



AGENDA

REGULAR CITY COUNCIL MEETING DECEMBER 3, 2019 – 7:00 p.m. City Council Chambers

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

Members:
Mayor Rochelle Pardue-Okimoto

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF
MOMENT OF SILENCE - Councilmember Lyman**

2. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

A. Proclamation in recognition of 20 years of service to the West Contra Costa Transportation Advisory Committee (WCCTAC)

Action Proposed: Pass a motion to approve a proclamation in recognition of Councilmember Abelson's 20 years of dedicated service to the West Contra Costa Transportation Advisory Committee.

Contact: Holly M. Charl  ty, City Clerk, City Management

B. Proclamation upon Retirement of Detective Jeff Albrandt

Action Proposed: Pass motion to approve a proclamation in recognition upon the retirement of Detective Jeff Albrandt of the El Cerrito Police Department.

Contact: Paul Keith, Chief of Police, Police Department

C. Proclamation for 70th anniversary of Sundar Shadi Holiday Display

Action Proposed: At the request of Mayor Pro Tem Lyman, pass a motion to approve a proclamation in recognition of the 70th anniversary of the Sundar Shadi holiday display.

Contact: Holly M. Charl  ty, City Clerk, City Management

D. Declare and Certify the Results of the November 5, 2019 Special Election and adopt a special tax on Real Property Located in El Cerrito

Action Proposed: 1) Adopt a resolution confirming the results of the November 5, 2019 Special Election and declaring the passage of Measure H; and 2) Adopt Ordinance No. 2019-06, authorizing a Special Tax on Real Property Located in El Cerrito to Fund Parks and Recreation Facilities Maintenance and Enhancement and Amending and Restating Chapter 4.56 of the El Cerrito Municipal Code as Approved by the Voters at the November 5, 2019 Special Election.

Contact: Holly M. Charl  ty, City Clerk, City Management

E. Co-Sponsorship Application - Friends of Ravenscliff

Action Proposed: Adopt a resolution recognizing the Friends of Ravenscliff as a City Co-Sponsored organization and authorizing the City Manager or designee to grant the use of City Facilities utilizing the co-sponsored rates in the Master Fee Schedule.

Contact: Taylor Melton, Recreation Supervisor, Recreation Department

5. PRESENTATIONS

6. PUBLIC HEARINGS

A. 2nd Read and Adoption of Building and Fire Code Ordinance -
Notice Published 11/23/2019, 1st Public Hearing and Reading Held 11/19/2019

Action Proposed: Conduct a public hearing, and upon conclusion waive the second reading and adopt Ordinance 2019-09 which adopts the 2019 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the ordinance.

Contact: Mark Soltes, Building Official, Community Development
David Gibson, Fire Marshal, Fire Department

7. POLICY MATTERS

A. CITY COUNCIL REORGANIZATION

The City Council will elect a Mayor and Mayor Pro-Tempore to serve a term of one year.

Contact: Holly M. Charléty, City Clerk, City Management

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is December 17, 2019 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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

- 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: 510-215-4305 Fax: 510-215-4379, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing Councilmember Janet Abelson for 20 years of dedicated service to the
West Contra Costa Transportation Advisory Committee

WHEREAS, Councilmember Abelson was first appointed on December 20, 1999 to represent the City of El Cerrito on the West Contra Costa Transportation Advisory Committee (WCCTAC) and has served continuously for 20 years; and

WHEREAS, Councilmember Abelson served as Chair of WCCTAC in 2002, 2004, 2012, 2013, 2014, and 2017 and Vice Chair of WCCTAC in 2000, 2001, 2011, and 2015; and

WHEREAS, Councilmember Abelson was appointed by WCCTAC to serve on the Contra Costa Transportation Authority (CCTA) in July 2001 and has served continuously for 18 years; and

WHEREAS, Councilmember Abelson served as Chair of CCTA in 2005 and 2013, Chair of the CCTA Planning Committee in 2002, 2007, 2011, and 2015 and is currently Chair of the CCTA Paratransit Coordinating Council; and

WHEREAS, during her service as CCTA Chair in 2013, accomplishments included the Caldecott Tunnel Fourth Bore, Expansion of Highway 4, Richmond Transit Village BART Parking Structure, Bradley A Moody Memorial Underpass, and Hercules Intermodal Transit Center; and

WHEREAS, Councilmember Abelson served on CCTA during the successful development and passage of Measure J and played a key role in advocating for a transit friendly, BART adjacent, office location for CCTA; and

WHEREAS, Councilmember Abelson has been a continuous advocate for the transportation needs of the disabled and for improved accessibility in all modes of transportation; and

WHEREAS, Councilmember Abelson was instrumental in developing the student bus pass program which provides free bus passes to low income students in West Contra Costa; and

WHEREAS, Councilmember Abelson has been an advocate for additional transit funding and improved transit services and was involved in the development of the AC Transit 72 Rapid Service; and

WHEREAS, Councilmember Abelson was the key champion for moving the WCCTAC Office to an ADA accessible building in a transit accessible location which produced savings for WCCTAC.

NOW THEREFORE, the City Council of the City of El Cerrito, does hereby proclaim recognition for Councilmember Janet Abelson for her 20 years of dedicated service to the West Contra Costa Transportation Advisory Committee (WCCTAC) and 18 years of service to Contra Costa Transportation Authority (CCTA).

Dated: December 3, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Commending and Congratulating Detective Jeff Albrandt on his retirement from
the El Cerrito Police Department

WHEREAS, Jeff Albrandt served in the United States Navy as a Torpedoman's Mate in the Submarine Service, earning the Good Conduct Medal and serving all over the world until being Honorably Discharged on July 8, 1989; and

WHEREAS, Jeff Albrandt attended the Napa Valley College Police Academy, graduating in December of 1990; and

WHEREAS, Jeff Albrandt was hired as an El Cerrito Police Officer on April 7, 1991; and

WHEREAS, Jeff Albrandt was the ECPD Officer of the Year in 1994 and 2006; and

WHEREAS, Jeff Albrandt earned the Auto Theft Recovery "10851 Award" three times from 1993 to 1995; and

WHEREAS, Jeff Albrandt was selected for the Detective Unit assignment on March 29, 1998 where he investigated violent crimes; and

WHEREAS, Jeff Albrandt was selected to be the first El Cerrito PD Officer to be a School Resource Officer at El Cerrito High School on November 1, 2005 until May 2006; and

WHEREAS, Jeff Albrandt became a Bicycle Patrol Instructor on October 31, 2008 and went on to instruct ECPD Officers and those of over twenty other agencies; and

WHEREAS, Jeff Albrandt was again assigned to the SRO position at ECHS on August 23, 2010 where he served for 5 years, and earned a Unit Citation based on his exemplary service; and

WHEREAS, Jeff Albrandt returned to the Detective Unit February 27, 2017, investigating violent crime. Detective Albrandt was a great investigator, trainer, beloved co-worker of the highest integrity, work ethic and dedication to the public service; and

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend Detective Jeff Albrandt on the occasion of his honorable retirement. The City Council extends sincere appreciation to Detective Jeff Albrandt for his devotion to the mission, vision and values of the El Cerrito Police Department.

Dated: December 3, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing the 70th Anniversary of the Sundar Shadi Holiday Display

WHEREAS, long-time El Cerrito resident Mr. Sundar Shadi first placed a blue star with twinkling lights on his property on Arlington Boulevard to mark the Christmas season in December 1949; and

WHEREAS, Mr. Shadi placed two-dimensional “wise men” on camels on the hillside next to his home to create a holiday display, before beginning to hand-craft three-dimensional figures over the coming years, including: new wise men and camels, shepherds, dozens of buildings with minarets and domes for the Town of Bethlehem, as well as villagers, donkeys, dogs, an angel and more than 55 unique sheep; and

WHEREAS, Mr. Shadi assembled this beloved display on his Arlington hillside each year to the delight of his neighbors, the residents of El Cerrito and surrounding communities, as well as visitors from around the Bay; and

WHEREAS, this tradition continued for decades as initial visitors became parents and then grandparents and new generations enjoyed the Shadi Holiday Display; and crowds gathered each evening as lights and music were turned on; and

WHEREAS, Mr. Shadi continued setting up his display by himself until could no longer carry the heavy animals out of storage; and then El Cerrito Fire Captain Gordon White began enlisting the help of other off-duty firefighters to assist with display set up and take down until 1997; and

WHEREAS, Sundar Shadi passed away in 2002 at the age of 101, having created a treasured gift for his community that he gave each year, for many decades; and

WHEREAS, former El Cerrito Mayor Jane Bartke recognized the opportunity to preserve and continue the display for the community, and working with the Soroptimists of El Cerrito, she communicated with the Shadi family to keep the display together as a complete collection to be enjoyed on into the future; and

WHEREAS, Jane Bartke also enlisted the help of her husband, former Mayor Rich Bartke, to handle legal issues related to the Shadi Holiday Display and she has also led a committee of volunteers who work throughout the year on maintenance of the display and who organize set up and take down of the massive collection each December; and

WHEREAS, December 2019 marks the 70th anniversary of the first star in the collection and the beginning of what became officially known as the “Sundar Shadi Holiday Display”;

NOW THEREFORE the City Council of the City of El Cerrito, does hereby acknowledge and honor the 70th anniversary of the Sundar Shadi Holiday Display and offers sincere thanks and appreciation for all those associated with protecting the display and continuing the display for posterity, with special thanks to former Mayors Jane and Rich Bartke.

Dated: December 3, 2019

Rochelle Pardue-Okimoto, Mayor



AGENDA BILL

Agenda Item No. 4.D.

