Density
Medium Density Residential	The Medium Density category of residential land use accommodates more intensive forms of residential development while still remaining compatible with surrounding land uses. This category is intended to provide greater housing choice in the City for different family sizes and incomes. Medium density residential uses are intended to be located closer to community and retail services, such as neighborhood shopping centers, parks and open spaces areas, and near minor and major collector streets where greater access can be provided. This land use category includes a number of housing development types including duplexes, townhouse projects, apartments, and small-lot, single-family residential designs.	Maximum of 20 dwelling units per net acre.
High Density Residential	The High Density residential land use category is intended to provide opportunities for multiple-family residential development in a well-designed environment. The range is intended to be located in areas where higher traffic volumes and buildings can be accommodated. These developments should be located outside of single-family residential communities, where services and transportation systems are adequate to serve the increased densities.	Maximum of 35 dwelling units per net acre.
Commercial/ Mixed Use	The Mixed-Use Commercial designation is intended primarily for all types of commercial uses and secondarily for residential uses or a combination of the two. The designation is intended to encourage ground floor, pedestrian friendly, retail sales and service uses with upper floors of office and residential uses. The Mixed-Use Commercial category applies to commercial activity ranging from neighborhood convenience stores to community shopping centers and regionally oriented specialty stores. In addition to retail stores, the Mixed-Use Commercial designation is also intended to allow for residential and office uses, including administrative, professional, medical and dental offices, and "high-tech" research and development uses and laboratories. The Mixed-Use Commercial designation also allows for limited, small-scale specialty manufacturing uses, such as arts and crafts, woodworking, and assembly processes, when located on sites compatible with surrounding neighborhoods.	Maximum of 35 units per net acre.

b. Zoning Code

The Zoning Code is the primary tool for implementing the General Plan. It is designed to protect and promote public health, safety and welfare, as well as to promote quality design and quality of life. The City of El Cerrito's residential zoning designations control both the use and development standards of each residential parcel.

Table III-2 summarizes permitted residential uses in residential districts. Residential zoning includes six main districts: RS, RD, RM, TOM, CC and CN. The RS District is split into four separate subsets guiding the minimum size of each lot and other development standards such as minimum lot depth and width and setbacks—RS-5 would be a minimum lot size of 5,000 square feet, RS-7.5 = 7,500 square feet, RS-10 = 10,000 square feet, and RS-20 = 20,000 square feet. The minimum lot sizes for multi-family housing units in the RM zone are as follows:

2 units:	5,000 square feet
3 units:	6,500 square feet
4 units:	7,700 square feet
5 units:	8,700 square feet
6 units:	9,650 square feet
7 units:	10,500 square feet
8 units:	11,350 square feet
9 units:	12,150 square feet
10 units:	13,000 square feet
11 units:	13,900 square feet
12 units:	15,000 square feet
12+ units:	1,250 square feet x the number of units.

Single-family units are permitted as a matter of right in all single-family residential districts. New single family uses are not allowed in the RM, TOM, CC, CN districts. Multiple family dwellings are permitted by right in the RM, TOM, CC and CN zones.

Table III-2
Residential Uses Allowed in All Zones

Zone	Single-Family Detached	Multi-family	Second Unit	Duplex	Transitional or Homeless Shelter
Single-Family Residential District (RS-5)	P	--	P	--	--
Single-Family Residential District (RS-7.5)	P	--	P	--	--
Single-Family Residential District (RS-10)	P	--	P	--	--
Single-Family Residential District (RS-20)	P	--	P	--	--

Duplex Residential District (RD)	P	--	P	P	--
Multi-Family Residential District (RM)	--	P	P with existing single family use	--	CUP
Neighborhood Commercial (CN)	--	P	P with existing single family use	--	--
Community Commercial District (CC)	--	P < 25 units CUP > 25 units	P with existing single family use	--	P
Transit Oriented Mixed Use District (TOM)	--	P	P with existing single family use	--	AUP, CUP
P=Permitted by Right, AUP= Administrative Use Permit, CUP = Conditional Use Permit					
Source: City of El Cerrito Zoning Code					

Residential Development Standards

The City regulates the type, location, density, and scale of development through the General Plan and the Zoning Ordinance. Provisions in the Zoning Ordinance specify minimum lot areas, setbacks, coverage, FAR, height limits, and parking (see Tables III-2, III-3, and III-4). El Cerrito regulations are comparable to those of similar cities. In addition to the base zoning districts described in the following tables, applicants can request rezoning to a customized Planned Development (PD) District that allows deviation from the normal regulations where a development project is consistent with the General Plan and meets other community objectives.

El Cerrito's zoning regulations are not restrictive and do not create a financial or physical constraint to residential development due to a wide range of densities permitted by the City and flexible parking requirements.

Table III-3
Residential Development Standards

	RS-5	RS-7.5	RS-10	RS-20	RD	RM
Minimum Lot Area (sq. ft.)						
Interior Lots	5000	7500	10,000	20,000	5000	5000
Corner Lots	6000	7500	10,000	20,000	6000	6000
Minimum Lot Width at Building Setback Line (ft.)						
Interior Lots	50	75	80	100	50	50
Corner Lots	60	75	80	100	60	60
Maximum Lot Coverage (%)						
Where Lot Slope is 30% or Less	50	50	50	50	50	60, 80 with underground parking

	RS-5	RS-7.5	RS-10	RS-20	RD	RM
Where Lot Slope >30%	40	40	40	40	40	40
Maximum Impervious Surface Coverage on Lots with Slopes >30% (%)	40	40	40	40	40	40
Minimum Yards (ft.)						
Front - Minimum	10	20	20	30	10	10
Front - For the Entire Width of Required Covered Parking	20	25	25	35	20	20
Side	5	6	6	12	5	5; 10 in some cases
Minimum Yards (ft.)						
Corner Side – Minimum	8.5	8.5	8.5	12	8.5	8.5
Corner Side – For the Entire Width of Required Covered Parking	20	20	20	20	20	20
Rear	15	15	20	25	15	15, 20 in some cases
Maximum Height (ft.)	Base Height 25-35; Maximum Height with CUP 30-40				Base Height 30; Maximum Height with CUP-35	35
Required Off-Street Parking	2 spaces per dwelling unit for each unit of two or more bedrooms. 1 space per studio or 1-bedroom unit. 1 space for a Second Unit in addition to the spaces required for the primary dwelling unit.					

Multi-family Housing

The purpose of the City's mixed use zones is to promote and encourage multiple family developments at densities that are consistent with the General Plan land use designation and surrounding development. The intent is to provide for higher density classifications in and around in the development nodes and adjacent to major transit centers, and lower density multi-family development in transition areas between single-family development and commercial areas or higher density residential areas. The development regulations for properties within the City's mixed use zones is summarized in Table III-4.

Table III-4
Multi-family Residential Development Standards in Commercial Zones

	CN	CC	TOM
Minimum Lot Size (sq. ft.)	5,000 2,000 for commercial	5,000	5,000
Minimum Residential Density	--	--	35 units per acre within 300 feet of the BART stations
Maximum Residential Density – lot area per unit (sq. ft.) (may be in addition to non-residential FAR)			
Base Density	20 units per acre	35 units per acre	35 units per acre
Density for Mixed Use Development	--	--	35 units per acre
Density with Incentives	25 units per acre	45 units per acre	45 units per acre; up to 70 du/ac for housing for elderly and disabled persons if services are provided.
Density with State Affordable Housing Bonuses	27 units per acre	48 units per acre	48 units per acre; up to 70 du/ac for housing for elderly and disabled persons if services are provided.
Maximum Building Height (ft.)	35	35, up to 50 with CUP	50, up to 65 with CUP in Del Norte & Plaza areas 35, up to 45 with CUP in Midtown node
Minimum Building Height	--	--	2 stories, exceptions may be granted with a CUP
Building Setback on Street Frontages	0 - 10 feet	0 - 10 feet, more with a CUP	0 - 10 feet
Minimum Yard Requirements (ft.) – None unless adjacent to a residential district			
Building Transition Zone Adjacent to Residential Districts	For any portion of a structure adjacent to a residential district boundary), the minimum required setbacks of the residential district shall apply. To protect privacy and minimize sunlight blockage, structures shall not intercept a 45-degree daylight plane inclined inward starting from a height of 35 feet above existing grade at the setback line. Exceptions to the above requirements are permitted for a one-story parking or garage structure that does not exceed 10 feet in height in a side or rear yard that does not front on a street.		
Required Off Street Parking	RM & CC Zones: 2 spaces per dwelling unit for each unit of two or more bedrooms. TOM Zones: 1.5 spaces per dwelling unit for each unit of two or more bedrooms. At least one space per unit must be located in a garage or carport. In the TOM district, required parking reduced by 25% within ¼ mile of a BART station.		

Parking

Table III-5 summarizes residential parking requirements in El Cerrito. Parking requirements do not constrain the development of housing directly. However, parking requirements may reduce the amount of available lot area for residential development.

Table III-5
Required Residential Parking

Use Classification	Required Off-Street Parking Spaces	Additional Regulations
Single Family Dwelling	2 spaces per dwelling unit for each unit of two or more bedrooms. 1 space per studio or 1-bedroom unit.	19.06.030(N), Limitations on Parking and Garage Frontage. All required spaces must be located in a garage or carport.
Second Unit	1 space for the Second Unit in addition to the spaces required for the primary dwelling unit.	Section 19.20.190(D), Second Units.
Two-Family Dwelling; Multiple Family Residential	1 space per unit for each studio or 1-bedroom unit. RD, RM & CC Zones: 2 spaces per dwelling unit for each unit of two or more bedrooms. TOM Zones: 1.5 spaces per dwelling unit for each unit of two or more bedrooms.	19.06.030(N), Limitations on Parking and Garage Frontage At least one space per unit must be located in a garage or carport.
Group Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.
Senior Citizen Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.
Transitional Housing	0.5 per unit	19.06.030(N), Limitations on Parking and Garage Frontage.

c. Planned Development District

The specific purpose of the -PD Planned Development district is to provide for detailed review of development that warrants special review and deviations from the existing development standards. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, in comparison to subdivision and development under district regulations. All site and building requirements, including yard, building height, lot coverage, and landscaping are determined on a case-by-case basis based on the specific characteristics of the site and the need to provide additional zoning control by establishing site specific conditions of approval and standards for a specific PD District.

2. Density Bonus Ordinance

In order to encourage the construction of affordable housing developments for Very-Low and Low Income households, and senior households, and in accordance with Section 65915 et seq. of the California Government Code, the City of El Cerrito has two different Density Bonus Ordinances. The first is the Affordable Housing Bonus program (Chapter 19.22 of the Zoning Ordinance) that is governed by the requirements of Government Code Section 65915. The second is the Incentives Program (Chapter 19.23. of the Zoning Ordinance).

a. Affordable Housing Bonus (Chapter 19.22 of the ECMC)

The Affordable Housing Bonus program implements the policies of the General Plan Housing Element for encouraging and expanding housing opportunities for households with very-low and lower incomes, seniors, disabled, other persons with special housing needs and development that includes a childcare facility through density bonuses and additional incentives, consistent with Government Code Section 65915 and the General Plan Housing Element. The program also provides additional incentives for affordable housing containing three or more bedrooms to meet the needs of large families. It also requires resale and rental controls on affordable housing and ensures that lower income rental units remain affordable for at least 30 years or such other term approved by the City, consistent with State law.

b. Incentives Program (Chapter 19.32 of the ECMC)

Should any of the development standards for the multi-family (RM), CC or TOM zone create an impediment to achieving permitted densities under the City's Zoning Ordinance, the developer can take advantage of the Incentives Program described below, which allows for flexibility in the application of zoning requirements. The Incentives program encourages and makes practical developments and structures which enhance the quality of life in the City through improved design and optimum use of land, and to implement the goals and objectives in the General Plan and in Council-adopted plans and policies.

The program recognizes that desirable characteristics incorporated into a development project may require modifications to the limitations, requirements and development standards established by the Zoning Ordinance. When such modifications result in an exceptional project, and/or closer adherence to the goals of the City's General and/or Specific Plans, policies and other applicable requirements and regulations, the project could be approved with a higher density under the Incentives Program.

The purposes of this Chapter and the Incentives Program are to:

- Encourage and make practical, developments, and structures which enhance the quality of life in the City through excellent design and optimum use of land.
- Provide flexibility in the application of zoning requirements in cases where development standards for the RM, CC or TOM districts create an impediment to achieving permitted densities under the Zoning Ordinance.
- Balance the impacts of a project through desirable features of development, and/or community amenities that will benefit the City and the public.

- Authorize the Planning Commission to modify the limitations, requirements and development standards of this Zoning Ordinance for development projects which incorporate certain desirable features and/or community amenities such as, but not limited to those outlined in this Chapter.
- Implement the goals and objectives in the General Plan and in Council-adopted plans and policies.

In determining whether to authorize incentives provided in Section 19.23.030 below, the decision-making authority shall evaluate each Incentives application against the following Incentives Evaluation Criteria, and rate each on a point basis, in order to determine whether to approve an Incentives proposal. A project does not need to include all of the desirable criteria listed below; however the application must achieve a score of at least 50 points, out of the 174 total points available to be eligible for consideration for an Incentives approval. Each feature shall have a maximum number of points that can be awarded by the decision-making authority. The decision-making authority may approve an Incentives use permit subject to the findings required by Section 19.23.040(B). The evaluation criteria for which a use permit for Incentives may be awarded are:

- Projects that include high quality, innovative design and product type, maximum provisions for pedestrian and bicycle use, and reflect progressive planning principles such as Smart Growth, Transit Oriented Development, Neotraditional design, and/or the Ahwanee Principles. (Up to 15 points possible)
- Projects that provide creative design solutions for improvements to unusual or irregular sites that are difficult to develop for optimum use. (Up to 7 points possible)
- Substantial rehabilitation and/or reuse of blighted or under-utilized on site and/or off site structures or properties. (Up to 10 points possible)
- Usable open space or landscaped areas that are at least 25 percent greater than the minimum requirements stated in this Zoning Ordinance and which offer specific visual, community amenity, or functional benefits. (Up to 7 points possible)
- Creative solutions or design of off-street parking which minimizes the land devoted to, or visual impact of parking through car sharing, transit use incentives, undergrounding structures, landscaping, design, or sharing of facilities by more than a single use. (Up to 15 points possible)
- Provision of affordable housing or other specialized facilities. (Up to 20 points possible)
- Provision of affordable housing that is over and above what is required by State law, Redevelopment law, and/or this Zoning Ordinance, for a range of incomes and lifestyles, or individuals or groups with special needs including affordable housing for very low, low, and/or moderate income: large families; the disabled; seniors; credentialed school teachers; City of El Cerrito Police or Firefighters; and/or City of El Cerrito public employees. Under the Incentives Program, project density of up to 70 du/acre may be allowed provided the project includes housing for elderly and/or disabled persons, where there is a commitment to provide services such as congregate care, on-site counseling, rehabilitation or medical services for residents.