Date: December 3, 2019
To: El Cerrito City Council
From: Holly M. Charléty, City Clerk, City Management
Subject: Declare and Certify the Results of the November 5, 2019 Special Election and adopt a special tax on Real Property Located in El Cerrito

ACTION PROPOSED

1) Adopt a resolution confirming the results of the November 5, 2019 Special Election and declaring the passage of Measure H; and 2) Adopt Ordinance No. 2019-06, authorizing a Special Tax on Real Property Located in El Cerrito to Fund Parks and Recreation Facilities Maintenance and Enhancement and Amending and Restating Chapter 4.56 of the El Cerrito Municipal Code as Approved by the Voters at the November 5, 2019 Special Election.

BACKGROUND/ANALYSIS

On July 16, 2019 the City Council called a special election to submit to voters a measure to renew the Measure A Special tax to fund the preservation, maintenance and enhancement of El Cerrito parks and recreation facilities.

The Contra Costa County Registrar of Voters has submitted to the City Clerk official Certification for the Results of the Canvass and the official Statement of Votes cast for the City of El Cerrito Special Election held on November 5, 2019 and the City Clerk has prepared the Certification of Election Results.

The Resolution (Attachment 1) confirms the results of the November 5, 2019 Election and declares the passage of Ballot Measure H— a measure for the extension of a Special Tax to fund Parks and Recreation facilities maintenance and enhancement. The measure needed 67% of the votes to pass.

The Ordinance (Attachment 2) to authorize a special tax on real property located in EL Cerrito was approved by the voters at the November 5, 2019 Special Election. This ordinance amends and restates Chapter 4.56 of the EL Cerrito Municipal Code. The ordinance is effective ten days after the City Council declares the results of the November 5, 2019 General Municipal Election.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal A: Deliver Exemplary Government Services by maintaining an emphasis on providing excellent customer service.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

These actions are required pursuant to California Elections Code, and have been reviewed by the City Attorney.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution
3. Ordinance 2019-06

RESOLUTION NO. 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO RECITING THE FACTS OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF EL CERRITO ON NOVEMBER 5, 2019 CONFIRMING THE CANVASS OF RETURNS, AND DECLARING THE RESULTS OF THE ELECTION AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a Special Municipal Election was held and conducted in the City of El Cerrito on Tuesday, November 5, 2019 as required by law; and

WHEREAS, the qualified electors, including vote-by-mail voters, cast ballots at said election upon the following proposed Measure:

Measure H – Extension of a Special Tax to Fund Parks and Recreation Facilities Maintenance and Enhancement
(2/3 Majority Vote Required to Pass)

To maintain El Cerrito's quality of life, continuing local control of recreation services/parks, including maintaining/improving: swim center pools, locker rooms/restrooms; city parks, walking paths, playfields/open space; and program space for children, families, adults/seniors; shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

WHEREAS, notice of the election was given in the time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes thereof were received and canvassed and the return thereof was ascertained, determined, and declared in all respects as required by the law, and the County Clerk of the County of Contra Costa has duly filed with the City Clerk a statement of votes of said election.

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

SECTION 1: That the whole number of votes cast in the City of El Cerrito including vote-by-mail votes, at the November 5, 2019 Special Election was **5,860** votes.

SECTION 2: That the total number of votes including vote-by-mail votes, cast on Ballot Measure H were as follows:

YES: 4,591

NO: 1,269

SECTION 3: The City Council does declare and determine that, as a result of the election, at least a 2/3 majority of votes cast at the November 5, 2019 Special Municipal Election for Measure H did vote in favor of it, and that said measure is hereby declared to have passed.

SECTION 4: That the Certificate of the Contra Costa County Clerk as to the Results of the Canvass of the City of El Cerrito November 5, 2019 Special Election, is hereby approved and adopted as a statement of the votes of said election.

SECTION 5: That the Certification of the City Clerk including the Certificate of the Election by the County Clerk/Registrar of Voters and a complete Statement of the Results showing the number of votes cast at each precinct for and against Measure H - Extension of a Special Tax to Fund Parks and Recreation Facilities Maintenance and Enhancement, attached hereto as Exhibit A, is approved and adopted.

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

I CERTIFY that at the regular meeting on December 3, 2019, 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 December X, 2019

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

**CERTIFICATE OF CITY OF EL CERRITO
NOVEMBER 5, 2019 SPECIAL MUNICIPAL ELECTION**

STATE OF CALIFORNIA)
) SS
COUNTY OF CONTRA COSTA)

I, Holly M. Charléty, City Clerk of the City of El Cerrito, County of Contra Costa, State of California, do hereby certify the following to be a true and correct Statement of Results of all votes cast at the City of El Cerrito Special Municipal Election held on Tuesday, November 5, 2019 for Measure H - Extension of a Special Tax to Fund Parks and Recreation Facilities Maintenance and Enhancement:

**Measure H – Extension of a Special Tax to Fund Parks and
Recreation Facilities Maintenance and Enhancement
(2/3 Majority Vote Required to Pass)**

To maintain El Cerrito's quality of life, continuing local control of recreation services/parks, including maintaining/improving: swim center pools, locker rooms/restrooms; city parks, walking paths, playfields/open space; and program space for children, families, adults/seniors; shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

YES: 4,591

NO: 1,269

I further certify that the total number of ballots cast in the City of El Cerrito at said election was **5,860**. Attached hereto is a complete Statement of the Results showing the number of votes cast at each precinct for and against Measure H.

Dated: December 3, 2019



Holly M. Charléty, MMC,
City Clerk, City of El Cerrito
County of Contra Costa, State of California

**CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS
OF THE CITY OF EL CERRITO
MEASURE H**

NOVEMBER 5, 2019 SPECIAL ELECTION

State of California)
) ss
County of Contra Costa)

I, DEBORAH COOPER, Acting County Clerk of Contra Costa County, State of California, do hereby certify that I did canvass the returns of the votes cast at the November 5, 2019, **CITY OF EL CERRITO, MEASURE H**, Special Election. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said County, and the whole number of votes cast for and against the measure in said County and in each respective precinct therein, and that the totals of the respective columns and the totals as shown for and against the measure are full, true and correct.

WITNESS my hand and official seal this 15th day of November, 2019.

DEBORAH COOPER, Acting County Clerk



By: Rosa Mena
Rosa Mena, Election Processing Supervisor

H - CITY OF EL CERRITO - 2/3 MAJORITY (Vote for 1)

Precinct	Times Cast	Registered Voters	Precinct	Yes	No	Total Votes	Unresolved Write-In
Electionwide		Electionwide					
Countywide		Countywide					
ELCR101 0			ELCR101 0				
Vote by Mail	434	1,299	Vote by Mail	351	80.88%	83	19.12%
Election Day	60	1,299	Election Day	39	65.00%	20	33.33%
Total	494	1,299	Total	390	78.95%	103	20.85%
ELCR102 0			ELCR102 0				
Vote by Mail	455	1,312	Vote by Mail	339	74.51%	115	25.27%
Election Day	66	1,312	Election Day	44	66.67%	22	33.33%
Total	521	1,312	Total	383	73.51%	137	26.30%
ELCR103 0			ELCR103 0				
Vote by Mail	189	1,122	Vote by Mail	153	80.95%	33	17.46%
Election Day	15	1,122	Election Day	14	93.33%	1	6.67%
Total	204	1,122	Total	167	81.86%	34	16.67%
ELCR104 0			ELCR104 0				
Vote by Mail	467	1,446	Vote by Mail	344	73.66%	122	26.12%
Election Day	54	1,446	Election Day	44	81.48%	10	18.52%
Total	521	1,446	Total	388	74.47%	132	25.34%
ELCR105 0			ELCR105 0				
Vote by Mail	355	1,078	Vote by Mail	285	80.28%	68	19.15%
Election Day	49	1,078	Election Day	34	69.39%	15	30.61%
Total	404	1,078	Total	319	78.96%	83	20.54%
ELCR106 0			ELCR106 0				
Vote by Mail	229	847	Vote by Mail	174	75.98%	54	23.58%
Election Day	63	847	Election Day	48	76.19%	15	23.81%
Total	292	847	Total	222	76.03%	69	23.63%
ELCR107 0			ELCR107 0				
Vote by Mail	268	891	Vote by Mail	221	82.46%	47	17.54%
Election Day	67	891	Election Day	52	77.61%	15	22.39%
Total	335	891	Total	273	81.49%	62	18.51%
ELCR108 0			ELCR108 0				
Vote by Mail	348	982	Vote by Mail	261	75.00%	87	25.00%
Election Day	55	982	Election Day	46	83.64%	9	16.36%
Total	403	982	Total	307	76.18%	96	23.82%
ELCR109 0			ELCR109 0				
Vote by Mail	398	1,218	Vote by Mail	322	80.90%	76	19.10%
Election Day	76	1,218	Election Day	63	82.89%	13	17.11%
Total	474	1,218	Total	385	81.22%	89	18.78%