- Provision of market rate housing for the exclusive use of the elderly or the disabled.
- Provision of on-site and/or off-site community services, amenities and/or infrastructure (other than standard requirements and improvements) such as funding for public safety facilities and/or services, facilities for the arts, libraries, senior centers, community meeting rooms, child care or recreation, new or enhanced public spaces such as the Ohlone Greenway, sidewalks, streets, parking areas, pathways or parks; in addition to required facilities. (Up to 20 points possible)
- Provision of green building and/or energy efficient design, layout, landscaping, construction and materials of an active or passive nature, which exceed those otherwise required by Title 24 but do not achieve LEED certification. (Up to 9 points possible)
- Compliance with LEED certified development standards. (Up to 20 points possible)
- Provision of environmental benefits such as preservation or restoration of such features as creeks, historical structures, or off-site remediation of sites affected by hazardous materials. (Up to 10 points possible)
- Development of job generating land uses, or facilities to assist economic development, in conjunction with the development of dwelling units. (Up to 20 points possible)
- Significant improvements to public school property or facilities, exceeding minimum school mitigation fee or development requirements. (Up to 10 points possible)
- Provision of significant measures for the use of clean air and/or alternative fuel vehicles, and/or public transit. (Up to 20 points possible)

If the decision-making authority grants at least 50 points for the evaluation criteria specified in Section 19.23.020, the decision-making authority may grant Incentives approval to modify the zoning requirements, limitations and development standards otherwise applicable to a development project, including modifications to:

- Site requirements for area, height, setback, dimensions and coverage.
- The allowable capacity, density or intensity of residential and nonresidential uses. An increase in density granted through this program shall not be combined with increased density granted through a separate section of this code.
- Off-street parking requirements.
- Landscaping and screening requirements.
- Usable open space requirements.
- Requirements for public improvements.
- Land use limitations.

3. Residential Care Facilities

A “residential care facility” is a resident-occupied dwelling, licensed by the State/County that provides housing and care for children and/or adults on a full-time, live-in basis. Licensed residential care facilities with six or fewer beds are allowed by right in all residential districts in El Cerrito, consistent with State law. According to the Federal Department of

Health and Social Services, there are a total of 11 licensed care facilities in El Cerrito. Table II-16 in Section II shows the breakdown of licensed care facilities and their capacity.

4. Emergency Shelters, Transitional Housing and Single Room Occupancy Units

In 2008, a new State law was adopted (Government Code 65583 (a)(4)) requiring local jurisdictions to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The City Zoning Ordinance allows emergency shelters as a permitted use under “Community Social Service Facilities” within the Community Commercial (CC) zone. The definition of Community Social Service Facilities as listed in the City’s Zoning Ordinance is below:

Community Social Service Facilities. Any noncommercial facility, such as homeless shelters, emergency shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

The Community Commercial (CC) zone contains approximately 4 existing vacant parcels ranging from .10 acre to .43 acre which could accommodate one or more year-round emergency shelters. All four lots have utilities and are in existing service areas. In addition, the zoning district contains other underutilized parcels such as surface parking lots and underdeveloped properties that total a little more than an acre. Existing and future building vacancies could also accommodate one or more year-round emergency shelters.

The City Zoning Ordinance allows transitional housing as a permitted use under “Transitional Housing” within the Community Commercial (CC) zone and as a conditional use in the Transit Oriented Mixed Use (TOM) zone. The definition of Transitional Housing as listed in the City’s Zoning Ordinance is below:

Transitional Housing. Establishments providing temporary housing in a structured living environment and where residents have access to various voluntary support services, such as health, mental health, education and employment/training services to obtain skills necessary for independent living. Living accommodations are shared living quarters with or without separate kitchen or bath facilities for each room or unit. The occupancy period shall be at least 30 days. This category excludes temporary housing that does not include support services and community social service facilities such as emergency shelters.

The City Zoning Ordinance considers supportive housing under the “Residential Care Facilities” use classification. Residential care facilities of less than 6 people are permitted by right in all residential zones. Residential care facilities of 6 or more people are allowed by conditional use permit in all residential and commercial zones. Program 15.6 will ensure zoning treats supportive housing as a residential use and that the definition of supportive housing is updated to stand alone.

The City Zoning Ordinance allows single room occupancy units (SRO) as a permitted use under “Group Housing” within the Community Commercial (CC) and the Transit Oriented Mixed Use (TOM) zones. The definition of Group Housing as listed in the City’s Zoning Ordinance is below:

Group Housing. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes rooming and boardinghouses, dormitories, and private residential clubs, offering shared living quarters, but excludes hotels, residential care facilities and transitional housing facilities.

5. Second Unit Ordinance

Second Units may be established on any lot in any district where a primary single family dwelling has been previously established or is proposed to be established in the RS zone in conjunction with construction of a second unit. Only one Second Unit is permitted per primary single-family dwelling on the same lot. Second dwelling units must comply with City design and development standards to ensure that they are compatible with existing neighborhoods.

The City’s Second Unit regulations (Section 19.20.190) sets forth the criteria for second units including the definition of a second unit, the maximum allowable square footage, and the development standards for these units. These criteria do not pose a constraint to the development of second units. Criteria for second units include:

Type of Unit. A Second Unit may be attached, detached, or located within the living area of the primary dwelling unit on the lot, subject to the standards of this Section.

Minimum and Maximum Floor Area. The maximum floor area of a Second Unit shall not exceed 750 square feet or 40 percent of the floor area of the primary dwelling, whichever is less, except that an attached Second Unit of 400 square feet in floor area is permitted regardless of the size of the primary dwelling. Up to 1200 square feet or 75% of the floor area of the primary dwelling, whichever is less, may be permitted with the approval of a Conditional Use Permit. No Second Unit may be smaller than 150 square feet.

Development Standards. Second Units shall conform to setback, height, lot coverage, and other zoning requirements applicable to the primary dwelling in the zoning district where the Second Unit is proposed, subject to the following additional standards:

A detached Second Unit may exceed 15-foot in height with the approval of a Conditional Use Permit.

- An attached or detached Second Unit shall be located on the interior side of a corner lot or behind the existing dwelling.
- An attached Second Unit that results in two-story construction shall be located in the rear half of the structure.
- A Second Unit shall have a separate, private exterior entrance.

Architectural Compatibility. The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of the second unit shall be substantially the

same as, and visually harmonious and compatible with the primary dwelling, as determined by the Zoning Administrator. Color photographs of the street-facing side(s) of the primary dwelling unit shall be submitted with the second unit building permit application.

Parking. One additional parking space shall be provided for each Second Unit. This space may be in tandem with required parking of the principal dwelling unit, may be located in front setback areas provided the ground slope in this area does not exceed 10 percent and may be uncovered. The principal dwelling unit must conform to the parking requirements of Chapter 19.24: Off-Street Parking and Loading.

Exceptions. Exceptions to Subsections E and F above shall require an Administrative Use Permit and a finding that the second unit is compatible with, and preserves, the single-family character of the primary dwelling and the surrounding neighborhood. Exceptions to Subsections D and G above shall require a Conditional Use Permit.

Deed restriction. The Second Unit shall not be sold, transferred, or assigned separately from the Primary Dwelling.

6. Housing for Persons with Disabilities

The U.S. Census Bureau defines persons with disabilities as those with a long-lasting physical, mental or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

a. Reasonable Accommodations

The provisions of SB 520 require municipalities to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities, and demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities. Cities are required to include programs that remove constraints and provide reasonable accommodations for housing designed for persons with disabilities.

The City of El Cerrito makes reasonable accommodations for persons with disabilities to allow equal access to City services and facilities and equal participation in public processes. Individuals with disabilities can request special accommodations at the City's public counter make an advance request for such accommodations through one of several communications channels offered by the City. These channels include contacting the appropriate department via, phone, email, permit fax line, or email. A City staff person at the public counter or who takes the inquiry/request determines the nature of the need and ensures that persons requesting accommodations have adequate access to the requested services of the responsible City department. The City follows this same accommodations process for persons with special needs who desire to participate in public events in City facilities (such as public hearings and meetings).

The City also offers reasonable accommodations for persons with disabilities in its approach to zoning and building regulation. At no time has the City denied a zoning ordinance exception to an individual who has requested a variance for access accommodations or other disabilities needs. The City provides public information at its permit counter that

summarizes processes for requesting variances from codes and standards to accommodate the needs of persons with disabilities.

Discretionary permits applications that do not require California Environmental Quality Act review must be submitted at least thirty days prior to the scheduled hearing dates. But for applicants requesting permits for reasonable accommodations purposes, the discretionary process is fast-tracked, which means that applicants can apply twenty days prior to the upcoming hearing dates instead of the standard thirty-days. Twenty days is necessary for staff to route plans and comply with State public noticing requirements, which stipulates a 10-day public review and comment period prior to public hearings. Zoning Ordinance standards and CEQA review determines if a project is discretionary. If a project or request complies with zoning ordinance standards and is exempt under CEQA guidelines, then it not considered discretionary. Non-discretionary (ministerial) projects are routed through the department responsible for the request. Typically ministerial projects in El Cerrito only require building permits. The Building Department, via administrative procedures, ensures that handicap accessible modifications comply with the California Building Code, so the Department does not distribute brochures. If reasonable accommodations are requested, the building department provides additional help, information, and/or consideration to applicants on an as needed basis.

b. Permits and Processing

Residential care facilities --limited (for less than 6 individuals) are allowed by right in all residential zones. The City does not restrict residential care facilities – limited other than compliance with the same zoning standards as for any other single-family use. Residential care facilities-- - general (for 6 or more individuals) are allowed in all residential and commercial zones with a conditional use permit.

Currently, the City's Zoning Ordinance allows large family daycare facilities (8-14 children) with non-discretionary Zoning Administrator permits. Large family daycare facility applicants that satisfy noise, parking, traffic, and signage requirements can obtain a non-discretionary use permit (Section 19.13.103 of the Zoning Ordinance). Applicants that do not satisfy criteria for a non-discretionary permit or request locations within commercial districts are subject to a discretionary conditional use permit process. The conditional use permit process involves one public notice and hearing before the Planning Commission. Applicants or other interested parties may appeal the Planning Commission's decision to the City Council. Small family daycare (up to 8) facilities are allowed by right in any residential zone.

c. Zoning and Other Land Use Regulations

The City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals.

Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting procedures are:

Supportive multiple-family or single-family housing for the disabled is permitted in any residential zone that permits non-designated single- or multiple-family housing.

All multiple-family complexes are required to provide handicapped parking spaces, depending on the size of the development. The City is flexible and works with the developers of special needs housing and will reduce parking requirements if the applicant can demonstrate a reduced need for parking. The City has no separate restrictions or development standards for group homes or other special needs housing.

Recognizing that some persons with disabilities may require the assistance of specially trained persons who live with the disabled persons, the Zoning Code does not differentiate between related and unrelated persons occupying the same residential unit.

7. Building Codes and Enforcement

The City of El Cerrito building codes are adopted to preserve public health and safety, and ensure the construction of safe and decent housing. These codes and standards also have the potential to increase the cost of housing construction or maintenance.

a. Building Codes

The City of El Cerrito current operates under the 2007 California Building Code, which is based on the 2006 International Building Code and establishes construction standards for all residential buildings. The latest edition of the California Building Code must be submitted to the City Council from time to time together with changes or modifications as are reasonable and necessary because of local climatic, geological or topographical conditions, or as otherwise permitted by State law. The regulations set forth are designed to ensure the safety and welfare of El Cerrito's residents. The 2010 Cal Green Building Code was recently adopted by City Council and will go into effect in January 2011.

b. Americans with Disabilities Act

The Federal Fair Housing Act of 1998 (FHA) and the Americans with Disabilities Act (ADA) are federal laws intended to assist in providing safe and accessible housing. ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible for persons with physical disabilities. Compliance with these regulations may increase the cost of housing construction as well as the cost of rehabilitating older units, which may be required to comply with current codes. However, the enforcement of ADA requirements is not at the discretion of the City, but is mandated under federal law.

c. Code Enforcement

The City conducts code enforcement activities on a complaint basis in response to reports from residents and other community members. When a complaint is received the City inspects the property and determines whether there is a code violation. If there is a code violation, the City sends a letter to the property owner informing them that they have 10 days to correct the violation. If the violation is not abated within the 10 days, an administrative citation with fine is issued. Each violation of the El Cerrito Municipal Code constitutes a separate violation for every day such violation continues, and an administrative citation may be issued for each and every separate violation. As such, an administrative citation will then be issued everyday until the violation is abated.

8. Local Processing and Permit Procedures

a. Building and Development Fees

Building permit fees can add between 10 percent and 15 percent to the cost of single-family home and between five and ten percent to the cost of a multifamily dwelling (based on development costs reported in the non-governmental constraints section). The City can help to mitigate the cost impact of fees by allowing developers to maximize achievable densities (which reduces the total cost per unit of fees), providing subsidies for affordable housing developers to off-set the cost of fees, or waiving, reducing, or deferring City-imposed fees to reduce the initial cost to the affordable housing developer.