ELCR110 0									
Vote by Mail	431	1,229	Vote by Mail	350	81.21%	81	18.79%	431	0
Election Day	90	1,229	Election Day	77	85.56%	13	14.44%	90	0
Total	521	1,229	Total	427	81.96%	94	18.04%	521	0
ELCR111 0									
Vote by Mail	300	998	Vote by Mail	229	76.33%	71	23.67%	300	0
Election Day	55	998	Election Day	45	81.82%	10	18.18%	55	0
Total	355	998	Total	274	77.18%	81	22.82%	355	0
ELCR112 0									
Vote by Mail	224	962	Vote by Mail	191	85.27%	33	14.73%	224	0
Election Day	36	962	Election Day	28	77.78%	8	22.22%	36	0
Total	260	962	Total	219	84.23%	41	15.77%	260	0
ELCR113 0									
Vote by Mail	487	1,355	Vote by Mail	378	77.62%	108	22.18%	486	0
Election Day	113	1,355	Election Day	81	71.68%	32	28.32%	113	0
Total	600	1,355	Total	459	76.50%	140	23.33%	599	0
ELCR114 0									
Vote by Mail	246	776	Vote by Mail	185	75.20%	60	24.39%	245	0
Election Day	59	776	Election Day	47	79.66%	12	20.34%	59	0
Total	305	776	Total	232	76.07%	72	23.61%	304	0
ELCR115 0									
Vote by Mail	138	806	Vote by Mail	117	84.78%	21	15.22%	138	0
Election Day	44	806	Election Day	29	65.91%	15	34.09%	44	0
Total	182	806	Total	146	80.22%	36	19.78%	182	0
Countywide - Total	5,871	16,321	Countywide - Total	4,591	78.20%	1,269	21.61%	5,860	0
Cumulative									
Vote by Mail	0	0	Vote by Mail	0		0		0	0
Election Day	0	0	Election Day	0		0		0	0
Total	0	0	Total	0		0		0	0
Countywide - Total	0	0	Countywide - Total	0		0		0	0
Electionwide - Total	5,871	16,321	Electionwide - Total	4,591	78.20%	1,269	21.61%	5,860	0

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY OF EL CERRITO AUTHORIZING A SPECIAL TAX ON REAL PROPERTY LOCATED IN EL CERRITO TO FUND PARKS AND RECREATION FACILITIES MAINTENANCE AND ENHANCEMENT AND AMENDING AND RESTATING CHAPTER 4.56 OF THE EL CERRITO MUNICIPAL CODE

WHEREAS, El Cerrito residents highly value the preservation and maintenance of City parks and recreation facilities as prominent aspects of quality of life and a high priority for the City to ensure access to a wide variety of recreational opportunities within the City including both public park and open space areas that also help protect our local environment; and

WHEREAS, the City maintains 16 City parks, one greenway, two special-use open spaces, the Swim Center, and 15 recreation buildings. The City maintains and operates 175 acres of parkland, of which 102 acres remain dedicated open space. Many acres of parkland, including the Madera Hillside portion of the Hillside Natural Area, the Dorothy Rosenberg Memorial Park, and Centennial Park are relatively new acquisitions and enhancements to El Cerrito's park system with no additional resources available for their maintenance; and

WHEREAS, the City Council adopted the Parks and Recreation Facilities Master Plan on April 2, 2019, to identify community priorities, document deferred maintenance needs, and develop a funding strategy to implement its recommendations. The Master Plan identified the need for an additional \$550,000 in landscape management funding, \$250,000 for facility maintenance, and over \$38 million dollars in deferred maintenance and enhancement; and

WHEREAS, El Cerrito, like all California cities, has faced declining revenues to address infrastructure and maintenance needs and fund enhancements to parks, recreation facilities, open space areas and trails; and

WHEREAS, without a dedicated source of funding to invest in maintenance and enhancement needs El Cerrito will be unable to fully address maintenance responsibilities in its parks and recreation facilities; and

WHEREAS, in 2000 voters in El Cerrito passed Measure A, a 20-year parcel tax that enabled the City to secure bonds to rebuild the El Cerrito Swim Center, renovate the Canyon Trail Clubhouse, and implement access improvements to the bathrooms at Harding, Huber and Poinsett Parks. In 2007 the City Council authorized excess proceeds to create a capital replacement and enhancement fund, consistent with the provisions of the voter approved Measure A, that, among other projects, funded significant and necessary capital equipment replacement and energy efficiency projects saving the City's General Fund over \$2.2 million in 10 years; and

WHEREAS, it is a priority of the City Council as identified in the City's Strategic Plan, to rehabilitate public facilities as community focal points, identify and pursue funding sources and to develop financing plans to address deferred maintenance of facilities and infrastructure; and

WHEREAS, in addition to the Parks and Recreation Facilities Master Plan, the City has adopted a number of plans resulting in policies for the maintenance and enhancement of City infrastructure and property including the Urban Greening Plan, Climate Action Plan, Ohlone Greenway Master Plan, Active Transportation Plan, and San Pablo Avenue Specific Plan; and

WHEREAS, this ordinance would create a guaranteed source of local funding for the maintenance and enhancement of El Cerrito's parks and recreation facilities that cannot be taken by the State of California and must be spent locally for El Cerrito residents; and

WHEREAS, this ordinance is enacted in accordance with the authority granted to cities by Article XI, Section 7, and Article XIII A, Section 4, of the California Constitution and Government Code sections 50075 *et seq.*

THE PEOPLE OF THE CITY OF EL CERRITO DO ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct and made a part of this Ordinance.

SECTION 2. Amendment and Restatement of Municipal Code. Chapter 4.56 of the El Cerrito Municipal Code is hereby amended and restated to read as follows:

4.56 PARKS AND RECREATION FACILITIES MAINTENANCE AND ENHANCEMENT SPECIAL TAX

4.56.010 - Title

This Chapter shall be known as the "Parks and Recreation Facilities Maintenance and Enhancement Special Tax" or the "Swim Center Tax."

4.56.020 – Definitions

A. "City" means the City of El Cerrito.

B. "Multi-family residential parcel" means a parcel that is zoned or used for multi-family residential purposes and that has been assigned one of the following Contra Costa County usecodes: 21, 22, 23, 24, 25, 26, 27, 28, as they may be amended.

C. “Nonresidential parcel” means a parcel that is zoned or used for purposes other than single-family or multi-family residential and that has been assigned one of the following Contra Costa County use codes: 31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 46, 47, 48, 49, 53, 70, 71, 72, 74, 75, 76, 85, as they may be amended. A nonresidential parcel includes property that is designed, intended, or used for any purpose other than a residential use, including but not limited to, commercial, industrial, and office uses. A hotel or motel structure containing one or more residential units shall be treated as a nonresidential property.

D. “Owner” means the owner or owners of real property located within the City.

E. “Parcel” means any real property designated by an assessor’s parcel map and parcel number and shown on the equalized property tax roll of the County of Contra Costa as of January 1 of each fiscal year.

F. “Parks and recreation facilities” means the parks and recreation facilities described in the Parks and Recreation Facilities Master plan.

G. “Parks and Recreation Facilities Master Plan” means the Parks and Recreation Facilities Master Plan approved by the El Cerrito City Council on April 2, 2019, as it may be amended in the future.

H. “Single-family residential parcel” means a parcel zoned or used for single-family residential purposes and that has been assigned one of the following Contra Costa County use codes: 11, 12, 13, 14, 15, 19, 29, as they may be amended. A single family residential parcel may be improved with more than one unit.

I. “Special tax” means the special tax imposed by this Chapter.

J. “Tax Administrator” means the Finance Director or other City official designated by the City Manager to administer the tax.

K. “Unit” means an individual residential living space. The number of units on a parcel may be determined by (1) referencing use code data, (2) site surveys and physical unit counts, (2) reviewing building permit data, or (4) determining the number homeowner exemptions reflected for an parcel in data of the Contra Costa County Assessor.

4.56.030 – Special Tax Imposed; Exemptions, Including for Low-Income and Seniors and Individuals with Disabilities

A. An annual special tax in the amounts set forth in Section 4.56.040 is hereby imposed on every taxable parcel of real property within the City. The special tax shall first be levied in fiscal year 2020-21.

B. The special tax constitutes a debt owed by the owner of each parcel of real property to the City.

C. The special tax imposed by this Chapter shall be subject to the exemptions set forth in this section.

1. Real property otherwise wholly exempt from *ad valorem* tax by California or United States law shall also be exempt from any liability for the special tax.

2. The special tax shall not be imposed on vacant property or property under private ownership that is designated as open space in the El Cerrito General Plan, unless that property is used primarily for residential use.

3. Single-family residential parcels and units under separate ownership on multi-family residential parcels shall be exempt from the special tax if one of the owners qualifies for participation in either or both the Gonzales-Deukmejian-Petris Senior Citizen Property Tax Assistance Law (also known as the Senior Citizens Homeowners and Renters Property Tax Assistance Law and the Homeowners and Renters Property Tax Assistance Law) or the Senior Citizen Property Tax Postponement Law.

(a) Qualifying applicants must occupy the property and be at least partially legally responsible for payment of the *ad valorem* tax for the property.

(b) Applications may require proof that the State Controller's Office or Franchise Tax Board has approved the applicant's participation in either of the programs named in this section. Applications for this exemption must be submitted to the Tax Administrator in the manner and at the time established by the Tax Administrator. Applications shall be on forms provided by the Tax Administrator and shall provide such information as the Tax Administrator may require. If the Tax Administrator determines the need to audit an application, the Tax Administrator may require additional information, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

4.56.040 – Special Tax Rates

A. The rates of the special tax for each parcel type shall be as set forth in the table below.

Parcel Type	County Use Code	Rate
Single-Family Residential	11, 12, 13, 14, 15, 19, 29	\$58.46 per unit
Multi-Family Residential	21, 22, 23, 24, 25, 26, 27, 28	\$45.00 per unit
Nonresidential	31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 46, 47, 48, 49, 53, 70, 71, 72, 74, 75, 76, 85	\$410 per acre or portion thereof
Non-taxable	10, 17, 18, 20, 30, 37, 38, 45, 50, 63, 77, 78, 79, 81, 83, 87, 89	\$0.00

B. If a single-family residential parcel contains more than one unit, including an accessory dwelling unit, the tax shall be calculated by multiplying the single-family residential rate by the number of units on the parcel.

C. If a parcel consists of both residential and nonresidential uses, the tax rate shall be determined by the use code assigned by the Contra Costa County Tax Assessor.

D. The tax rates stated in the table above are maximum rates. The City Council may, by resolution, increase or decrease the rate of the special tax for any or all categories, as long as it does not set a rate that exceeds the maximum stated in the table above. If for any fiscal year the City Council sets a lower tax rate, it may increase the tax rate in any subsequent year up to the maximum rate in the table above. No further voter approval shall be required for any adjustment of a tax rate under the authority granted by this section.