Various development fees are charged by the City and other agencies to cover administrative processing costs associated with development. These fees ensure quality development and the provision of adequate services. Often times, development fees are passed through to renters and homeowners in the price/rent of housing, thus affecting the affordability of housing.

In most California cities, home builders are required to provide a full complement of on-site improvements such as streets, curbs, gutters, water lines, and sewer lines. Many cities also collect impact fees to fund the cost of expanding infrastructure and community services, such as sewers, parks, and roads, to serve new growth. Impact fees as high as \$60,000 per unit are common in newer East Bay cities. These fees are typically passed on to homeowners in the form of higher sales prices. Because El Cerrito is an infill city and essentially built out, the vast amount of development opportunities are on sites with a full complement of existing urban services and impact fees are not required. El Cerrito is one of the few cities in the East Bay that does not collect impact fees. This represents a significant savings relative to the cost of development in nearby communities.

It should be noted that the City does not charge “impact” fees, except for a state transportation mitigation program fee of \$780 per single-family home and \$624 per multifamily dwelling. Water and sewer facilities impact fees are levied directly by the East Bay Municipal Utilities District (EBMUD). EBMUD charges between \$800 and \$3,600 for new water connection, depending on the number of meters per lateral line. The most expensive connection is a single meter on a two-inch line at \$3,600. A typical residential unit will have between a 5/8” and 1” line, for a cost of approximately \$2,600 per connection. The lowest cost connection per dwelling unit, about \$800, is for a 5/8” line with eight meters. EBMUD also charges a system capacity fee of approximately \$1,100 to account for the additional demand of a new water connection.

EBMUD charges a wastewater capacity fee of approximately \$600 per dwelling unit for connections to the regional wastewater treatment system. Developers are required to provide laterals to connect to local sewer lines that feed into the regional system.

EBMUD charges additional fees when unusual conditions exist, such as when the meter is more than 25 feet from the lateral line, underground utilities or other obstructions are in the way of a lateral line, or traffic conditions requires special traffic control measures. Other charges may include a system capacity charge based on the meter size or domestic demand in excess of average.

School impact fees are levied by the West Contra Unified Costa School District and collected at the time of application for a building permit. The school impact fee is ~~\$3,804.41~~ per square foot for ~~a new single-family residential dwellings and \$2.64 per square foot for a new multifamily dwelling~~. An impact fee of ~~\$2.05-97~~ per square foot is levied on additions of habitable residential space of more than 500 square feet. Impact fees charged by EBMUD and the West Contra Cost School District represent between four and eight percent of the total cost of a dwelling unit, or between 40 percent and 50 percent of the total cost of fees imposed on residential development.

Based on the residential projects constructed in El Cerrito, the City has not found the development and permit fees to hinder the supply of housing or negatively impact the affordability of housing.

b. Planning Fees

Unless a property is proposed to be rezoned or contain a planned development, planning fees represent a very small percentage of the overall project cost. As noted above in the summary text following Table A-32 in Appendix A, most of the multi-family housing units will be produced within the City's commercial and mixed use zoning districts around the City's two BART stations. A Planning Commission use permit would be required as would an Incentives Program permit for increased density, if developers requested parking, height, and or other exceptions and were eligible for the Incentives Program. Design Review would also be required. The fees for each permit/review for a project for more than 11 units are below:

- Use Permit: \$4,097
- Incentives Program: \$3,860
- Design Review: \$4,214

By themselves, planning fees for discretionary multi-family applications represent a small fraction of the overall development cost and do not pose barriers for multi-unit development. For instance, if 300 units were produced on the first lot identified in Table A-32 (Central Avenue), one-time planning fees would average about \$39/unit, which is low in proportion to other fees. Fees for environmental review under CEQA vary dependant upon the nature of the proposed development and existing conditions. The City charges a 30% administrative fee on any consultant contract for an environmental review. If the project is small enough for City staff to conduct the environmental review, fees run from \$175 for a categorical exemption to \$3,175 for a negative declaration to \$9,156 for a mitigated negative declaration. The City does not impose any impact fees.

c. Permit Processing Procedures

Applications for development permits are made in writing to the Community Development Department. Application processing times vary depending on the permit being requested. In addition, some planning applications require public hearings. On average, development permits are processed in less than 90 days. Overall, development permit approval processing in El Cerrito does not create any unnecessary delays or increases to the cost of housing.

The City is required to determine if an application is complete within 30 days of receipt. Once deemed complete, application processing begins. Applications are reviewed for consistency with the General Plan and Zoning Code, and conformance with design standards. On average, development permits are processed in less than 90 days.

The City has determined that the most likely zoning categories that can accommodate very low- or low-income housing are the RM (multi-family residential), CC (community commercial) and TOM (transit oriented mixed-use) zoning districts.

Assuming that neither a general plan amendment nor rezoning is needed, a typical single-family home will require the following permits:

- If in a new subdivision, tentative/final subdivision approval (more than four parcels) or minor subdivision approval (four parcels or fewer);
- Design review for single-family structures within a PD or subdivision requiring design review;
- CEQA compliance review (A single-family home will typically be exempt or require a negative declaration if part of a subdivision.);
- Grading permit;
- Site work plan review (if project is not part of a subdivision) if two or more stories are proposed; and
- Building permit.

A typical multifamily project will require the following permits:

- Administrative design review (for small projects such as duplexes) or Design Review Board review;
- Use permit, if located within a commercial zoning district;
- Planned development permit (if developer proposes a planned development overlay designation);
- Incentives Program review (if developer proposes to use the City's Incentives Program);
- CEQA compliance review (typically a negative declaration);
- Grading permit; and
- Building permit.

Permits are processed by City staff. However, several types of permits require review and public hearings before the Planning Commission or Design Review Board: tentative subdivision maps, use permits, planned development permits, Incentives Program permits, and CEQA review (other than exempt activities). The injection of additional layers of review and public hearings create the potential for project delay and modifications. The City's experience has been that even projects requiring discretionary review can be processed within a reasonable timeframe with minimal modifications that do not significantly affect cost or project density so long as the City's development standards are followed.

Developers requesting planned development approvals or participation in the Incentives Program may find longer approval timeframes because part of the process for these projects is to determine site-appropriate development standards.

In the City of El Cerrito, the time necessary for obtaining these typical permit approvals varies widely depending on the complexity of the project. On average, a single-family development will require a maximum of six months for development approvals. Delays usually occur because of lengthy environmental analysis or public concern. El Cerrito acts upon tentative subdivision applications for minor subdivisions within three months. Final maps require only one month. El Cerrito completes plan checks and building permits within approximately three weeks.

Multifamily projects can also be reviewed and approved within six months, unless the project requires an environmental impact report (typically not the case in El Cerrito). Multifamily projects do not typically involve subdivision of land, so tentative and final map approvals are not required. However, a typical multifamily project will involve review by the Design Review Board (DRB). If the project needed a use permit, it would also require Conceptual Review by the DRB. In the past, review by the Board has not resulted in significant delay for residential projects because of the use of study session and conceptual review to identify potential design issues early. Design review by the DRB is a significant issue primarily within the Del Norte and El Cerrito Plaza areas as well as along San Pablo Avenue areas.

Multifamily projects are permitted by right within the multifamily residential zone (RM). A use permit would be required for multifamily projects of 25 units or more within the CC & TOM zones, however mixed use projects are permitted by right (no additional CUP required for retail). The findings of approval required for projects that require a use permit (for example, projects of 25 or more units in the CC zone) are listed in Section 19.343.040 of the El Cerrito Municipal Code. These findings provide guidance to developers throughout the design and permit processes as do codified guidelines for basic massing and compatibility with other zoning districts within the Zoning Ordinance. The required findings of approval for a CUP are as follows:

1. The location, size, design, and operating characteristics of the proposed development will be harmonious and compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
2. The location and design of the proposal will provide a convenient and functional living, working, shopping, or civic environment that will be an attractive amenity for the City.
3. The proposal is consistent with the purposes of the district where it is located and conforms in all significant respects with the El Cerrito General Plan and with any other applicable plan adopted by the City Council.

Design Review

Projects requiring review by the Design Review Board require an additional step in the process, a public hearing. In practice, even design review by the Board does not add significant time for approving a multifamily project.

If a developer wishes to design a project that varies from the City's zoning requirements, the Incentives Program is available to permit variations from the underlying standards in exchange for a project-specific design review. Projects that incorporate "desirable features" noted above in the description of the Incentives Program can qualify for modified parking, setback, building, lot coverage, and other standards. The City encourages developers to use the Incentives Program to facilitate creative design approaches to new residential development. Because many of the desirable features for which the City may grant incentives relate to project design, the Incentives Program is used in conjunction with design review.

Environmental Review

Certain applications for development are subject to the requirements of the California Environmental Quality Act (CEQA) and require the preparation of an environmental document (i.e., environmental impact report or mitigated negative declaration) before a project can be approved. The requirement to prepare an environmental document can substantially lengthen the development review process, sometimes taking up to one year to obtain project approval. However, the cost associated with preparing an environmental document is not considered to disproportionately constrain residential development in El Cerrito. The costs associated with development project review will vary between projects. El Cerrito utilizes an efficient and comprehensive approach towards development review and permitting that allows for quick response to developer applications. In addition, the City utilizes many practices such as expedited application processing, reducing costs, and clarification of the process to developers and homeowners to minimize City impacts on the development process. Increased development costs resulting from the City's development review and permitting process are not considered to constrain housing development.

9. El Cerrito Redevelopment Agency Housing Fund Program

In accordance with State law, the El Cerrito Redevelopment Agency sets aside 20 percent of all tax increment revenue generated from its redevelopment project area to fund projects that increase, improve, or preserve the supply of affordable housing. Housing developed with these set-aside funds must remain affordable to low- and moderate-income households for at least 55 years for rentals and 45 years for ownership housing. The Agency receives approximately \$1 million in set-aside funds annually in addition to other revenues. ~~Approximately 70% of this amount~~ A significant portion of revenues funds debt service on existing Agency Tax Allocation Bond obligations and other debt. Table III- summarizes projected Redevelopment Agency Low and Moderate Income Housing Fund revenues and obligations over the Housing Element planning period.

Over the planning period, the Agency has prioritized the new construction and preservation of rental housing for extremely low, very low, low, and moderate income households. In recent years ~~Between 2007 and 2011,~~ the Agency has used ~~committed~~ approximately \$8.4 million in housing funds to assist with the financing of ~~several three~~ affordable housing rental developments. In 2008, the Agency provided a take-out loan to the Idaho Apartments, an acquisition/rehabilitation project completed in 2000 serving persons with special needs. Also in 2008, the Agency provided Housing Funds for acquisition and predevelopment activities for Ohlone Gardens, a proposed 57-unit new construction multifamily and special needs development which received planning entitlements in 2009. Thirdly, the Agency also used Housing Funds to purchase a site adjacent to City Hall, issued a Request for Proposals to develop this site with affordable rental housing, and selected Eden Housing as the developer for the proposed 64-unit mixed-use affordable housing project. The Agency provided Housing Funds for acquisition and predevelopment activities for Ohlone Gardens, a multifamily and special needs development which received planning entitlements in 2009. The Agency also used Housing Funds to purchase a site adjacent to City Hall and issued a Request for Proposals to develop this site with affordable rental housing.

In addition to the above \$8.4 million in existing housing fund project commitments, the Agency estimates an additional \$773,000 in Housing Fund revenues will become available over the planning period to allocate to housing projects and programs. Given current limited

sources of State and Federal funds for affordable housing and local land values and development costs within the City and Redevelopment Project Area, \$773,000 is not anticipated to be sufficient subsidy to attract a developer to undertake a new project or to acquire land. Likely uses would be as gap financing for an existing RDA-assisted housing project or to let the Housing Fund balance accumulate until there are sufficient funds to undertake an additional project such as new construction or acquisition and rehabilitation of affordable projects with expiring affordability controls. The Agency is working with non-profit developers to leverage this investment of over \$7 million in Housing Funds into approximately 110 units of multifamily, special needs and senior housing affordable to lower income households for at least 55 years.

Table III-6—
Low & Moderate Income Housing Fund - Projected Revenues Available for Housing Program
EI Cerrito Redevelopment Agency - FY 2007/08 to FY 2013/14

	Projected Actual	Actual	Actual	Proposed				
Fiscal Year	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Total
Beginning Year Cash Balance	\$ 5,889,000	\$ 6,429,000	\$ 623,000	\$ 682,000	\$ 53,000	\$ 10,000	\$ 376,000	
Revenues:								
Housing Fund Deposits	1,088,000	1,170,000	1,049,000	999,000	1,020,000	1,079,000	1,117,000	7,522,000
Loan Repayments	61,000	186,000	1,947,000	415,000	487,000	487,000	487,000	4,070,000
Bond/Loan Proceeds	-	1,200,000	-	-	-	-	-	1,200,000
Interest Earnings	258,000	92,000	35,000	6,000	1,000	-	8,000	400,000
Subtotal Revenue	1,407,000	2,648,000	3,031,000	1,419,000	1,509,000	1,566,000	1,611,000	13,191,000
	-	-	-	-	-	-	-	
Agency Obligations:	-	-	-	-	-	-	-	
County Admin Fee	9,000	12,000	11,000	12,000	12,000	13,000	13,000	82,000
Existing Debt Service	606,000	606,000	2,521,000	1,114,000	750,000	743,000	750,000	7,090,000
Agency Housing Administration Costs	251,000	378,000	410,000	425,000	439,000	445,000	450,000	2,798,000
Existing Project and Program Commitments	-	7,457,000	30,000	497,000	350,000	-	-	8,334,000
Subtotal Agency Obligations	867,000	8,453,000	2,972,000	2,048,000	1,552,000	1,200,000	1,214,000	18,306,000
	-	-	-	-	-	-	-	
Available Cash Balance	\$ 6,429,000	\$ 623,000	\$ 682,000	\$ 53,000	\$ 10,000	\$ 376,000	\$ 773,000	
Future Housing Programs	\$ 6,429,000	\$ (5,806,000)	\$ 59,000	\$ (629,000)	\$ (43,000)	\$ 366,000	\$ 398,000	\$ 773,000

Federal Entitlement Funds

The Community Development Block Grant (CDBG) is the largest federal housing-related program for affordable housing. It is a "pass-through" program that allows local governments to use federal funds to alleviate poverty and blight. Cities with populations of over 50,000 receive CDBG funds directly from HUD, while smaller cities usually use county-administered CDBG funds. HUD makes allocations based on a formula that takes population, poverty, and housing distress into account. CDBG funds are used for a variety of housing efforts including activities aimed at reducing costs for private development (helping fund site acquisition, improvement, and other soft costs); housing acquisition and rehabilitation

through short and long-term loans, grants or loan guarantees; direct payment of rent or mortgage and housing counseling services; and fair housing activities. CDBG funds are best used in combination with other subsidy sources or to provide predevelopment funding to initiate housing development.

El Cerrito's population has not reached 50,000, and thus CDBG funds are administered and allocated by Contra Costa County to fund program and service priorities that are established and implemented through the Five-Year Contra Costa County Consolidated Plan. The County receives an allocation of approximately \$3.4 million annually, of which \$1.5 million is targeted for housing.

The Home Investments Partnership (HOME), like CDBG, is a federal formula-based block grant program. HOME funds must be spent only on housing, and are intended to provide incentives for the acquisition, construction, and rehabilitation of affordable rental and home ownership. HOME requires local governments to provide matching funds, though the matching ratio depends on the specific uses to which HOME funds are to be put. The federal-to-local matching ratio for tenant assistance is currently four-to-one, while the match for rental construction is two-to-one. The FY 2010/11 budget for HOME funds is approximately \$3 million for Contra Costa County. Eligible housing projects in El Cerrito are eligible to apply on a competitive basis for County HOME funds.

Section 8 is rental assistance provided to a household which bridges the gap between 30 percent of the household's gross monthly income and the fair market rent of a unit. Although this long-standing federal assistance program is not expected to increase in size or scope, it remains an important program for affordable housing by helping to balance household income and housing costs. Section 8 assistance in El Cerrito is administered by the Contra Costa County Housing Authority.

Other funding sources include Housing Opportunities for Persons Living with Aids (HOPWA) funds from the HUD, California Housing Finance Authority (CalHFA) and Department of Housing and Community Development (HCD) program funds at the State level, and low income housing tax credit equity funds. Any other loans, grants or financial assistance from any other public or private sources may be utilized if available.

10. On and Off-Site Improvements

For new subdivisions, the City may require developers to dedicate land, construct on and off-site improvements or pay fees necessary to construct the necessary improvements. Pursuant to the City's Subdivision Ordinance, the City may require construction of streets; including curbs, gutters and sidewalks; and all necessary public utilities. For new projects, underground utilities are required. In addition to the required on-site improvements, the City may require off-site improvements as mitigation measures to certain project impacts. These off-site mitigations are determined as necessary on a project specific basis through the CEQA process.

There are virtually no privately held parcels in El Cerrito, within zoning districts that allow residential uses, which are large enough to require new streets at the time of development. Nearly every street in the City is improved with curb, gutter and sidewalk which would continue to serve future residential development. ~~Add other text...~~ It is extremely unlikely that new projects would be required to dedicate or construct a significant amount of off-site street improvements due to the built-out nature of El Cerrito. Street widening could possibly

occur within existing public rights-of-way, if necessary, but it is unlikely that any project would need to dedicate right-of-way or construct a public street with a right-of-way wider than that of a minor street. There are no additional major or secondary streets identified for construction in the City's General Plan.

Street classifications and standards are found in Section 18.24.040 of the El Cerrito Municipal Code. They are as follows:

- Major Street - Minimum right-of-way width of 86 feet in commercial areas and 80 feet in residential areas. Minimum pavement width of 64 feet in commercial areas and 56 feet in residential areas.
- Secondary Street – Minimum right-of-way width of 60 feet. Minimum pavement width of 40 feet.
- Minor Street – Minimum right-of-way width of 50 feet. Minimum pavement width of 34 feet.

B. NON-GOVERNMENTAL CONSTRAINTS

1. Vacant and Underutilized Land

A thorough analysis of vacant and underutilized land within the City of El Cerrito is provided in Appendix A.

2. Land Prices

Land costs have a demonstrable influence on the cost and availability of affordable housing. Land prices are determined by numerous factors, most important of which are land availability and permitted development densities. As land becomes less available, the price of land increases. Land costs in the San Francisco Bay Area are relatively high as compared with the rest of the nation. Given the current downturn in the real estate market, land price projections are difficult to track accurately.

A search of Trulia and Zip Realty Internet land-for-sale records for 2010 uncovered few vacant residential properties for sale in El Cerrito (Table III-7).

Table III-76
Parcels for Sale or Sold in 2010

Type	Lot Size/Total Units	Location	Price
Vacant Land			
Single-Family Residential	10,454 square feet	El Cerrito	\$85,000
Single-Family Residential	13,939 square feet	El Cerrito	\$834,500
Single-Family Residential	26,571 square feet	El Cerrito	\$739,000
Single-Family Residential	2,613 square feet	El Cerrito	\$79,000
Single-Family Residential	11,900 square feet	El Cerrito	\$249,000
Multi-Family Residential	3 acres	El Cerrito	\$3,500,000
Multi-Family Residential	37,897 square feet	El Cerrito	\$2,500,000

Given these extremely high land costs, it is unlikely that increases in density (such as a 25 percent density bonus) would significantly reduce the unit cost of building a dwelling unit to the level of affordability for low- or moderate-income households. Densities of 45 units or more per acre, combined with greatly reduced dwelling unit sizes, would be necessary to construct affordable housing to moderate- and some low-income households without significant public subsidies.

3. Construction Costs

Construction costs are primarily determined by the costs of materials and labor. They are also influenced by market demands and market-based changes in the cost of materials. Construction costs depend on the type of unit being built and the quality of the product being produced.

The most significant constraint on development of new housing in El Cerrito is the overall cost, including land costs and construction costs. Many factors can affect the cost to build, including the type of construction, materials, site conditions, finishing details, amenities, and structural configuration. Development costs were developed from estimates provided by residential builders who work in the region. Permitting costs and fees are between \$30,000 and \$35,000 for an average size home. Once a vacant parcel is purchased, the contractor has to make certain site improvements to prepare for building on the property. Such improvements include connections to existing utility systems, rough grading, and installation of water and sewer lines. This type of work generally costs between \$55,000 and \$80,000 depending on the amount of work required at each location. Including impact fees and land costs (assuming a single-family home) the minimum cost to produce a modest home for a family of four in El Cerrito would be nearly \$450,000.

According to US Census data for building permits issued in 2008, the average construction cost for single-family housing in El Cerrito was \$290,141 per unit. A search on an internet source (www.building-cost.net), provided by Craftsman Book Company, provided a slightly lower estimate of \$215,400 for a small three bedroom house of 1,700 square feet. It is important to note that estimates here do not include land costs, financing, permit/fees, developer profit or marketing costs. Based on construction costs alone, a single-family home constructed in El Cerrito can cost between \$125 and \$150 per square foot, depending on the quality of finishes and amenities.

Based on the costs listed above for a single-family home, none of the very low-, low-, or even many moderate-income households in El Cerrito could afford to own a new housing unit constructed in the City. The scarcity of easily developed land, combined with the great demand, indicates that housing construction costs are likely to remain high in the future. El Cerrito will continue to follow the trend of increasing housing costs that is occurring throughout the Bay Area.

Construction costs for multifamily residential units can vary more than those for single-family homes due to the greater range in which they can be built. A high-end senior complex with senior-friendly amenities will cost much more than an affordable multifamily complex. RS Means Quick Estimator (www.rsmeans.com) estimates construction costs for a low-rise,

7,200 square foot multifamily apartment building to be in the range of \$150 and \$208 per square foot.

To reduce construction costs, developers may build at higher densities to increase the economies of scale. In most cases, reduced parking requirements can also make construction more affordable. Developers can also reduce costs by using better, newer construction methodology such as modular construction, off-site manufacturing and prefabrication. Many of these techniques help save time, control quality, eliminate waste and labor costs – thereby keeping costs to a minimum. Amenities such as elevators, common open space and landscaped areas can also add to the overall cost.

4. Financing

Mortgage interest rates have a large influence over the affordability of housing. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer.

When interest rates rise, the market typically compensates by decreasing housing prices. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market catches up. Lower-income households often find it most difficult to purchase a home during this time period.

As shown in Table III-8, the number of loan applications increases as income increases. The percentage of persons denied for a home loan in the Oakland-Fremont-Hayward Metropolitan Area is highest for the very low-income (less than 50 percent of the MFI) category with 35.8 percent.

Table III-87
Mortgage Lending Rates-2007 Oakland-Fremont-Hayward MSA

Income Group	Total Applications	Loans Originated	Applications Denied	% Denied
<50% MFI	1,631	614	583	35.8%
50-79% MFI	9,367	5,481	2,058	22%
80-99% MFI	10,373	6,136	2,141	20.6%
110-119% MFI	14,845	8,370	3,254	21.9%
120% MFI	128,000	67,995	28,769	22.5%
Total	164,216	88,596	36,805	22.4%
Total ¹	61,087	32,138	14,009	22.9%

Note: ¹ Total is provided by FFIEC. There is a discrepancy between the two totals, but the reason is unknown.

Source: Federal Financial Institutions Examination Council (FFIEC), HMDA Data, 2007

Mortgage interest rates steadily decreased until January 2008. Interest rates then began to rise and reached a high point in August 2008. Since then, interest rates have slightly again

steadily decreased. Interest rates are determined by national policies and economic conditions and there is little that a local government can do to affect these rates.

There have been recent changes in the qualifications and lending standards for home loans. Nationally there has been a large increase in the number of delinquencies and foreclosures in the residential market; as a result, lenders have more stringent qualifications for home loans and lower-income households may find it more difficult to qualify.

The availability of financing directly impacts a person's ability to purchase or improve a home. During the early to mid-2000s (2003, 2004, 2005), lenders provided an increasing number of subprime loans, and, in response to high housing costs, many lenders provided mortgages of up to 95% of the value of the home, rather than the traditionally allowed 80%. In 2006 and 2007, borrowers began to default on those loans. In 2008, lenders significantly tightened their lending standards. Currently, in mid-2009, lending standards remain tight. Underwriting criteria remain stringent and borrowers typically must have at least 20% of the purchase price for a down payment and must have a high credit score to obtain competitive financing. Although it is currently difficult for all but the most credit worthy borrowers to secure a mortgage loan, funds are available and mortgage rates remain low.

Federal, state, and local housing programs, particularly first-time homebuyer programs and similar mortgage assistance programs, can be a useful tool for providing help with down payment and closing costs, which can be significant obstacles to home ownership for lower income and minority groups.

5. Energy Conservation

There are many opportunities for conserving energy in new and existing homes. New buildings, by design, can easily incorporate energy efficient techniques into the construction. Since much of El Cerrito is already developed, however, it is important to consider the opportunity for energy savings in existing housing also. According to the U.S. Department of Energy, the concept of energy efficiency in buildings is demonstrated by the building envelope, which is everything that separates the interior of the building from the outdoor environment: the doors, windows, walls, foundation, roof, and insulation. All the components of the building envelope need to work together to keep a building warm in the winter and cool in the summer.

Constructing new homes with energy-conserving features, in addition to retrofitting existing structures, will result in a reduction in monthly utility costs. There are many ways to determine how energy efficient an existing building is and, if needed, what improvements can be made. PG&E offers free home energy audits and can specify areas for energy conservation. Examples of energy conservation opportunities include installation of insulation and/or storm windows and doors, use of natural gas instead of electricity, installation or retrofitting of more efficient appliances and mechanical or solar energy systems, and building design and orientation which incorporates energy conservation considerations.

Many modern building design methods are used to reduce residential energy consumption and are based on proven techniques. These methods can be categorized in three ways:

Building design that keeps natural heat in during the winter and keeps natural heat out during the summer. Such design reduces air conditioning and heating demands. Proven building techniques in this category include:

- location of windows and openings in relation to the path of the sun to minimize solar gain in the summer and maximize solar gain in the winter;
- use of “thermal mass,” earthen materials such as stone, brick, concrete, and tiles that absorb heat during the day and release heat at night;
- “burying” part of the home in a hillside or berm to reduce solar exposure or to insulate the home against extremes of temperature;
- use of window coverings, insulation, and other materials to reduce heat exchange between the interior of a home and the exterior;
- location of openings and the use of ventilating devices that take advantage of natural air flow (particularly cool evening breezes);
- use of eaves and overhangs that block direct solar gain through window openings during the summer but allow solar gain during the winter; and
- zone heating and cooling systems, which reduce heating and cooling in the unused areas of a home.

Building orientation that uses natural forces to maintain a comfortable interior temperature. Examples include:

- north-south orientation of the long axis of a dwelling;
- minimizing the southern and western exposure of exterior surfaces; and
- location of dwellings to take advantage of natural air circulation and evening breezes.

Use of landscaping features to moderate interior temperatures. Such techniques include:

- use of deciduous shade trees and other plants to protect the home;
- use of natural or artificial flowing water; and
- use of trees and hedges as windbreaks.

In addition to natural techniques, a number of modern methods of energy conservation have been developed or advanced during the present century. These include:

- use of solar energy to heat water;
- use of solar panels and other devices to generate electricity;
- window glazing to repel summer heat and trap winter warmth;
- weather-stripping and other insulation to reduce heat gain and loss;
- use of natural gas for dryers, stovetops and ranges;
- use of energy efficient home appliances; and
- use of low-flow showerheads and faucet aerators to reduce hot water use.