E. The assessment roll data of the Contra Costa County Tax Assessor as of January 1 of each year and City records shall be used to determine the actual use of each parcel of real property for purposes of determining the amount of the special tax for each parcel.

F. In the event that the Contra Costa County Tax Assessor adds new use codes, deletes use codes, or amends the use codes listed in the table above or in section 4.56.020, the Tax Administrator may determine what tax rate shall apply to a parcel based upon the new use code assigned, and the City Council may amend the table to reflect the use code changes.

G. For parcels divided by Tax Rate Area lines, the amount of the special tax for the portion of the parcel within Contra Costa County shall be calculated at the same rates as set forth above. For properties wholly within Contra Costa County and divided by Tax Rate Area lines into multiple parcels, the property shall be taxed as a single parcel at the rates set forth above.

4.56.050 – Collection of Special Tax

A. The special tax shall be collected in the same manner as ordinary *ad valorem* taxes are collected and shall have the same lien priority and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes collected by the County of Contra Costa. The City Council may provide for other alternative methods of collection of the special tax by resolution.

B. The amount of the special tax, any penalty, and any interest imposed under the provisions of this Chapter shall be deemed a debt to the City. Any person owing money under the provisions of this Chapter shall be personally liable to an action brought in the name of the City, at its option, for the recovery for such amount.

4.56.060 – Use of Tax Revenue

A. Revenue from the special tax, including penalties and interest thereon, shall be used for the maintenance and enhancement of the City's park and recreation facilities described in the Park and Recreation Facilities Master Plan. The Parks and Recreation Facilities Master Plan identified a total of 180 projects and implementation activities to meet community expectations for the City's park and recreational facilities to be funded by the special tax. Examples of priority projects identified in the Parks and Recreation Facilities Master Plan include maintaining and improving the swim center pools, locker rooms and restrooms; protecting natural areas, greenways and open space; increasing urban forest and vegetation management including fire hazard reduction; maintaining and improving program space for children, families, adults and seniors; maintaining and improving City parks, paths, and playfields; replacing aging playgrounds and improving safety with new fall surfaces; addressing recreation facilities seismic issues; upgrading irrigation systems to conserve water; and improving trash and litter clean-up.

B. Inclusion of a project in the Parks and Recreation Facilities Master Plan does not require that each and every project be completed or undertaken in the time frame or exactly in the form described. The City Council may make adjustments reflecting opportunities that arise and changes in priorities that occur over the life of the Parks and Recreation Facilities Master Plan that are found to be consistent with the purpose of maintaining and enhancing parks and recreation facilities. As the Parks and Recreation Facilities Master Plan ages, the City Council may amend it to reflect changes in public priorities for parks and recreation facilities, the condition of parks and recreation facilities, the addition of new parks and recreation facilities, environmental changes and the need for adaptation of parks and recreation facilities, and other changes in circumstance, as long as the amendments do not result in the use of special tax revenue for purposes other than the maintenance and enhancement of parks and recreation facilities.

C. The City Council is authorized to incur indebtedness in the form of bonds, notes, contractual obligations or other evidences of indebtedness authorized by law to finance or refinance the costs of capital projects, including but not limited to parks and recreation facilities improvements; to pay any and all costs of issuing or incurring such indebtedness; and to fund reserve funds, capitalized interest, costs of credit enhancement, costs of interest rate hedging arrangements or any other financing costs associated with such indebtedness. Such indebtedness shall be solely payable from, and may be secured by a pledge and lien on, the proceeds of the special tax. The annual indebtedness, including principal and interest, shall not exceed the estimated annual proceeds of the special tax.

D. At the City Council's discretion, revenue from the special tax, including penalties and interest thereon, may also be used to pay for the costs of holding an election to seek voter approval of this Chapter, for the costs of administering the special tax, and for the costs of defending the special tax and this Article, including attorneys' fees and related costs.

4.56.070 – Accountability

In accordance with the requirements of California Government Code Sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the special tax:

A. A separate, special account, referred to as the Parks and Recreation Facilities Special Tax Fund, shall be created, into which the proceeds of the special tax, including penalties and interest earned on such proceeds, must be deposited.

B. The specific purposes of the special tax are for the funding of parks and recreation facilities maintenance and enhancement, administration, and legal fees as set forth in Section 4.56.060. The proceeds of the special tax shall be applied only to those specific purposes.

C. The Tax Administrator shall annually prepare and submit to the City Council a report regarding the special tax funds collected and expended, as well as any other information required by Government Code sections 50075.1 and 50075.3.

4.56.080 – Oversight and Annual Audit

Each year, as part of the audit of the City's financial statements, the City's independent auditors shall complete a report reviewing the collection, management, and expenditure of revenue from the special tax. The report shall be reviewed by the Financial Advisory Board or successor agency designated by the City Council as part of its review of the annual audit.

4.56.090 – Interpretation, Administration, and Appeals of Special Tax

A. Any taxpayer who feels the amount of the special tax assigned to a parcel is in error may file a notice with the Tax Administrator appealing the levy of the special tax. The Administrator then will promptly review the appeal and, if necessary, meet with the applicant. If the Administrator verifies that the special tax levied on the applicant's parcel should be modified or changed, the special tax levy will be corrected and, if applicable in any case, a credit or refund will be granted. The appeal must be filed not later than one year after having paid the special tax that is disputed.

B. The City Council may by resolution interpret this Chapter for purposes of clarifying any vagueness or ambiguity as it relates to the special tax rate, the classification of properties, or any definition applicable to the special tax.

C. Without City Council approval, the Tax Administrator may make minor, non-substantive administrative and technical interpretations of the provisions of this Chapter for purposes of administrative efficiency or convenience or to comply with new applicable federal, state, or local law, so long as any interpretation does not materially affect the rate paid by any and manner of collection of the special tax. The Tax Administrator may also make determinations regarding whether property is subject to the special tax and the applicable tax rate based on use of the property.

4.56.100 – Amendments

This Chapter may only be amended by a vote of the people of El Cerrito if the amendment would result in the special tax being imposed, extended, or increased in a manner not authorized by this Article as originally approved by the voters, or if the amendment would substantially alter the purpose of the special tax. The City Council may enact other amendments, including but not limited to amendments necessary to implement or administer the special tax.

4.56.110 – Expiration of Special Tax

The authority to levy the special tax shall remain in effect unless a later ordinance is adopted and approved by a vote of the people of El Cerrito that either repeals the special tax or establishes a date that the authority to levy the special tax shall terminate.

Section 3. Adjustment of Appropriations Limit. Pursuant to Article XIII B of the Constitution of the State of California and applicable laws, the appropriations limit for the City is hereby increased by the aggregate sum authorized to be levied by this tax for fiscal year 2020-21 and each year thereafter.

Section 4. Compliance with the California Environmental Quality Act. Approval of this ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines”). The tax authorized by this ordinance is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible time prior to approval of the project, consistent with CEQA Guidelines Sections 15004 and 15352. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 6. Effective Date and Publication. This Ordinance shall be considered adopted on the date of the declaration of the vote at the November 5, 2019 election and shall become effective 10 days thereafter. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law.

The foregoing ordinance was approved by the following vote of the People of the City of El Cerrito at special election on November 5, 2019:

YESES:	4,591	NOES:	1,269
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The foregoing ordinance was adopted by the Declaration of the vote at the November 5, 2019 Special Municipal Election, which the City Council of the City of El Cerrito declared on December 3, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charl  ty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2019–06 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the Declaration of the vote at the November 5, 2019 Special Municipal Election, which the City Council of the City of El Cerrito declared at a meeting of the City Council held on the 3rd day of December, 2019; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this XX day of December, 2019.

Holly M. Charl  ty, City Clerk



AGENDA BILL

Agenda Item No. 4.E.

Date: December 3, 2019
To: El Cerrito City Council
From: Taylor Melton, Recreation Supervisor, Recreation Department
Subject: Co-Sponsorship Application - Friends of Ravenscliff

ACTION PROPOSED

Adopt a resolution recognizing the Friends of Ravenscliff as a City Co-Sponsored organization and authorizing the City Manager or designee to grant the use of City Facilities utilizing the co-sponsored rates in the Master Fee Schedule.

BACKGROUND/ANALYSIS

On February 7, 1977 the City Council established a co-sponsorship policy that would assist community non-profit organizations in providing leisure services to El Cerrito residents. The policy provided provisions that would assist community organizations in making public facilities and other services available for the growth and continuation of programs, and to ensure that public facilities are being used for the best welfare of the community.

On October 6, 1980, the City Council amended the co-sponsorship policy on the recommendation of the Park and Recreation Commission. This policy governed the relationship between the City and non-profit organizations in the provision of recreation programs in the community, and was adopted to formalize a procedure in which groups would receive the use of public facilities at a reduced cost and provide priority usage of City facilities. On March 19, 2001, the City Council approved a process to review all requests from community-based organizations, co-sponsored facility use and funding. The process separated out co-sponsorship from asking for funds. The City's current Administrative Policy/Procedure for City Co-Sponsorship and Grants outlines the application process for organizations seeking co-sponsorship.

The Friends of Ravenscliff is seeking recognition as a City co-sponsored organization. The Friends of Ravenscliff is a non-profit, 501(c)3 organization that formed in 2018 to support infrastructure improvements and camper scholarships for YMCA Camp Ravenscliff located in Southern Humboldt County. Camp Ravenscliff is a residential sleepaway camp that has been a home away from home for thousands of children in West Contra Costa County, including El Cerrito residents, for over eighty years. Aging facilities and the fact that Camp Ravenscliff is not a year-round operation means that outside funding is necessary to ensure its long-term viability.