The City’s Mediterranean-like climate is typical of coastal northern California with year-round mild temperatures that provides an opportunity to use solar energy techniques to generate electricity, heat water, and provide space heating during colder months. Natural space heating can be substantially increased through the proper location of windows and thermal

mass. Use of solar panels can generate 1,000 watts of electricity on a sunny day. This can constitute more than enough power for daily residential operations and a special converter attached to the solar panels can take excess electricity and funnel it back into the PG&E grid.

PG&E also offers energy-efficiency tax credits under the Energy Policy Act of 2005. Both homeowners and builders may qualify for these tax credits. Existing homeowners are eligible for tax credits up to a maximum of \$500 for energy-efficiency improvements. An additional tax credit is available for solar energy systems. Builders of energy-efficient new homes are eligible for tax credits up to a maximum of \$2,000.

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6. Environmental and Infrastructure Constraints

Environmental hazards affecting housing units include geologic and seismic conditions, which provide the greatest threat to the built environment. The following hazards may impact future development of residential units in the City.

a. Noise

The major sources of noise in El Cerrito are related to vehicular traffic including automobile and truck traffic, particularly in areas along Interstate 80 and San Pablo Avenue. This traffic noise is expected to continue to be a major noise source in the future, however, there is not expected to be a significant increase in noise from these sources. A 3 dBA change is realized by a doubling or halving of the traffic volume or by about 7 miles per hour increase or decrease in speed. Interstate 80 at the present time only has a direct noise impact on El Cerrito at the northern end of San Pablo Avenue near Cutting and Potrero. In most of this area, the freeway and San Pablo Avenue are just 450 feet apart and the combination of the two generates levels of noise exceeding 70 decibels.

BART noise affects the City differently in that unlike traffic, which is characterized by gradual changes in volumes, train noise is characterized by numerous discrete, periodic events during train pass-bys. Based on existing studies, BART trains produce maximum noise levels typically in the range of 72-76 dBA. When the trains travel farther away from the station at a significantly higher speed maximum noise levels range from 75-80 dBA.

Multi-family housing is subject to the requirements of Title 24 of the State Building Code and would require further detailed analysis during the design of these projects due to noise exposure. A major concern of the residential land use pattern along the Ohlone Greenway is high levels of noise due to proximity of the BART tracks and San Pablo Avenue. New construction standards and development requirements are expected to mitigate interior noise levels by incorporating required sound barriers such as double paned windows, wall insulation and building orientation.

b. Geologic and Seismic Hazards

The Hayward Fault passes through El Cerrito, generally following the route of Arlington Boulevard. The city is also potentially subject to ground-shaking from a major earthquake on the San Andreas Fault, located about 18 miles away. According to earthquake predictions made in 1990 by the Working Group in California Earthquake Probability, there is roughly a one-in-four chance of a large earthquake (magnitude 7 or greater) occurring in the next 30 years (beginning in 1990) along the northern segment of the Hayward Fault and the same chance of such an earthquake on the peninsula segment of the San Andreas Fault. The Working Group will announce its new predictions for the Bay Area in October 1999. The area immediately adjacent to the Hayward Fault has been designated as a special study zone, which imposes some additional development restrictions.

From a geologic and geotechnical standpoint, the primary concerns in El Cerrito are (1) slope stability, (2) earthquake ground shaking, (3) fault ground rupture, and (4) liquefaction potential. According to the *Tri-Cities Seismic Safety Study* (Bishop 1973), virtually all of the upland areas of El Cerrito have a moderate to high landslide risk. The highest risk for groundshaking is in the flatter areas, which have shallow alluvium. The greatest risk of ground rupture is along the fault trace. Several small areas along Baxter and Cerrito creeks are identified as having a high liquefaction potential.

c. Flood Hazards

A number of large storms have caused drainage problems and flooding in the past in El Cerrito. Recent completion of the first phase in the City's storm drain master plan program has addressed the highest priority sites and significantly reduced localized flooding issues in the city. During past years of heavy rains, only three sites had drainage-related flooding problems. The only portion of El Cerrito located in a FEMA Flood Insurance Zone is the area located west of San Pablo Avenue and south of Central Avenue. Flooding is generally caused by the relatively low ground elevations and high tides in this area, coupled with hydraulic restrictions in the existing downstream channels located in Richmond between El Cerrito and San Francisco Bay.

d. Water

Water supply to the Planning Area is provided by the East Bay Municipal Utility District (EBMUD), which derives its water source from the Mokelumne River in the Sierra Nevada. This pristine water is transmitted, via aqueduct, to storage and treatment facilities throughout EBMUD's service area, and then distributed to customers. EBMUD operates five terminal reservoirs within the following East Bay areas: Briones, Chabot, Lafayette, Upper San Leandro, and San Pablo.

To improve water supply reliability in future droughts, EBMUD is adopting a multi-pronged approach to reduce water demand, increase water storage capacity, and find alternative sources of water supply. Some ongoing programs include the Freeport Regional Project, Seawater Desalination Research, and Groundwater Banking Program. These efforts should improve the water supply situation during the planning period.

e. Wastewater

El Cerrito is located in the Stege Sanitary District, which comprises 5.3 square miles and includes the communities of El Cerrito, Kensington and that portion of Richmond Annex west of El Cerrito and south of Potrero Avenue. The sewage collection system includes 147 miles of collection lines and two small pump stations. The primary elements of this collection system are the public main sewers and the private lateral sewers. The SSD owns and has maintenance responsibility for the main sewers located in public rights-of-way or in easements on private land. Individual property owners own and have maintenance responsibility for their lateral sewers installed between the building plumbing and the main sewer. Wastewater collected in the SSD system flows to the Special District #1 Interceptor sewer and is then conveyed to the East Bay Municipal Utility District (EBMUD) Wastewater Treatment Facility in Oakland. The only expected growth of the District is through building on the few remaining vacant parcels and commercial area redevelopment. Average annual rainfall is 22.5 inches and generally occurs between November and April.

As of 2009, the average age of the collection system is about 57 years. The oldest lines in the District are 86 years old. District main lines are predominantly vitrified clay pipe (VCP) with cement mortar joints, and six inches diameter. Over 90% of the VCP sewers were installed prior to the introduction of modern pipe joints such as compression gaskets, which were not available until the 1960's and the introduction of improved VCP manufacturing standards initiated in the mid 1950's.

In 1995, a System Rehabilitation Program (SRP) was developed as a result of the need to maintain the collection system in a serviceable condition for the current and future generations of customers of the District. Its emphasis is on optimizing the useful life of the collection system and eliminating costly and environmentally damaging system failures.

The methodology employed first defines the sewer line segments in terms of their vulnerability to failure by assessing various physical, technical and cost rating factors to each line segment and then ranking the lines by their overall rating. Lines most vulnerable to failure are scheduled for video inspection for verification of condition and possible rehabilitation. Video inspection of the sewer line segments will continue at a rate of approximately 167,000 feet per year until the entire collection system is inspected and rated as to its condition. Each year lines found to be cost-effective for replacement will be scheduled for construction when within the financial resources of the District. Approximately \$750,000 per year is planned for these purposes. The SRP is planned to continue indefinitely. The District is in its 90th year of existence and the majority of the collection system is over 50 years old. Implementation and continuation of the SRP will assure the customers of the District of an economic and reliable sanitary sewer system into the future.

f. Electricity and Gas

Pacific Gas & Electric (PG&E) currently provides gas and electric services to El Cerrito homes and businesses and is regulated by the California Public Utilities Commission (CPUC). PG&E obtains its energy supplies from power plants and natural gas fields in northern California and delivers electricity through high voltage transmission lines. Electrical power is provided to the City of El Cerrito from various distribution feeders located throughout the City. The availability of electricity and gas services is not expected to become an issue during the housing planning period since almost all land inventory sites are located within urban infill areas close to existing development. If increased capacity is needed, PG&E can increase demand from regional power plants and natural gas fields or construct new electrical substations in the region, as necessary.

Which there is no way to completely eliminate additional energy use, improved transportation, conservation and design standards can curtail both existing and future demand for additional energy. Goal 5 and Policies 20-23 promotes energy conservation and green building to support efforts to both conserve energy and reduce housing costs.

IV. HOUSING POLICY PROGRAM

Previous sections of the Housing Element establish the housing needs, opportunities, and constraints in the City of El Cerrito. The Housing Policy Program contains objectives and policies that will be implemented to address a number of important housing-related issues. This section also contains quantified objectives for housing construction, rehabilitation, and the preservation of affordable housing.

City staff regularly reviews Housing Element programs, objectives, and progress towards accommodating the City's share of the regional housing need. An annual implementation report will be prepared and provided to the California Office of Planning and Research (OPR) and California Department of Housing and Community Development (HCD). Depending on funding availability, the City will consider modifications to Housing Element programs as necessary and appropriate to implement General Plan goals and policies.

A. GOALS, POLICIES AND PROGRAMS

This section describes the City of El Cerrito's Policy Program for the 2007-2014 planning period. The Policy Program describes specific policy actions necessary to address present and future housing needs, meet statutory requirements and consider the input by residents and stakeholders. In developing this Policy Program, the City assessed its housing needs, evaluated the performance of existing programs, and collaborated with residents and stakeholders.

The City of El Cerrito has identified four broad areas of housing policy priorities and goals:

- Preservation, Rehabilitation and Conservation of Existing Housing Resources
- Production of New Housing
- Increase Access to Housing Opportunities
- Promote Energy Conservation and Green Building

Goal 1: Conserve and improve El Cerrito's existing housing supply.

Goal 2: Facilitate and encourage the development of housing to meet regional housing needs allocations established by the Association of Bay Area Governments (ABAG) by minimizing the impact of potential governmental constraints on the maintenance, improvement, and development of housing.

Goal 3: Expand housing opportunities for the elderly, the disabled, households with very low- to moderate-income and for persons with special housing needs.

Goal 4: Prohibit discrimination in the provision of housing based on race, color, religion, gender identity, age, marital status, national origin, ancestry, familial status, disability, or sexual orientation and to promote equal housing opportunities.

Goal 5: Promote energy conserving practices in the location, construction, renovation, and maintenance of El Cerrito's housing units.

Goal 1: Conserve and Improve El Cerrito's existing housing supply

Policy 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.

Program 1.1:

Continue to implement the Residential Rental Inspection Program under Section 16.30.040 of the El Cerrito Municipal Code. The Program's purpose is to ensure that rental housing units in the City are maintained in a safe and habitable condition and comply with all codes and standards applicable to rental housing and requires that each rental unit in the City be inspected every two years. If the property is in compliance with applicable codes and standards, a certificate of compliance shall be issued to the property owner. Over time, as it is implemented, the Program will provide a current housing condition survey of all rental housing units within the City. This survey should include the number of units in need of rehabilitation or replacement.

Responsibility: Building Division

Time Frame: Ongoing

Funding: General Fund

Program 1.2:

Continue to investigate complaints and take action about code violations in single- and multi-family rental housing, and provide information on the City's Residential Rental Inspection Program, the County Rental Rehabilitation Program and the County Neighborhood Preservation Program.

Responsibility: Building Division

Time Frame: Ongoing

Funding: General Fund

Program 1.3:

Continue to encourage the rehabilitation of existing housing units by providing information on programs available to assist in housing rehabilitation, such as the Contra Costa County Housing Authority Rental Rehabilitation Loan Program and the Contra Costa County Neighborhood Preservation Program.

Informational material on these programs will be available through the City's website, at City Hall and in conjunction with the City's code enforcement program.

Responsibility: Economic Development Department and Planning Division.

Time Frame: 2010

Funding: General Fund, outside Grants

Program 1.4:

Continue to permit new housing units and housing rehabilitation in mixed use and commercial zoning districts subject to Zoning Ordinance requirements so that housing and commercial uses can complement and support one another.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Program 1.5:

Continue to regulate condominium conversions in accordance with Chapter 19.45 of the Zoning Ordinance.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Program 1.6:

Continue to regularly monitor assisted housing units to help preserve the existing stock of affordable housing. The Redevelopment Agency will continue to maintain a database of assisted housing units and ~~monitor~~ annually review existing agreements to ensure that they are in compliance with affordability requirements.

Responsibility: Redevelopment Agency

Time Frame: Ongoing/Annual

Funding: Redevelopment Funds, General Fund where appropriate for housing analyst

Program 1.7:

Continue to enforce notification requirements on Below Market Rate [BMR] and Section 8 Project Based Subsidy units, prior to resale of units or and/or conversion of such units to market-rate in accordance with Chapter 19.22 of the Zoning Ordinance.

Responsibility: Redevelopment Agency

Time Frame: Ongoing

Funding: Redevelopment Funds

Program 1.8:

Capital Improvements Program: The Planning Commission and City Council shall, on an annual basis, review the City Capital Improvement Program (CIP) to determine what special priorities are needed for capital improvement projects required to maintain the community's older residential neighborhoods. Annual review of the CIP shall also include verification that needed improvements are scheduled for funding.

Responsibility: Planning Division, Public Works Department

Time Frame: Annually

Funding: General Fund

Policy 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.

Program 2.1:

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

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 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.

Program 3.1:

Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings.

Responsibility: Planning Division, Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Funding, General Fund, grant funding

Program 3.2:

Explore possible funding sources or programs to minimize the financial impact of retrofits on low- and moderate-income residents. [Review upcoming grant opportunities on a quarterly basis and explore programs bi-annually.](#)

Responsibility: Planning Division, Economic Development Department

Time Frame: [Ongoing Review opportunities quarterly, plan for programs bi-annually](#)

Funding: Redevelopment Funding, General Fund, grant funding

Goal 2: Facilitate and encourage the development of housing to meet regional housing needs allocation established by ABAG by minimizing the impact of potential governmental constraints on the maintenance, improvement, and development of housing.

Policy 4:

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

Program 4.1:

Conduct an annual evaluation of the City's inventory of available sites, and take appropriate action to ensure that the inventory list is available to potential housing developers.

Responsibility: Economic Development Department

Time Frame: Annually

Funding: Redevelopment Funding

Policy 5:

Encourage the development of multi-family residential uses in mixed-use projects, in the redevelopment area, and near transit-oriented facilities to help meet ABAG's Regional Housing Needs Allocation for El Cerrito and so that housing and commercial uses can complement and support one another.