This summer of 2020, the City of El Cerrito will be celebrating its twentieth year of providing its own sleepaway camp at Camp Ravenscliff. Last year the YMCA of the East Bay transferred ownership of Camp Ravenscliff to the Sonoma County Family YMCA

who has pledged to continue operating the camp as long as funds are available to make necessary repairs and upgrades. Camp staff, in a volunteer capacity, from the traditional users of Camp Ravencliff including the YMCA, Greek Orthodox Church of Oakland, and the City of El Cerrito have actively assisted the formation and mission of the Friends of Ravencliff which will hopefully culminate in an annual fundraiser at the El Cerrito Community Center early next year. Providing scholarships to attend camp helps ensure that children from low-income families have the same opportunity to benefit from a sleepaway camp experience.

For two weeks every summer Camp Ravencliff turns into an extension of El Cerrito as it hosts nearly 200 children and teens from El Cerrito and surrounding communities. Sleepaway camp benefits El Cerrito residents by bringing children back into nature and providing a much-needed break from the ever-increasing influence of technology in today's society that contributes to increased indoor isolation. It boosts confidence, increases independence, community building and resilience, helps form deep connections with old and new friends, facilitates the development of new skills, and allows children to "be themselves" in an environment that emphasizes acceptance and inclusion.

The mission and practices of the Friends of Ravencliff conform to the City's Administrative Policy/Procedure for City Co-Sponsorship and Grants by increasing community involvement and service for El Cerrito residents. The Friends of Ravencliff is a non-profit 501(c)3 organization that benefits residents of El Cerrito and surrounding communities. The assignment of facility space will be subject to availability. Granting co-sponsorship will provide the Friends of Ravencliff with a 50% discount on facility use fees and allow the City to help promote the mission of this organization to benefit the residents of El Cerrito.

STRATEGIC PLAN CONSIDERATIONS

Designating the Friends of Ravencliff as a Co-Sponsored group and supporting them with reduced facility use fees will help fulfill the following City of El Cerrito Strategic Plan's goals and identified strategies:

- **Goal A:** Deliver exemplary government services – Develop and strengthen relationships with...community groups & ensure City programs and services are inclusive of people of diverse backgrounds.
- **Goal C:** Deepen a sense of place and community identity – Identify, promote, and/or develop entertainment, recreational, and leisure activities for people of all ages and demographics.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

Approval of the attached resolution will provide a 50% discount on facility use fees for the Friends of Ravencliff. For example, if the Friends of Ravencliff were to utilize the El Cerrito Community Center for 5 hours, as a co-sponsored group they would be charged \$500 instead of \$1,000 for the use. In order to minimize the financial impact to the City, staff will work with the Friends of Ravencliff to use dates that are not typically rented or house classes during the times of their meetings.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Application

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING APPROVAL OF CO-SPONSORSHIP STATUS FOR THE FRIENDS OF RAVENCLIFF FOR REDUCED FACILITY USE FEES AND PROMOTION ASSISTANCE

WHEREAS, on March 19, 2001 the City Council approved a process to review all requests from community-based organizations for facility use and funding; and

WHEREAS, the Friends of Ravenscliff's mission is to raise funds for camper scholarships and necessary infrastructure repairs and upgrades at Camp Ravenscliff; and

WHEREAS, the City of El Cerrito has been hosting a sleepaway camp at Camp Ravenscliff for El Cerrito and surrounding communities' youth for nearly twenty years and granting co-sponsorship status to the Friends of Ravenscliff will directly benefit current and future resident campers; and

WHEREAS, the City provides support for community-based organizations that have made successful applications to the City for co-sponsored facility use or grants; and

WHEREAS, community organizations through their design, improve and enhance the quality of life and safety in El Cerrito; and

WHEREAS, public facilities are to be used to benefit the El Cerrito community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby recognizes the Friends of Ravenscliff as a City co-sponsored organizations.

BE IT FURTHER RESOLVED that the City Council approves the Friends of Ravenscliff use of facilities utilizing the co-sponsored fees for the usage of the facilities identified in the Master Fee Schedule.

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

I CERTIFY that at a regular meeting on December 3, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December XX, 2019.

Holly M. Charl  ty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

**CITY OF EL CERRITO
CO-SPONSORSHIP & COMMUNITY BASED**

CO-SPONSORED FACILITY USE AND GRANT APPLICATION

Submit to:
City of El Cerrito
Recreation Department
7007 Moeser Lane
El Cerrito, CA 94530

Deadline:

Please complete the following application using the instructions provided on the last page of this application. You may attach additional pages if necessary.

Name of Applicant: Friends of Ravencliff

Address: PO Box 2693 El Cerrito CA 94530

Email: _____

Phone: 510.387.7832

Contact 1. Name: Cara Houser

Phone: 510.387.7832

Contact 2. Name: Chris Jones

Phone: +1(510) 501-4763

Federal Tax ID # or Social Security #: 83-3403825

Request: We are requesting co-sponsorship facility rates for fundraising purposes and inclusion in related City communications.

Eligibility Requirements: Please answer the following questions:

Will you be receiving funding from other sources during the same year that you are requesting funds from the City of El Cerrito?

Yes ☒ No ☐

Are you aware of any other City program providing this service? If so, which one?

No, but our work supports existing program offerings by the City (and has for 20 years)

Program Description / Scope (please use additional pages if necessary)

Describe your program:

The Friends of Ravencliff supports Camp Ravencliff, a resident camp located in Humboldt County, with donations of volunteer time and funding to support capital improvements and camper scholarships.

How does or will this program benefit the El Cerrito Community?

Families of El Cerrito have sent their children to Ravencliff for generations, and for the last 20 years, the City of El Cerrito has run a resident camp program there for 2 weeks each summer. The overwhelming majority of campers and teens in attendance are from El Cerrito, although the program is open to our neighboring communities as well. EC Residents receive a discounted rate.

% of El Cerrito Residents Served Est 10% of El Cerrito's children

K:\General\Administrative Policies & Procedures\General Administration\A 5 city co-sponsorship and grants.doc

Applicant Background:

This applicant is a (n): Non-Profit ☒ For Profit ☐ Local Public Agency ☐
State Public Agency ☐ Other ☐

Years In Business: 1 Number of Employees: 0
Number of Volunteers: 50+ (Please attach an organization chart, if available.)

Names of Officers and Board Directors:

Name:	Title:
<u>Cara Houser</u>	<u>President</u>
<u>Andy Van Amson</u>	<u>Treasurer</u>
<u>Eva Russell</u>	<u>Secretary</u>
<u>Chris Jones</u>	<u>Program Chair</u>

Experience In Program Area:

The Friends of Ravenclyff board has a vast array of experiences including youth programming, fundraising, communications, community organizing, and business leadership. Volunteers have experience with facilities management.

Financial Capabilities / Budget:

Current funding sources and levels:

The Friends of Ravenclyff raises funds from past and present campers, staff, and their families. Our current fundraising campaign goal is to raise \$50K to address deferred maintenance, including camper restroom facilities, and fund camper scholarships to increase access to outdoor experiences for all families in our community.

Previous City funding received or requested in the past three years:

\$0

(Please attach a budget for program request including funding schedule.)

Reporting Requirements:

A report on how the funds were spent will be required to be filed with the City annually, or when funds are spent, whichever comes first. Proof of program expenses are required to be held for two years, during which time the City reserves the right to audit the records.

We agree to adhere to the reporting requirements described above.

Yes ☒ No ☐

Certification:

We, the undersigned, do hereby attest that the above information is true and correct to the best of our knowledge.

(Two signatures required)

Cara Houser
Signature
Date 11/1/19

Cara Houser, President
Title

Chris Jones
Signature
Date 11/1/19

Chris Jones, Program Chair
Title



AGENDA BILL

Agenda Item No. 6.A.

Date: December 3, 2019
To: El Cerrito City Council
From: Mark Soltes, Building Official, Community Development
David Gibson, Fire Marshal, Fire Department
Subject: 2nd Read and Adoption of Building and Fire Code Ordinance

ACTION PROPOSED

Conduct a public hearing, and upon conclusion waive the second reading and adopt Ordinance 2019-09 which adopts the 2019 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the ordinance.

BACKGROUND

The 2019 California Building Standards Codes (CBSC), which includes the Fire Code, becomes effective in California cities on January 1, 2020. This hearing serves as the second reading for the local modification of the new California Building Standards Codes, as required by Government Code.

ANALYSIS

The City Council approved Resolution 2019-65 and held the first reading of the ordinance on November 19, 2019. No substantial changes have been made to the draft ordinance.

STRATEGIC PLAN CONSIDERATIONS

The task of updating and adopting the new California codes specifically modified to align with El Cerrito's local climatic, geologic and topographic conditions is in keeping with the Strategic Plan goals of delivering exemplary government services and ensuring the public's health and safety.

ENVIRONMENTAL CONSIDERATIONS

This project is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3), Review for Exemptions – General Rule, in that it can be seen with certainty that there is no possibility for these actions to have a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The cost of implementing this project is partially included in the City of El Cerrito's 2019- 2020 Budget for staff training, but incurred additional costs compared to a normal budget year of \$3,829 for additional training and new code books.

LEGAL CONSIDERATIONS

The City of El Cerrito is following the general process for adopting another code by reference, pursuant to Government Code 50022.1 et seq. and has caused to be published, the required notice of the ordinance pursuant to Government Code sections 50022.3 and 6066.

In addition, the City Clerk is required to keep on file a copy of the codes to be adopted by reference for at least 15 days before the public hearing as well as after its adoption pursuant to Government Code section 6066.