The City will encourage the construction of transit-oriented developments (TODs) that seek to maximize opportunities for the use of public transit and transportation corridors through high-density residential and mixed-use projects along those corridors in accordance with the City's Incentives Program (Chapter 19.23 of the El Cerrito Zoning Ordinance).

Program 5.1:

Maintain General Plan designations for mixed use and high-density residential housing and the Transit Oriented Mixed Use districts in the development nodes of the City.

Promote such development through the use of the following zoning tools that are incorporated in the City's Zoning Ordinance:

- o Incentives program
- o Density Bonus
- o PD and DA process
- o Parking reduction ¼ mile from Transit
- o Economic Development efforts to market vacant and underutilized sites (Potential Dev. Sites workbook).

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 6:

Encourage and facilitate the construction of second/accessory dwelling units, pursuant to the City's Second Unit regulations (Section 19.20.190 of the El Cerrito Zoning Ordinance).

Program 6.1:

Continue to fast-track processing for units meeting established City standards and provide additional information on second units and the application process for public distribution.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 6.2:

Consider the establishment of a “pre-approved” second unit program. Such a program could offer residents and contractors the opportunity to purchase or use second unit plans that have been pre-approved by the City for conformance with building codes and many other standards.

Responsibility: Planning Division

Time Frame: 2012-2013

Funding: General Fund

Policy 7:

Continue to permit manufactured and prefab housing in residential districts.

Program 7.1:

Continue to implement City-adopted regulations that allow manufactured housing and pre-fab housing in residential districts provided any manufactured unit is certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976 (42 USC 5401 et seq.) and follows the standards set in Chapter 19.20 of the Zoning Ordinance.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Policy 8:

Identify and evaluate the reuse of underutilized or deteriorated sites in commercial areas with potential under the City’s zoning requirements for conversion or redevelopment to mixed use housing, retail, and commercial uses that can support and complement one another.

Program 8.1:

Continue to support property owners and developers to identify underutilized and deteriorated properties where redevelopment as higher-density, transit-oriented developments could be feasible.

[The required 431 units may be realized through the redevelopment of lots to higher density across the City’s TOM \(Transit Oriented Mixed-Use\) zoning district](#)

Responsibility: Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Funding

Policy 9:

Encourage innovative housing approaches in the design and ownership of units to increase the availability of affordable housing.

Program 9.1:

Encourage the use of the planning development process included in the recently updated Zoning Ordinance to allow innovative approaches aimed at increasing affordable rental and for-sale housing opportunities.

Through applications for Planned Development or Development Agreements for new units or the conversion of apartments to condo or vice-versa, staff will negotiate with the applicant to provide 15% of the units to be affordable housing units.

Through the City's Density Bonus program in the Zoning Ordinance developers are allowed to build additional units and in turn create additional affordable housing units.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Policy 10:

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

Program 10.1:

Revise the Zoning Ordinance to include housing size diversity standards.

Staff will examine incentives (i.e. expedited plan check and planning review, see Program 13.1 and 15.3) for multi-family residential projects that have 3 to 4 bedroom units

Responsibility: Planning Division

Time Frame: 2012

Funding: General Fund

Policy 11:

Provide regulatory and/or financial incentives where appropriate to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards.

Program 11.1:

Continue to enforce the Zoning Ordinance which provides regulatory incentives for affordable housing development, including density bonuses and site flexibility.

Incentives currently in the ZO:

- o Incentives program
 - o Density Bonus
-

- o [PD and DA process](#)
- o [Parking reduction ¼ mile from Transit](#)

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 11.2:

Continue to inform developers about and allow density bonuses consistent with State law, ~~and~~ the General Plan, [and Zoning Ordinance \(Chapter 19.22 ECMC\)](#).

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment and General funds

Policy 12:

Periodically review the City's regulations, ordinances and development fees to ensure they do not unduly constrain the production, maintenance and improvement of housing.

Program 12.1:

During the annual revision of the Master Fee Schedule evaluate planning and development fees as they relate to housing development.

Responsibility: Planning and Building Division and Public Works Department

Time Frame: Annually

Funding: General Fund

Policy 13:

Provide for streamlined processing of residential projects to minimize the time and costs in order to encourage housing production.

Program 13.1:

The City will help streamline the application process by continuing to offer interdepartmental team meetings with applicants, conceptual review and study sessions with approval bodies and assistance with pursuing outside funding opportunities.

Responsibility: Planning and Building Division and Public Works Department

Time Frame: Ongoing

Funding: General Fund

Policy 14:

Based on the land-use strategy developed in the General Plan and Zoning Ordinance, direct growth into compact patterns of development to promote infill and intensify land uses

Program 14.1:

Continue to enforce the Zoning Ordinance and encourage development in the Transit Oriented Mixed Use Zone.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

DRAFT

Goal 3: Encourage and Expand housing opportunities for the elderly, the disabled, households with extremely low to moderate incomes, and for other persons with special housing needs.

Policy 15:

Encourage the provision of housing for special needs groups.

Program 15.1:

Assist developers in obtaining state and federal funding available to develop affordable housing for seniors, persons with special needs, large families and households with children. Where possible, leverage Redevelopment Agency funds with state and federal sources of funding.

Responsibility: Economic Development Department and Redevelopment Agency

Time Frame: Ongoing

Funding: Redevelopment Agency funding and grant funding

Program 15.2:

Continue to enforce Federal and State Handicapped Accessibility and Adaptability Standards.

Responsibility: Planning and Building Division

Time Frame: Ongoing

Funding: General Fund

Program 15.3:

The City will continue to fast track the planning and building inspection processes for housing units with three or more bedrooms for large families, housing for seniors, and other special needs housing for extremely low-, very low-, low-, and moderate-income households.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 15.4:

The City shall continue to encourage and support development of senior housing that offers a wide range of housing choices that offer a wide range of community services including healthcare, nutrition, transportation and other amenities.

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Agency funding and General Fund.

Program 15.5:

Facilitate the provision of housing that supports “aging in place” for the City’s senior population.

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Agency funding and General Fund.

Program 15.6:

The City shall update its Zoning Ordinance to include a definition of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Transitional and supportive housing will be allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.

Responsibility: Planning Division

Time Frame: Dec 2012

Funding: General Fund.

Policy 16:

Provide housing opportunities for very low-, low-, and moderate-income households.

Program 16.1:

To the extent financially feasible, assist in the development of extremely low-, very low-, low- and moderate income housing units.

Responsibility: Redevelopment Agency, Economic Development Department and Planning Division

Time Frame: Ongoing

Funding: Redevelopment Agency funding and General Fund.

Program 16.2:

Conduct a study of the feasibility of an inclusionary housing ordinance that would include the terms and conditions under which new developments would be required to provide a specified percentage of housing affordable to very low-, low-, and/or moderate-income households. or pay into an affordable housing in-lieu fee (i.e. based on a % of project cost) to offset building affordable units. As part of a potential inclusionary program, the City will consider requirements and incentives to developers for a mix of dwelling sizes, including units with three or more bedrooms to meet the need of large families. ~~As part of a potential inclusionary program, the City will consider requirements for a mix of dwelling sizes, including units with three or more bedrooms to meet the need of large families.~~

Responsibility: Planning Division

Time Frame: 2012

Funding: General Fund

Policy 17:

Support efforts to provide temporary and permanent shelter and transitional housing for the homeless.

Program 16.3:

Continue to encourage developers to leverage limited Redevelopment Agency Housing Funds with other sources of assistance, such as Low Income Housing Tax Credits, mortgage revenue bonds and other sources that fund affordable housing. Provide assistance and support to developers in pursuing these sources of funds for affordable housing developments.

Responsibility: Redevelopment Agency and Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency Funds

Program 17.1:

Continue to allow emergency and transitional housing facilities as a permitted use within the CC zone.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Program 17.2:

Consult with the El Cerrito Police Department and the County's Task Force on Homelessness to maintain 2007 - 2014 estimates of the demand for emergency housing.

Responsibility: Economic Development Department and Redevelopment Agency

Time Frame: Ongoing

Funding: General Fund, Grant Funding

Program 17.3:

Continue to coordinate with the County and cities to develop the annual 5-Year Consolidated Plan to address housing and social service needs of the homeless in Contra Costa County.

Responsibility: Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency funding

Policy 18:

Assist and cooperate with non-profit, private, and public entities to maximize opportunities to develop affordable housing.

Program 18.1:

The City will look for opportunities with non-profits and other agencies for cooperative efforts to expand the City's supply of affordable housing.

Responsibility: Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency funding

DRAFT

Goal 4: Prohibit discrimination in the provision of housing based on race, color, religion, gender identity, age, marital status, national origin, ancestry, familial status, disability, or sexual orientation and to promote equal housing opportunities.

Policy 19:

Promote fair housing opportunities for all people.

Program 19.1:

Continue to provide non-discrimination clauses in rental agreements and deed restrictions for housing constructed with either City or DD&A's funds and Owner Participant Agreements when Redevelopment Agency participation occurs.

Responsibility: Redevelopment Agency, Economic Development Department

Time Frame: Ongoing

Funding: Redevelopment Agency funding

Program 19.2:

Reasonable Accommodation Procedures

To accommodate the needs of persons with disabilities and provide a streamlined permit review process, the City will continue to implement reasonable accommodation procedures through the City's Building Official. The City will continue to provide information on accommodation procedures.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Program 19.3:

Continue the City's participation in the Contra Costa Urban County CDBG Consortium. The County utilizes CDBG funds to help fund the Contra Costa County Housing Services Collaborative on behalf of the Urban County jurisdictions. The Housing Services Collaborative offer free housing services including tenant-landlord counseling, fair housing services, and legal advice and representation to Urban County residents, including El Cerrito. Brochures and information about the services offered by the Housing Services Collaborative will be distributed through the City's website, at City Hall, the City's Senior and Community Centers, and the El Cerrito Library.

Responsibility: Economic Development Department and Redevelopment Agency

Time Frame: Ongoing

Funding: Redevelopment Funds

Program 19.4:

To comply with Senate Bill (SB) 2 the City will continue to maintain emergency shelters, transitional housing and supportive housing to homeless individuals and families to be allowed by right in the CC (Community Commercial) zone.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

Goal 5: Promote energy conserving practices in the location, construction, renovation and maintenance of El Cerrito's housing units.

Policy 20:

Promote residential energy conservation programs which provide assistance for energy conservation improvements.

Program 20.1:

Develop an energy conservation strategy that includes programs that 1) promote programs offered by PG&E; 2) provide educational materials and technical assistance; 3) encourage green building and energy conservation in projects.

Responsibility: Environmental and Developmental Service Department

Time Frame: Adopt policies by 2011.

Funding: General Fund

Policy 21:

Encourage the incorporation of energy conservation design features in existing and future residential development.

Program 21.1:

Continue to enforce the State Energy Conservation Standards for new residential construction and additions to existing structures, and promote the City policy that provides for no fee building permits for solar energy installations.

Responsibility: Planning and Building Divisions

Time Frame: Ongoing

Funding: General Fund

Policy 22:

Encourage the use of sustainable and green building design in new and existing housing in compliance with the legislation in AB32 and SB375.

Program 22.1:

Develop policies consistent with AB32 and SB375 to reduce greenhouse gas emissions and work with other agencies in the region to establish common thresholds for Green Building.

Incorporate incentives for green building to reduce the costs of compliance, such as reduced building fees and rebates. To address energy conservation in existing buildings, promote Pacific Gas and Electric utility assistance programs on the City's website and through handouts.

Responsibility: Environmental and Developmental Service Department

Time Frame: Adopt policies by 2011.

Funding: General Fund

Policy 23:

Encourage the location of multi-family 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.

Program 23.1:

Continue to enforce the sections of the Zoning Ordinance that increase density, reduce parking requirements, and establish design and development standards to create inviting, mixed-use neighborhoods around transit.

Responsibility: Planning Division

Time Frame: Ongoing

Funding: General Fund

B. QUANTIFIED OBJECTIVES

State law requires that the City plan to accommodate its fair share of the Regional Housing Needs Allocation (RHNA). In addition, this Housing Element includes quantified objectives for the number of units that can reasonably be expected to be rehabilitated, conserved or constructed during the next five years. The quantified objectives expected to be met through Housing Element programs are estimated based on past program performance, construction trends, land availability and anticipated future program funding. These quantified objectives reflect current economic conditions and the dramatic decrease in housing starts between 2008 and 2010.

Table IV-1**Quantified Objectives (January 1, 2007 – June 30, 2014)**

Income Category	New Construction	Rehabilitation	Preservation ²
Extremely-Low Income ¹	2446	0	0
Very-Low Income	9347	0	0
Low Income	59	0	0
Moderate Income	80	0	0
Above-Moderate Income	199	0	0
Total	431	0	0
Notes:			
¹ The Extremely-Low Income need is assumed to be 25-50 percent of the Very-Low Income need. The Extremely-Low Income need is a subset of Very-Low Income units; not included in total.			
² The City will continue to monitor at-risk assisted units.			

Planning Commission Resolution PL11-09

APPLICATION NO. PL11-0134

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION RECOMMENDING ADOPTION OF THE 2007-2014 HOUSING ELEMENT UPDATE AND ASSOCIATED INITIAL STUDY/NEGATIVE DECLARATION TO CITY COUNCIL.