The City Attorney has reviewed and approved the ordinance and hearing notice.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Ordinance

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 16 OF THE EL CERRITO MUNICIPAL CODE TO ADOPT, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING CODE, THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE (BASED ON THE 2018 INTERNATIONAL BUILDING CODE), VOLUMES 1 AND 2, INCLUDING SEVERAL APPENDICES THERETO, THE 2019 CALIFORNIA FIRE CODE (BASED ON THE 2018 INTERNATIONAL FIRE CODE), INCLUDING ALL APPENDICES THERETO, THE 2019 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2018 INTERNATIONAL RESIDENTIAL CODE) WITH SOME APPENDICES, THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE (BASED ON THE 2018 INTERNATIONAL EXISTING BUILDING CODE) INCLUDING SOME APPENDICES, THE 2019 CALIFORNIA PLUMBING CODE (BASED ON THE 2018 UNIFORM PLUMBING CODE), THE 2019 CALIFORNIA MECHANICAL CODE (BASED ON THE 2018 UNIFORM MECHANICAL CODE), THE 2019 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2017 NATIONAL ELECTRICAL CODE), AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE .

The City Council of the City of El Cerrito does hereby ordain as follows:

DIVISION I. That certain documents, copies of which are on file and are open for inspection by the public in the office of the Building Official of the City of El Cerrito, being marked and designated as the California Building Standards Code, 2019 Edition, comprising Title 24, Parts 1, 2 (Vol. 1 and 2), 2.5, 3, 4, 5, 6, 9,10, 11, and 12 California Code of Regulations, together with all appendices thereto and the California Housing Law Regulations, are hereby adopted, with certain modifications to reflect unique local conditions, as contained in the Municipal Code of the City of El Cerrito for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of El Cerrito. Each and all of the regulations, provisions, conditions, and terms of such California Building Standards Code, California Housing Law Regulations, all of which are on file in the office of the Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance. The application and use of the Appendices in the California Building Standards Codes and California Fire Code are adopted individually and are subject to approval of the Building Official and Fire Chief respectively.

The City Council of the City of El Cerrito further ordains as follows:

DIVISION II. TITLE 16, CHAPTER 16.02., ORDINANCE NO. 2016-04, (CALIFORNIA BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.02, TITLED "CALIFORNIA BUILDING CODE":

Chapter 16.02

CALIFORNIA BUILDING CODE

Sections:

16.02.010	California Building Code - Adoption
16.02.020	Chapter 1 Subsection 105.2 (4) Amended - Exempted Work
16.02.030	Chapter 1 Section 107.6 Added - Garage, Carport and Driveway Grades
16.02.040	Chapter 1 Subsection 107.3 Amended - Examination of Documents
16.02.050	Chapter 1 Section 114.1.1 Added - Littering of Streets
16.02.060	Chapter 1 Section 117 Added - General Regulation of Construction
16.02.070	Chapter 5 Section 501.2 Amended – Address Identification
16.02.080	Chapter 9 Subsection 903.2 Amended - Automatic Fire-Extinguishing Systems
16.02.090	Chapter 9 Subsection 904.3.5 Amended - Alternative Automatic Fire-Extinguishing Systems
16.02.100	Chapter 9 Subsection 905.3.1 Amended - Standpipe Requirements
16.02.110	Chapter 17 Subsection 1705.3 Amended – Required Special Inspections and Tests
16.02.120	Chapter 19 Subsection 1905.1.8 Amended - Modifications to ACI 318
16.02.130	Chapter 23 Subsections 2308.6.4 and 2308.6.5 and tables 2308.6.1 and 2308.6.3(1) Amended - Wood
16.02.140	Chapter 23 Subsection 2304.11.2.6 Amended – Wood Siding
16.02.150	Chapter 25 Section 2505 Deleted – Shear Wall Construction
16.02.190	Chapter 1, Section 110.7 Added - Storm Water Control
16.02.200	Appendix G Subsection G102.3 Added – Flood Resistant Construction

16.02.010 California Building Code - Adoption.

The Building Code for the City, sometimes referred to as “the CBC,” is the 2019 California Building Code, incorporating Volumes 1 and 2, (based on the International Building Code, 2018 Edition), including Appendix chapters D, F, G, H, and J, as approved by the California Building Standards Commission, and as published in Title 24, Part 2, Volumes 1 and 2 of the California Code of Regulations.

16.02.020 Chapter 1 Subsection 105.2 (4) Amended - Exempted Work

Subsection 105.2(4) of the CBC is amended to read:

4. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.02.030 Chapter 1 Section 107.6 Added -Garage, Carport & Driveway Grades

Section 107.6 is added to the CBC, to read as follows:

Section 107.6 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.02.040 Chapter 1 Subsection 107.3 Amended - Examination of Documents

Subsection 107.3.1.1 is added to the CBC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CBC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.02.050 Chapter 1 Section 114.1.1 Added - Littering of Streets

Section 114.1.1 is added to the CBC, to read as follows:

Section 114.1.1 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.02.060 Chapter 1 Section 117 Added - General Regulation of Construction

Section 117 is added to the CBC, to read as follows:

Section 117 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.

Work hours in the public right-of-way shall be regulated by Public Works Department.

- (c) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.02.070 Chapter 5 Section 501.2 Amended – Address Identification

Section 502.1 of the CBC is amended to read as follows:

Section 502.1 – Address Identification.

- a) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution and shall be available for inspection by any member of the public.
- b) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.
- c) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum ½” stroke width for residential, and six (6) inches in height with minimum 1” stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- d) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- e) Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
- f) Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.

- g) The owner shall be responsible for the maintenance of identification numbers.
- h) Any change of the assigned street identification number must be approved by the Building Official.
- i) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.02.080 Subsections 903.2 Amended - Automatic Fire-Extinguishing Systems

Subsection 903.2 of the CBC is amended to add:

- a) In every building where the total floor area exceeds 5,000 square feet.
- b) In every building having three (3) or more stories.

16.02.090 Subsection 904.3.5 Amended – Alternative Automatic Fire-Extinguishing Systems

Section 904.3.5 of the CBC is amended by adding the words, “or when required by the Fire Chief.”

16.02.100 Subsection 905.3 Amended - Standpipe Requirements

Subsection 905.3 is amended by adding the following:

Standpipes shall be required in all buildings three (3) stories in height in addition to other requirements in this section, or when required by the Fire Chief.

16.02.110 Subsection 1705.3 Amended – Required Special Inspections and Tests

CBC Subsection 1705.3, Concrete Construction is amended to read as follows:

1705.3 Concrete Construction. Special inspections and tests for concrete construction shall be performed in accordance with this section and TABLE 1705.3.

Exceptions: Special inspections and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above *grade plane* that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

16.02.120 Subsection 1905.1.7 Amended – Modifications to ACI 318

Section 1905.1.7 ACI 318, section 14.1.4 Delete ACI 318, section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to seismic design category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross –sectional area of the footing.

16.02.130 Chapter 23 Amended - Wood

The following tables 2308.6.1 and 2308.6.3(1) and sections 2308.6.4 and 2308.6.5 are amended to read as follows:

Table 2308.6.1 - Wall Bracing Requirements

Remove “PCP” and “GB” from the table column under the heading of “Bracing method” and remove footnotes “c” and “d” and any other references to “Portland Cement Plaster” and/or “Gypsum board”.

Table 2308.6.3(1) - Bracing Methods

Under column “Methods, Material”, remove rows “GB Gypsum board (double sided)” and “PCP Portland cement plaster” from table.

Section 2308.6.4 - Braced wall panel construction

Remove reference to “PCP” from text.

Section 2308.6.5 – Alternative bracing is deleted and replaced with the following:

2308.6.5 Alternate Bracing

An alternate braced wall (ABW) or a portal frame with hold-downs (PFH) described in this section is permitted to substitute for a 48-inch (1219 mm) braced wall panel of Method DWB, WSP, SFB, PBS, or HPS.

16.02.140 Subsection 2304.12.1.5 Amended – Wood Siding

Subsection 2304.12.1.5 of the CBC is amended to add the following sentence at the end thereof:

Siding Materials: Wood shingles or shakes shall be Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

16.02.150 Section 2505 Deleted – Shear Wall Construction

Section 2505 of the CBC on the use of gypsum or lath and plaster for shear wall construction is deleted in its entirety.

16.02.160 Chapter 1, Section 110.7 Added - Storm Water Pollution Control Measures

Chapter 1 Section 110.7 is added to the CBC to read as follows:

Storm water pollution control measures shall be implemented during all construction phases of development to prevent pollution from entering waterways. Specific practices of the California Stormwater Quality Association (CASQA) Construction Best Management Practices Handbook shall be incorporated herein.

16.02.170 Appendix G Subsection G102.3 Added – Flood Resistant Construction

Section G102.3 is added to the CBC, to read as follows:

Section G102.3 - Construction in Special Flood Hazard Area

Construction within special Flood Hazard Areas must comply with chapter 13.40 of the El Cerrito Municipal Code.

16.02.180 Chapter 12, Section 1202.7 Added – Ventilation of weather exposed assemblies

Chapter 12, Section 1202.7 is added to the CBC to read as follows:

Balconies, landings, decks, stairs, and similar exterior projecting elements and appurtenances exposed to the weather and sealed underneath shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain or snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilation area shall not be less than 1/150th of the area of the space ventilated. Ventilation openings shall comply with Section 1203.2.1. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow periodic inspection.

Exceptions:

1. An access panel is not required where the exterior coverings applied to the underside of the joists are easily removable using ordinary tools.
2. Removable soffit vents 4 inches minimum in width may be used to satisfy both ventilation and access panel requirements.

16.02.190 Chapter 14, Section 1403.14 Added – Projections exposed to weather.

Chapter 14, Section 1403.14 is added to the CBC to read as follows:

Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall be constructed of naturally durable wood, preservative-treated wood, corrosion resistant (e.g. galvanized) steel, or similar approved materials.