WHEREAS, the State Department of Housing and Community Development requires submittal of an updated Housing Element at least once every five years;

WHEREAS, in response to the State mandate, the City of El Cerrito held a series of public meetings on revising the Housing Element of the General Plan;

WHEREAS, the City of El Cerrito, based on comments received during the public participation process, prepared and circulated a Draft Housing Element to the general public and local agencies that provide services to persons of extremely low to moderate income levels;

WHEREAS, the City of El Cerrito held review sessions on the Draft Housing Element to gather comments and input on the circulated draft and to offer additional opportunities for public participation at all income levels;

WHEREAS, the City Council, upon Planning Commission recommendation and subsequent revision, authorized staff to send the Draft Housing Element to the State Department of Housing and Community Development (HCD) for an initial sixty-day review;

WHEREAS, after completion of the sixty-day review, HCD requested that the City further revise its Housing Element. The City responded with appropriate revisions and re-submitted a Revised Draft Housing Element to the HCD for an interim review prior to adoption consideration;

WHEREAS, in tandem with revising the Draft Housing Element, the City prepared and circulated a corresponding Initial Study/Negative Declaration finding that no significant impacts would result from its policies and programs; and

WHEREAS, on October 19, 2011, the Planning Commission held a duly noticed public hearing, and considered relevant documents, reports and testimony;

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

A. The Housing Element conforms to all required State, regional and local requirements.

1. The Draft Housing Element, as revised, meets the requirements of State Government Code Section 65583 and is in compliance with the City of El Cerrito General Plan.
2. The Draft Housing Element establishes goals, policies and programs to encourage and improve El Cerrito's existing housing supply; facilitate and encourage the development of housing to meet the regional using needs of 431 housing units as established by ABAG; expand housing opportunities for the elderly, the handicapped, households

with extremely low to moderate incomes and for persons with special housing needs; and prohibit housing discrimination against federally- and state-protected classes.

- B. There is no substantial evidence that the project will have a significant effect on the environment based on the lead agency's independent analysis.*

The policies and implementation programs in the Housing Element will not have a significant adverse impact on the environment. Projects involving housing production and maintenance will each be assessed for impacts and levels of significance.

- C. The negative declaration was properly circulated and the corresponding public hearing was properly noticed in accord with CEQA requirements.*

The Initial Study/Negative Declaration was sent to the State Clearinghouse, submitted to the Contra Costa County Clerk's Office and circulated for a 30-day period beginning on October 18, 2011 and ending on November 17, 2011. All appropriate regulatory agencies were notified.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby recommends that the City Council adopt the Draft 2007-2014 Housing Element and associated Initial Study/Negative Declaration:

CERTIFICATION

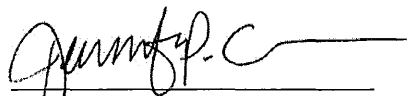
I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on October 19, 2011 upon motion of Commissioner Pine, second by Commissioner Albrecht.

AYES: Pine, Albrecht, Motoyama, Coty, Silva

NOES:

ABSTAIN:

ABSENT: Kavanaugh-Lynch, Kuhlman



Jennifer Carman, AICP
Development Services Manager

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

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
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December 27, 2011

Ms. Jennifer Carman
Planning Manager
Planning Division
Environmental and Development Services Department
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear Ms. Carman:

RE: Review of the City of El Cerrito's Revised Draft Housing Element

Thank you for submitting El Cerrito's revised draft housing element received for review on October 28, 2011 along with additional revisions on December 9 and 20, 2011. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Several communications with you facilitated the review.

The revised draft addresses the statutory requirements described in the Department's May 2, 2011 review. For example, the element now demonstrates adequate sites to accommodate the City's regional housing need allocation. The revised draft element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Section 65585(g).

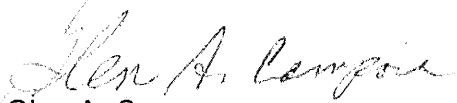
The Department recognizes El Cerrito's leadership in addressing its housing needs, including increasing densities to promote housing affordable to lower-income households and to facilitate more compact and mixed-use development patterns near transit. For example, the City's Transit Oriented Mixed-Use zoning district and Incentives Program provide valuable tools to encourage affordability and allow flexibility in the application of zoning requirements.

In addition, and as noted in the prior review, the public participation process, including the consideration of public comments, is critical to identifying and addressing housing needs throughout the community. El Cerrito should continue to engage all economic segments of the public including organizations representing lower-income individuals throughout the housing element update process, including adoption and implementation of programs.

Ms. Jennifer Carman, Planning Manager
Page 2

The Department appreciates your commitment and dedication throughout the review process and looks forward to receiving El Cerrito adopted housing element. If you have any questions, please contact Mario Angel, of our staff, at (916) 445-3485.

Sincerely,

A handwritten signature in cursive script that reads "Glen A. Campora". The signature is written in dark ink and is positioned above the printed name and title.

Glen A. Campora
Assistant Deputy Director



AGENDA BILL

Agenda Item No. 6(B)

Date: February 6, 2012

To: El Cerrito City Council

From: Sean Moss, Senior Planner
Karen Pinkos, Assistant City Manager

Subject: Fees Related to Animal Permits resulting from Revisions to the Animals Ordinance

ACTION REQUESTED

Conduct a public hearing and upon conclusion consider adoption of a resolution amending development fees within the master fee schedule to add fees relating to animal permits resulting from the amendment of El Cerrito Municipal Code Title 7 "Animals" and amending Resolution No. 2011-30.

BACKGROUND

In November 2011, the City Council adopted Ordinance 2011-05, revising the City's Animals Ordinance. The revisions, which become effective on April 6, 2012, will change the standards for keeping animals such as chickens, bees, goats and pigs. In order to ensure that the new standards are met, the Council created new administrative permits for certain types of animals. Given the creation of these new permits, it is necessary for the Council to adopt fees for the new permit types. The newly created administrative permits include the Residential Chicken Clearance, the Honeybee Keeping Clearance and the Goat Weed Abatement Permit. In addition, certain exceptions to the standards will be allowed through a process of unanimous consent of directly adjacent property owners. Under the revisions to the Animals Ordinance, some animals (i.e. goats and pigs under 150 lbs.) will require an Administrative Use Permit and other animals and exceptions to the standards will require a Conditional Use Permit.

ANALYSIS

The table below details the proposed fee for each animal-related permit type:

Proposed Fees for Animal Permits	
Permit	Fee
Residential Chicken Clearance	\$75
Honeybee Keeping Clearance	\$90
Goat Weed Abatement Permit	\$75
Unanimous Neighbor Consent Exception	\$25
Administrative Use Permit for Animals	\$584

In developing the proposed fees for the new permit types created by the revisions to the Animals Ordinance, City staff examined similar, existing City permits as well as similar permits in other cities. The newly created administrative permits are a streamlined process which enables City staff to verify that the applicant is meeting the standards of the revised Animals Ordinance. Once staff is able to verify this, the permit is approved over-the-counter without the applicant having to return to City Hall. This process is similar to the existing process for Fence Clearance permits (the current fee for a Fence Clearance is \$58). Staff also considered the amount of processing time, postage, and other costs in determining the recommended fee and permitting process for each new permit:

- Residential Chicken Clearance: staff anticipates that the processing time for a Residential Chicken Clearance will be slightly greater than that of a Fence Clearance because verification of the particular standards required to keep chickens (such as verifying the distance to homes on adjacent lots) will consume more time than the verification of standards for fences. Staff is proposing a fee of \$75 for this permit.
- Honeybee Keeping Clearances are expected to take additional staff time due to the requirement that adjacent property owners be mailed a notice of the permit. Staff is proposing a fee of \$90 for this permit.
- Goat Weed Abatement Permits are expected to have a similar processing time as the Residential Chicken Clearance. The Fire Department may be involved in the permit process, as needed, on a case-by-case basis. Staff is proposing a fee of \$75 for this permit.
- Unanimous Consent: in addition to the over-the-counter permits, the revisions to the Animals Ordinance also created a process for exceptions with unanimous consent of directly adjacent property owners. Staff will develop the forms and procedures for the applicant to gather the signatures of consent. City staff will then verify the signatures by mailing a notice confirming the approval of the permit to the address of each property owner. This exception process would be in addition to submittal of the appropriate over-the-counter permit for chickens or bees. Staff is proposing a fee of \$25 for the Unanimous Neighbor Consent exception. This would create a total fee of \$95 for exceptions for chickens and \$115 for exceptions for bees. The City of Albany charges \$165 for a similar process for chickens.

Under the revisions to the Animals Ordinance, certain animals which typically have a higher degree of potential impact to adjacent properties (i.e. goats and potbellied pigs) will require an Administrative Use Permit, which is a discretionary, administrative permit. Under this process, staff will visit the site where the animals would be kept and analyze the appropriateness of the site for animals. Staff will then work with the applicant to address any potential impacts to adjacent properties. There are a series of findings which the Zoning Administrator must make before the permit is issued. Goats and pigs currently require approval of the Planning Commission. During the Animal Ordinance discussion, Councilmembers indicated a desire to reduce the time and cost required to obtain such a permit by creating a category of Administrative Use Permits

specifically for animals. Therefore, staff is proposing that the current Administrative Use Permit fee be reduced by 25% for animal-related Administrative Use Permits.

FINANCIAL CONSIDERATIONS

The proposed permit fees were determined based on similar, existing City permits and the consideration of staff time, postage, and materials required to process these permits. These fees are well below full cost recovery, and staff does not anticipate that these permit fees will generate a significant amount of revenue.

LEGAL CONSIDERATIONS

As required by California Government Code §66018(a), the City is required to conduct a public hearing prior to adopting any new fees or fee increases, as follows:

66018(a): Prior to adopting an ordinance, resolution, or other legislative enactment adopting a new fee or approving an increase in an existing fee to which this section applies, a local agency shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062a.

This public hearing satisfies the Government Code requirement and was noticed in the West County Times on January 27, 2012 and February 2, 2012.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Amended Development Fee Schedule

RESOLUTION 2012-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE BY AMENDING RESOLUTION NO. 2011-XX, TO ADD FEES RESULTING FROM THE AMENDMENT OF EL CERRITO MUNICIPAL CODE TITLE 7 "ANIMALS"

WHEREAS, on November 21, 2011 the El Cerrito City Council passed Ordinance 2011-05, amending Title 7:Animals of the El Cerrito Municipal Code; and

WHEREAS, the amendments to Title 7 created new permits for keeping animals in El Cerrito; and

WHEREAS, a public hearing has been noticed and held in accordance with state law.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby adopts the proposed revisions to the Master Fee Schedule for the City of El Cerrito (as shown in Exhibit A), which is hereby attached and by this reference made a part hereof, effective April 6, 2012 and that Resolution No. 2011-30 is hereby amended.

I CERTIFY that at the regular meeting on February 6, 2012 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor



2011-2012 PLANNING FEES

EFFECTIVE DATE: APRIL 6, 2012

General Note: Fees listed below are generally standardized to cover applications for all projects. Some projects may be determined by the Community Development Director to be unusually complex and consuming of staff time. The Community Development Director is authorized to require a deposit for estimated staff and consultant costs at the time of the application. Where a standard fee has been paid, the Community Development Director is authorized to require additional deposits to cover costs of extraordinary staff effort resulting from unforeseen complexities or time-consuming delays and extra meetings. Staff time will be estimated on the basis of actual staff salary and benefits, as determined by the City's Cost Allocation Study.

<u>Item/Description</u>	<u>Basis</u>	<u>Amount</u>	<u>Revenue Code</u>
General Plan and Zoning Ordinance			
1. General Plan Amendment	each	\$20,981	6050
2. Zoning Amendment	each	\$19,915	6050
Subdivisions and Lot Adjustments			
1. Tentative Parcel Map 1-4 lots	each	\$5,286	6051
2. Tentative Tract Map 5-10 lots	each	\$7,106	6051
3. Tentative Tract Map 11-25 lots	each	\$8,087	6051
4. Tentative Tract Map 26+ lots (per lot)	per lot	\$881	6051
5. Final Map 1-4 lots	each	\$4,220	6051
6. Final Map 5+ lots	each	\$5,119	6051
7. Exception to Subdivision Ordinance	each	\$4,626	6051
8. Lot Line Adjustment or Lot Merger	each	\$1,419	6051
9. Certificate of Compliance	each	\$2,051	6051
Use and Development Permits			
1. Planned Development	each	\$13,705	6055
2. Incentives Program Permit Fee (Staff and Design Review Board review prior to application for Planning Commission action - Use Permit Fee is additional)	each	\$3,860	6055
3. Use Permit Residential – 1 unit & other projects deemed minor by the Planning Manager	each	\$978	6055
4. 2-4 units	each	\$2,833	6055
5. 5-10 units	each	\$3,215	6055
6. 11+ units	each	\$4,097	6055
7. Use Permit Nonresidential – 1-2,500 s.f.	each	\$2,598	6055
8. 2,501 –10,000 s.f.	each	\$3,215	6055
9. 10,000+ s.f.	each	\$4,097	6055
10. Administrative Use Permit	each	\$779	6055
11. Administrative Use Permit - Keeping Animals (Title 7)	each	\$584	6055
12. Temporary Use Permit	each	\$618	6055
13. Large Family Day Care	each	\$183	6055
14. Accessory Living Unit	each	\$443	6055
15. Home Occupation	each	\$86	6059
16. Zoning Clearance (Commercial)	each	\$222	6055