16.02.200 Chapter 23, Section 2304.12.2.3 Amended – Supporting members for permanent appurtenances.

Chapter 23, Section 2303.12.2.3 of the CBC is amended to read as follows:

Naturally durable or preservative-treated wood shall be utilized for those portions of wood members that form the structural supports of buildings, balconies, porches, or similar appurtenances where such members are exposed to the weather.

16.02.210 Chapter 23, Section 2304.12.2.4 Amended – Laminated timbers

Chapter 23, Section 2304.12.2.4 of the CBC is amended to read as follows:

The portions of glued-laminated timbers that form the structural supports of a building or other structure, projecting element, or appurtenance and are exposed to weather shall be pressure treated with preservative or be manufactured from naturally durable or preservative-treated wood.

16.02.220 Chapter 23, Section 2304.12.2.5 Amended – Supporting members for permeable floors and roofs.

Chapter 23, Section 2304.12.2.5 of the CBC is amended to read as follows:

Wood structural members that support moisture-permeable floors and roofs that are exposed to the weather, such as concrete or masonry slabs, shall be of naturally durable or preservative wood and shall be separated from such floors or roofs by an impervious moisture barrier. The impervious moisture barrier system protecting the structure supporting floors shall provide positive drainage of water that infiltrates the moisture-permeable floor topping.

DIVISION III. TITLE 16, CHAPTER 16.03., ORDINANCE NO. 2016-04, (CALIFORNIA RESIDENTIAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.03, TITLED “CALIFORNIA RESIDENTIAL CODE”:

Chapter 16.03

CALIFORNIA RESIDENTIAL CODE

Sections:

- 16.03.010 California Residential Code - Adoption
- 16.03.020 Chapter 1 Subsection R105.2 (3) Amended - Exempted Work
- 16.03.030 Chapter 1 Section R106.2.1 Added - Garage, Carport and Driveway Grades
- 16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents
- 16.03.050 Chapter 1 Section R103.5 Added - Littering of Streets
- 16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction
- 16.03.065 Chapter 1 Section 116 Added - Small Residential Rooftop Solar Energy System Review Process
- 16.03.068 Chapter 3 Section R310.1 Amended – Emergency escape and rescue opening required
- 16. 03.070 Chapter 3 Section R319.1 Amended - Premises Identification Numbering
- 16.03.080 Chapter 3 Section R322.1 of the CRC Amended-Flood-Resistant Construction
- 16.03.100 Chapter 6 Section R602.10.2 and Table R602.10.3(3) of the CRC Amended – Seismic Reinforcing
- 16.03.110 Chapter 7 Subsection R703.6 Amended – Wood Shakes and Shingles

16.03.010 California Residential Code - Adoption.

The Residential Code for the City, sometimes referred to as “the CRC,” is the 2019 California Residential Code, (based on the International Building Code, 2018 Edition), including Appendix chapters H and Q, as approved by the California Building Standards Commission, and as published in Title 24, Part 2.5 of the California Code of Regulations.

16.03.020 Chapter 1 Subsection 105.2(Building)(3) Amended - Exempted Work

Subsection 105.2(Building)(3) of the CRC is amended to read:

3. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.03.030 Chapter 1 Section 106.2.1 Added -Garage, Carport & Driveway Grades

Section 106.2.1 is added to the CBC, to read as follows:

Section 106.2.1 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents

Subsection R106.3.1 is amended by adding a second paragraph to the CRC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CRC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.03.050 Chapter 1 Section R113.5 Added - Littering of Streets

Section R113.5 is added to the CRC, to read as follows:

Section R113.5 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction

Section R115 is added to the CRC, to read as follows:

Section R115 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.
- (c) Work hours in the public right-of-way shall be regulated by Public Works Department.
- (d) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.03.065 Chapter 1, Section R116 added—Small Residential Rooftop Solar Energy System Review Process.

Section R116 is added to the CRC to read as follows:

Section 116 – Small Residential Rooftop Solar Energy System Review Process

- A. The following words and phrases as used in this section are defined as follows:
 - “Electronic submittal” means the utilization of one or more of the following:
 - 1. e-mail,
 - 2. the internet,
 - 3. facsimile.
 - “Small residential rooftop solar energy system” means all of the following:
 - 1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

- B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop a modified version of the eligibility checklist from the 2014 California Solar Permitting Guidebook to conform to the City of El Cerrito’s unique climactic, geological, seismological, or topographical conditions and adopt such checklist.
- D. The checklist shall be published on the city’s internet website. The applicant may submit the permit application and associated documentation to the City’s building division by personal, mailed, or electronic (when developed and available) submittal together with any required permit processing and inspection fees.
- E. Prior to submitting an application, the applicant shall:
 1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 2. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system, the main panel make and type, including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads and accept new electrical connections.

- F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.
- G. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- H. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

16.03.068 Section R310.1 Amended – Emergency escape and rescue opening required

Section R301.1 of the CRC is amended as follows:

Exception 2 is deleted in its entirety.

16.03.070 Section R319.1 Amended - Premises Identification Numbering

Section R319.1 of the CRC is amended to read as follows:

Section R319.1 - Premises Identification Numbering.

Address Identification.

- a) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution and shall be available for inspection by any member of the public.
- b) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.

- c) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum ½" stroke width for residential, and six (6) inches in height with minimum 1" stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- d) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- e) Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
- f) Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.
- g) The owner shall be responsible for the maintenance of identification numbers.
- h) Any change of the assigned street identification number must be approved by the Building Official.
- i) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.03.080 Section R322.1 of the CRC Amended-Flood-Resistant Construction

Section R322.1 of the CRC is amended by adding the following sentence:

Construction within special Flood Hazard Areas must comply with Chapter 13.40 of the El Cerrito Municipal Code.

16.03.090 Section R402.1 of the CRC Deleted – Wood Foundations

Section R402.1 of the CRC concerning the use of wood foundations is deleted in its entirety.

16.03.100 Section R602.10 and Table R602.10.3(3) of the CRC Amended – Wall Bracing

Section R602.10.4 containing Table R602.10.3(3) of the CRC is amended as follows:
Footnote “e” at the end of CRC Table R602.10.3(3), is amended to read:

e. In Seismic Design Categories D₀, D₁, and D₂, Methods GB, PFG, and CS-SFB
are not permitted and the use of Method PCP is limited to one-story
single family
dwellings and accessory structures.

16.03.110 Subsection R703.6 Amended – Wood Shakes and Shingles

Subsection R703.6 of the CRC is amended to add the following sentence:

Wood shingles or shakes shall conform to CSSB and be fire resistance Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

DIVISION IV. TITLE 16, CHAPTER 16.04., ORDINANCE NO. 2016-04, (CALIFORNIA PLUMBING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.04, TITLED “CALIFORNIA PLUMBING CODE”:

Chapter 16.04

CALIFORNIA PLUMBING CODE

Sections:

16.04.010 California Plumbing Code - Adoption

The Plumbing Code for the City, sometimes referred to as “the CPC,” is the California Plumbing Code, 2019 Edition, (based on the Uniform Plumbing Code, 2018 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 5, of the California Code of Regulations.

DIVISION V. TITLE 16, CHAPTER 16.06., ORDINANCE NO. 2016-04, (CALIFORNIA MECHANICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.06 TITLED “CALIFORNIA MECHANICAL CODE”:

Chapter 16.06

CALIFORNIA MECHANICAL CODE

Sections:

16.06.010 California Mechanical Code - Adoption.

The Mechanical Code for the City, sometimes referred to as “the CMC,” is the California Mechanical Code, 2019 Edition, (based on the Uniform Mechanical Code, 2018 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 4, of the California Code of Regulations

DIVISION VI. TITLE 16, CHAPTER 16.08., (CALIFORNIA ELECTRICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.08, TITLED “CALIFORNIA ELECTRICAL CODE”:

Chapter 16.08

CALIFORNIA ELECTRICAL CODE

Sections:

16.08.010 California Electrical Code - Adoption.

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

16.08.010 California Electrical Code - Adoption

The Electrical Code for the City sometimes referred to as “the CEC,” is the California Electrical Code, 2019 Edition, (based on the National Electrical Code, 2017 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 3, of the California Code of Regulations, except as amended and supplemented in the manner set forth in this chapter.

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

Article 230.70 (A) (1) of the National Electric Code is amended to read as follows:

The service disconnecting means shall be installed at a readily accessible location outside of a building or structure near the point of entrance of the service conductors for single family dwellings. For other occupancies where direct access from the exterior does not occur, a remote control (shunt trip) activating the disconnect shall be located on the exterior of the building in a location and manner acceptable to the Fire and Building Officials.

DIVISION VII. TITLE 16, CHAPTER 16.09., ORDINANCE NO. 2016-04, (CALIFORNIA EXISTING BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.09 TITLED “CALIFORNIA EXISTING BUILDING CODE”:

Chapter 16.09

California Existing Building Code

Section:

16.09.010 California Existing Building Code – Adoption

16.02.030 Section 405 Added - Repairs including all subsections associated

16.09.010 California Existing Building Code - Adoption.

The Existing Building Code for the City, sometimes referred to as “the CEBC,” is the 2019 California Existing Building Code, (based on the International Existing Building Code, 2018 Edition), including Appendix chapters A3 and A4, as approved by the California Building Standards Commission, and as published in Title 24, Part 10 of the California Code of Regulations.

16.02.030 Chapter 4, Section 405 Added - Repairs including all subsections associated

The following repair requirements are hereby added as a new Subsection 405.2.3.1.1 to Chapter 4, Section 405 “Repairs” of the CBC to read as follows:

405.2.3.1.1 Seismic evaluation and design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

405.2.3.1.2 Evaluation and design procedures. The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section 405.2.3.1.4.