<u>Item/Description</u>	<u>Basis</u>	<u>Amount</u>	<u>Revenue Code</u>
Variances			
1. Variance Residential – 1 unit & other projects deemed minor by the Planning Manager	each	\$968	6055
2. 2-4 units	each	\$2,833	6055
3. 5-10 units	each	\$3,215	6055
4. 11+ units	each	\$4,097	6055
5. Variance Nonresidential – 1-2,500 s.f.	each	\$2,598	6055
6. 2,501 – 10,000 s.f.	each	\$3,215	6055
7. 10,000+ s.f.	each	\$4,097	6055
Design Review			
1. Design Review – 1 unit & other projects deemed minor by the Planning Manager	each	\$2,429	6052
2. 2-4 units	each	\$3,306	6052
3. 5-10 units	each	\$4,170	6052
4. 11+ units	each	\$4,214	6052
5. Design Review Nonresidential – 1-2,500 s.f.	each	\$2,429	6052
6. 2,501-10,000 s.f.	each	\$3,306	6052
7. 10,000 + s.f.	each	\$4,214	6052
8. Administrative Design Review – Structures (If elevated to DRB, full Design Review Fee applies)	each	\$1,033	6052
9. Administrative Design Review – Permanent Signs	each	\$503	6052
10. Administrative Design Review – Temporary Signs	each	\$251	6052
11. Design Consultant Review (staff admin/review fee - consultant costs are additional)	each	\$793	6052
Business Sign Application			
1. Individual Business Sign Permit	each	\$186	6055
Miscellaneous			
1. Pre-application Meeting with Staff	each	\$0	6055
2. Pre-application Study Session: Planning Commission or Design Review Board	each	\$1,776	6055
3. Preliminary Review of Multi-Story Single Family Construction (RAD)	each	\$375	6055
4. Street Vacation	each	\$2,672	6055
5. Unspecified or Research - hourly	each	\$164	6055
6. Rebuild or Interpretation Letter	each	\$444	6055
7. Fence Clearance Permit	each	\$58	6055
8. Residential Chicken Clearance	each	\$75	6055
9. Honeybee Keeping Clearance	each	\$90	6055
10. Goat Weed Abatement Permit	each	\$75	6055
11. Unanimous Neighbor Consent Exception for chickens or bees	each	\$25	6055
12. Public Notice Mailing List Generation	each	\$87	6055
13. Public Notice Mailing Fee	per address to be mailed	1 st Class postage plus 7 cents per envelope	6055
14. Laserfiche Fee	per page	\$3	
Environmental Review			
1. Categorical Exemption	each	\$175	6053

2. Negative Declaration (City Prepared – any consultant costs are additional)	each	\$3,157	6053
3. Mitigated Negative Declaration (City Prepared – any consultant costs are additional)	each	\$9,156	6053
<u>Item/Description</u>	<u>Basis</u>	<u>Amount</u>	<u>Revenue Code</u>
Environmental Review (continued)			
4. Administrative Fee for consultant prepared environmental documents		30% of consultant cost	6053
5. Mitigation Monitoring	each	\$6,656	6053
Development Agreement	each	\$19,285	6057
Permit Amendment/Time Extension	each	½ current application fee	PC-6055 DRB-6052
Appeals			
By non-applicant	each	\$291	6054
By applicant	each	½ current application fee	6054
County Clerk Filing Fees (set by County)			
Notice of Exemption	each	\$50	6056
Notice of Determination (ND/MND)	each	\$2,094	6056
Notice of Determination (EIR)	each	\$2,889.25	6056
Publications			
Zoning Ordinance	each	\$37	6065
General Plan, 1999	each	\$37	6065
General Plan Environmental Impact Report (EIR), 1999	each	\$18	6065
Subdivision Ordinance	each	\$3	6065
Parking Guidelines	each	\$3	6065
Zoning Map	each	\$4	6065
Miscellaneous Bound Reports	per page	\$.34	6065
Special Studies (Hazard) Maps, 11" x 17"	each	\$4	6065
Special Studies (Hazard) Maps, 36" x 54"	each	\$28	6065
Printing, Reproduction, Documents			
Photocopies (8 1/2" x 14" or smaller)	per page	\$0.10	1700
Photocopies (larger than 8 1/2" x 14", including mail & administrative costs)	per page	actual cost	1700
Application forms, information sheets	each	Free	
Planning Commission or Design Review Board Agendas			
Resident	per packet	\$17	1725
Non-Resident	per packet	\$20	1725
Planning Commission or Design Review Board Minutes			
Resident	per page	\$.10	1725
Non-Resident	per page	\$.10	1725



AGENDA BILL

Agenda Item No. 7

Date: February 6, 2012
To: El Cerrito City Council
From: Sylvia Moir, Police Chief
Lance Maples, Fire Chief
Subject: East Bay Regional Communication System (EBRCS) Radio Purchase for the Police, Fire, Public Works, and Recreation Departments

ACTION REQUESTED

Adopt a Resolution authorizing the City Manager or his designee to purchase new base station, vehicle and portable radios which are P25 compliant in accordance with the East Bay Regional Communication System (EBRCS) Joint Power Authority (JPA) for the Police, Fire, Public Works, and Recreation Departments; accept a grant of \$273,000 from the El Cerrito Municipal Services Corporation and appropriate the grant fund; and appropriate \$273,000 from the Vehicle and Replacement Fund; and accept a grant for \$2,802,400 from the Federal Emergency Management Agency (FEMA) and accept \$605,600 in matching funds from local Fire Agencies.

BACKGROUND

On September 20, 2010, the City Council authorized the City Manager or his designee to enter into a project operating agreement with the EBRCS Joint Powers Authority (JPA). The EBRCS stated goal when first established in September of 2007, was to construct a state of the art, regional interoperable radio system. The new EBRCS system will replace a patchwork of unlike systems, which exists in Alameda and Contra Costa Counties. This goal is near completion in Alameda and Contra Costa Counties, which are the geographic and operational areas of the radio system.

Agencies in Alameda and Contra Costa Counties are in different phases of leasing, purchasing, and installing radios for EBRCS. The Richmond Police Department Dispatch Center, which is the City's primary dispatch center, is in the process of having the new radio equipment installed and tested.

The EBRCS radio system was designed by Motorola through a procurement process initiated by Alameda County. With the completion of the Alameda County and Contra Costa County cells, the system will be available for use to all stakeholders which include 36 member agencies consisting of both Counties, 29 cities, four special districts, and the University of California. There are two components to the EBRCS radio cost structure, the first is the purchase of base station, vehicle and portable radio equipment with necessary accessories. The second component is the monthly maintenance and operation costs per radio on the EBRCS system. The total number of radios on the EBRCS system is in flux as new agencies opt in and opt out,

thus impacting the total number of member radios and therefore the cost of maintenance and operations. With the current numbers of members who have opted in, the monthly maintenance and operations costs are estimated to be \$45 per unit. The City of El Cerrito is currently paying similar monthly radio maintenance and operations fees as part of the existing radio system. These payments will eventually cease and the existing budgeted funds will be applied toward the EBRCS monthly maintenance fees.

ANALYSIS

The EBRCS JPA, Motorola, and Police and Fire Departments have been examining financing for the radio system which incorporates a combination of grants and debt service. Alameda and Contra Costa Counties are taking advantage of existing funding sources such as grants, American Recovery and Reinvestment Act bonds and debt service to fund the remaining infrastructure for the radio system. Our City's specific purchase of radios is separate from the aforementioned grants and recovery act funds and would be necessary even without EBRCS.

On behalf of its member agencies, the EBRCS JPA utilized a competitive bid process in which Motorola was awarded the equipment (radios) contract. Because Motorola is the system vendor for the EBRCS JPA and also the provider of the radios and the equipment maintenance, choosing them as our vendor is in our best interest and much more economical than going out to bid ourselves. Contra Costa County radio technicians will be handling the installation and programming of the individual radios for the local jurisdictions. The equipment acquired through this purchase will be owned outright by the City of El Cerrito.

The number of radios to be purchased, including base station, vehicle and portable radios for the Police, Public Works and the Recreation Departments totals 122. This total does not include the 84 radios to be purchased by the Fire Department.

FINANCIAL IMPACT

Earlier in the year, the Fire Department, along with the San Ramon Valley Fire Protection District, hosted a Regional Assistance to Firefighter grant. The El Cerrito Fire Department's grant covered portable radios and the San Ramon Valley Fire Protections District's grant covered mobile and base station radios for all of the Fire Departments and Fire Districts in Contra Costa County. On January 6, 2012, the El Cerrito Fire Department and the San Ramon Valley Fire Protection District were notified that they were successful with these Regional grants. The total award for El Cerrito is \$3,328,000 and the total award for San Ramon Valley Fire Protection District is \$2,383,353. The Federal share of these grants is 80% or \$2,662,400 for El Cerrito and \$1,906,680 for San Ramon Valley Fire Protection District. The remaining 20% of costs for these purchases will be shared amongst the Fire Departments and Fire Protection Districts in Contra Costa County. Therefore, the El Cerrito Fire Department will only need funding for 20% of their purchase.

The Police Department is also including the cost analysis structure for the Recreation and Public Works Departments. The Department's submission and quotes reflect radios for these three departments. The total purchase price for 122 radios, installation, and required accessories is approximately \$451,000. The Police Department has the largest number of

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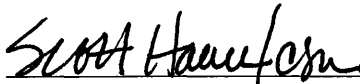
radios in use at any given time which totals 95 radios. The 95 radios and all accessories total \$355,000. Public Works accounts for \$81,000 which totals 23 radios. The Recreation Department accounts for four radios and one base station at a cost of \$15,000. The Fire Department will be purchasing 84 total units at a total cost to the City of approximately \$95,000 to cover the 20% match out of a total price of approximately \$475,000. The total cost to each department is impacted by the mix of radio types.

After a comprehensive needs assessment, the Departments were able to reduce the total number of radios to the current number, thereby saving \$36,661. Approximately \$300,000 was previously set aside in the Vehicle and Equipment Replacement Fund to offset some of these anticipated costs as mentioned in the September 2010 Agenda Bill. When including the savings that the Fire Department grant represents, each radio, accessories, programming, and installation equates to approximately \$2,650 per radio rather than approximately \$4,500 per unit without the grant. Of the total cost to the City of \$546,000, that amount will be split evenly between the vehicle and equipment replacement fund and the El Cerrito Municipal Services Corporation (MSC) fund balance, thereby eliminating the need to utilize any General Fund dollars. We anticipate that the MSC Board of Directors will take action to award the grant funds at its meeting following tonight's City Council meeting. The overall radio funding is described in Attachment 1.

LEGAL CONSIDERATIONS

The City may purchase the radios through the competitive procurement process implemented by the JPA.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Cost Breakdown
2. Proposed Resolution
3. Grant Award letter

EAST BAY REGIONAL COMMUNICATION SYSTEM (EBRCS) RADIO SYSTEM

REGIONAL GRANT STRUCTURE

Sources

El Cerrito Federal Grant and Matching Funds

80% El Cerrito FEMA Grant	\$2,662,400
20% Fire Agency Participation	605,600
20% City portion funded by MSC Grant	30,000
20% City portion funded by Vehicle & Equipment Replacement	30,000
Total El Cerrito FEMA Grant	3,328,000

San Ramon Federal Grant -City use and matching

80% San Ramon FEMA Grant	140,000
20% City Portion funded by San Ramon FEMA Grant	35,000
Total use of San Ramon FEMA Grant	175,000

Funding for El Cerrito non-Fire Department radios

MSC Grant	225,500
Vehicle & Equipment Replacement Fund	225,500
	451,000

Total Revenue Sources for project	\$3,954,000
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Uses

Police	\$355,000
Public Works	81,000
Recreation	15,000
Fire	475,000
Other Agencies	3,028,000

Total Uses of Funds	\$3,954,000
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EL CERRITO RADIOS

Funding Sources for City Radios

FEMA Grant	\$380,000
MSC Grant	273,000
Vehicle & Equipment Replacement Fund	273,000
	\$926,000

Radios by Department

			Average
Police	95	\$355,000	Cost
Public Works	23	81,000	
Recreation	4	15,000	
Fire	84	475,000	
Total cost of radios for EC	206	926,000	\$4,495
FEMA Grant participation		(380,000)	
Net after FEMA Grant	206	\$546,000	\$2,650

RESOLUTION 2012-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ACCEPTING \$2,802,400 IN GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), \$605,600 IN FIRE AGENCY MATCHING FUNDS, \$273,000 IN GRANT FUNDS FROM THE MUNICIPAL SERVICES CORPORATION (MSC), APPROPRIATING \$273,000 FROM THE VEHICLE AND EQUIPMENT REPLACEMENT FUND AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A \$3,954,000 AGREEMENT FOR THE PURCHASE OF BASE STATIONS, VEHICLE AND PORTABLE RADIOS FOR USE ON THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM (EBRCS)

WHEREAS, the City of El Cerrito entered into an agreement with the East Bay Regional Communication System (EBRCS) and Joint Powers Authority in September 2010 for the purpose of jointly purchasing Federally mandated P25 compliant interoperable radios; and

WHEREAS, EBRCS awarded the radio contract to Motorola as the preferred vendor; and

WHEREAS, The El Cerrito Fire Department initiated and won a Federal Emergency Management Agency (FEMA) regional grant totaling \$2,662,400 to fund 80% of the radio portion of the equipment purchase for all Fire Departments and Fire Districts in Contra Costa County; and

WHEREAS, The San Ramon Fire District also received an award from FEMA for base station equipment in which the City will receive \$140,000 in FEMA grant funds; and

WHEREAS, the cost to purchase radios and base stations for the El Cerrito Public Safety, Public Works, and Recreation Department has been determined to be \$926,000; and

WHEREAS, The City has requested \$273,000 in grant funding from the El Cerrito Municipal Services Corporation, appropriated \$273,000 from the City's Vehicle and Equipment Replacement Fund and will use \$380,000 of FEMA grant funds to buy the equipment; and

WHEREAS, the remaining grant funds will be distributed to Motorola along with the other Fire Agency's 20% matching contributions for the purchase of their equipment.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby accepts \$2,802,400 in total FEMA grant funds and \$605,600 in matching funds on behalf of Contra Costa Fire Agencies, \$273,000 in grant funds from the MSC, and authorizes the appropriation of approximately \$273,000 from the City's Vehicle and Equipment Replacement Fund.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager or his designee to enter into a contract with Motorola for the purchase of emergency radios and equipment, with the funding as shown on Exhibit A, attached herein.

Agenda Item No. 7
Attachment 2

I CERTIFY that at a regular meeting on February 6, 2012, the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February X, 2012

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Mr. David Gibson
El Cerrito Fire Department
10900 San Pablo Avenue
El Cerrito, California 94530-2391

Re: Grant No. EMW-2011-FR-00249

Dear Mr. Gibson:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2011 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$3,328,000.00. The Federal share is 80 percent or \$2,662,400.00 of the approved amount and your share of the costs is 20 percent or \$665,600.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you formally receive the award through the AFG online system.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

A handwritten signature in cursive script, reading "Elizabeth M. Harman".

Elizabeth M. Harman
Assistant Administrator
Grant Programs Directorate