405.2.3.1.3 CBC level seismic forces. When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100 percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as “Ordinary” unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as “Intermediate” or “Special”.

2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 405.2.3.1.3.

TABLE 405.2.3.1.3
ASCE 41 and ASCE 31 PERFORMANCE LEVELS

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note (a)	Note (a)
IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Perfor

a. Performance levels for Occupancy Category III shall be taken as halfway between the performance levels specified for occupancy Category II and Occupancy Category IV.

405.2.3.1.4 Reduced CBC level seismic forces. When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor as specified in Section 405.2.3.1.3.

2. In accordance with the applicable chapters in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 405.2.3.1.3.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 405.2.3.1.3. Where ASCE 41 is used, the design spectral response acceleration parameters S_x and S_{x1} shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{DS} and S_{D1} defined by the *International Building Code* and its reference standards.

405.2.3.1.5 Wind Design. Wind design of existing buildings shall be based on the procedures specified in the building code.

405.2.3.1.6 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

405.2.3.1.7 Unsafe conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

DIVISION VIII. TITLE 16, CHAPTER 16.20., ORDINANCE NO. 2010-09, (HOUSING AND PROPERTY MAINTENANCE CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.20, TITLED “HOUSING AND PROPERTY MAINTENANCE CODE”:

Chapter 16.20

HOUSING AND PROPERTY MAINTENANCE CODE

16.20.010 - Housing and Property Maintenance Code—Adoption

The housing code for the city is the California Housing Law Regulations combined with the 2018 International Property Maintenance Code (IPMC) except as amended and supplemented in the manner set forth in this chapter.

16.20.020 - IPMC 102.3 amended—Application of other codes.

- Section 102.3 of the IPMC is amended as follows:

The International Codes are not adopted by the City, and where referenced in this code shall be replaced with the California Codes.

16.20.030 - IPMC 111 amended—Means of appeal.

- Section 111 of the IPMC is amended as follows:

Section 111 is deleted in its entirety and replaced with ECMC sections [1.14.080](#), [1.14.090](#), [1.14.100](#), and [1.14.110](#)

16.20.040 - IPMC 304.14 amended—Insect screens.

- Section 304.14 of the IPMC is amended as follows:

That portion of the sentence reading "During the period from [date] to [date]," is deleted and replaced with "During the entire year,"

16.20.050 - IPMC 307.3.1 amended—Disposal of garbage.

- Section 308.3.1 of the IPMC is amended as follows:

That portion of the sentence reading "an approved incinerator unit in the structure available to the occupants in each dwelling unit" shall be deleted in its entirety.

16.20.060 - IPMC 602.4 amended—Occupied work spaces.

- Section 602.4 of the IPMC is amended as follows:

That portion of the sentence reading "during the period from [date] to [date]" is deleted and replaced with "during the entire year."

DIVISION IX. TITLE 16, CHAPTER 16.24., ORDINANCE NO. 2016-04, (CALIFORNIA GREEN BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.24, TITLED "CALIFORNIA GREEN BUILDING CODE":

Chapter 16.24

CALIFORNIA GREEN BUILDING CODE

Section:

16.24.010 California Green Building Code - Adoption.

The Green Building Code for the City is the California Green Building Standards Code, 2019 Edition, as approved by the California Building Standards Commission, and as published in Title 24, Part 11, of the California Code of Regulations.

DIVISION X. TITLE 16, CHAPTER 16.26., ORDINANCE NO. 2016-04, (CALIFORNIA FIRE CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.26, TITLED "CALIFORNIA FIRE CODE":

Chapter 16.26

CALIFORNIA FIRE CODE

Section:

16.26.010 California Fire Code - Adoption.

16.26.020 Chapter 1 Section 1.1.1.2 Added - Title

16.26.030 Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code

16.26.040 Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshall

16.26.050 Chapter 1 Section 102.1 Amended - Applicability

16.26.060	Chapter 1 Section 102.9 Amended - Matters Not Provided For
16.26.070	Chapter 1 Section 104.1 Amended - General Authority and Responsibility
16.26.080	Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority Peace Officer Status
16.26.090	Chapter 1 Section 104.9 Amended - Alternative materials and methods
16.26.100	Chapter 1 Section 105.1.1 Amended - Required permits
16.26.110	Chapter 1 Section 105.6 Amended - Required operational permits
16.26.120	Chapter 1 Section 109 Amended - Board of Appeals
16.26.130	Chapter 2 Section 202 Amended – General Definitions
16.26.140	Chapter 2 Section 202 Amended - Definitions - F
16.26.150	Chapter 2 Section 202 Amended - Definitions - R
16.26.160	Chapter 3 Section 321 Added - General precautions against fire
16.26.170	Chapter 4 Section 401.5 Amended - Making false report
16.26.180	Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service Features
16.26.190	Chapter 6 Section 603.6 Amended - Building Services and Systems
16.26.200	Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing Systems
16.26.210	Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems
16.26.220	Chapter 9 Section 905.3.1 Amended - Standpipe Systems
16.26.230	Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems
16.26.240	Chapter 9 Section 907.7.2 Amended - Record of completion
16.26.250	Chapter 10 Section 1010.1.10 Amended - Panic and fire exit hardware
16.26.260	Chapter 10 Section 1028.5 Amended - Exit and pathways
16.26.270	Chapter 50 Section 5004 Added - Hazardous Materials
16.26.280	Chapter 50 Section 5004.1 Amended - General Provisions
16.26.290	Chapter 53 Section 5304,2S Added - Compressed Gasses
16.26.300	Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks
16.26.310	Chapter 57 Section 5704.2.11.5 Added - Flammable and Combustible Liquids – Below Ground Tanks
16.26.320	Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks
16.26.330	Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids
16.26.340	Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases – Inside Buildings
16.26.350	Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases – Outside Buildings

16.26.010 California Fire Code - Adoption.

It is hereby adopted by the city council of the city of El Cerrito for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain codes and standards known as the 2019 California Building Standards Code, Title 24, California Code of Regulations (CCR), Part 9 (California Fire Code), and by reference the 2018 International Fire Code published by the International Code Council, Inc. (ICC), (including Appendix Chapters A, B, C, D, E, F, G, I, and J) save and except such portions as are deleted, modified or amended by this chapter, of which not less than one copy each have been and are now filed in the office of the Fire

Chief and the Building Official of the City of El Cerrito and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of El Cerrito.

16.26.020 Chapter 1 Section 1.1.1.2 Added - Title

Section 1.1.1.2 Title is added as follows:

Section 1.1.1.2 These regulations shall be known as the Fire Code of the City of El Cerrito, hereinafter referred to as "this code." The California Fire Code and the International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions as set forth in this Section shall become effective as set forth in Section 1.1.8 Division and Appendix numbers used are those of the California Fire Code.

16.26.030 Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code

Section 1.1.8 is amended by adding the following:

The limits referred to in Section 1.1.8.1 of the California Fire Code and International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions and appendices as set forth in this section shall become effective as set forth in Section 1.1.9 Article, Section, Division, and Appendix numbers used are those of the California Fire Code.

16.26.040 Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshall

Section 1.11.1 is amended by adding 1.11.1 A, B and C

A. The California Fire Code as adopted and amended herein shall be enforced by the city fire prevention division which is hereby established and which shall be operated under the supervision of the fire marshal.

B. The fire marshal in charge of the fire prevention division shall be appointed by the fire chief of the city of El Cerrito on the basis of examination to determine his or her qualifications for the position.

C. The chief of the fire department shall recommend to the city council the employment of technical staff members, who, when such authorization is made, shall be selected on the basis of examination to determine their qualifications for the position.

16.26.050 Chapter 1 Section 102.1 Amended – Applicability

Section 102.1 is amended by adding Section 102.1.1

Section 102.1.1 Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the

time of the adoption of this code, provided such continued use is not dangerous to life.

Section 102.2 is amended by adding section 102.2.1

Section 102.2.1 Plans for compliance. Upon written notice to the responsible property owner, plans for compliance shall be submitted and approved, and within 18 months or earlier depending on the life-safety significance of the hazard work shall be completed or the building shall be vacated until made to conform.

16.26.060 Chapter 1 Section 102.9 Amended - Matters Not Provided For

Section 102.9 is amended by adding subsection 102.9.1A

102.9.1A Unless otherwise limited by law, the applicable provisions of this code shall apply to vehicles, ships, boats, and mobile vehicles and other facilities when fixed in a specific location within the boundaries of this jurisdiction.

16.26.070 Chapter 1 Section 104.1 Amended - General Authority and Responsibility

Section 104.1 is amended by adding the following:

The Fire Chief or the Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations in order to carry out the application of its provisions. The Chief may be guided by the 2016 Supplement to the Uniform Fire Code. Such interpretations, rules and regulations, and supplements shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours.

16.26.080 Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority Peace Officer Status

Section 104.1.1A and 104.1.1B are added in their entirety to read as follows:

Section 104.1.1A The Fire Chief and his designated representatives shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention, investigation, and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

Section 104.1.1B The Chief, or his duly authorized agents, may issue citations for violations of this ordinance in accordance with Chapter 5C (commencing with Section 853.5), Title 4, Part 2, of the Penal Code.

16.26.090 Chapter 1 Section 104.9 Amended - Alternative materials and methods

Section 104.9 is amended by adding 104.9.3

Section 104.9.3 - The city council, the fire chief and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code. The fire marshal shall post such list in a conspicuous place at the offices of the fire prevention division and distribute copies thereof to interested persons.

16.26.100 Chapter 1 Section 105.1.1 Amended - Required permits

Section 105.1.1 is amended by adding Section 105.1.1A:

Section 105.1.1A Fee for Plan Review, Inspection and Permits. Fees required by the City shall be established in the City's master fee schedule, to defray: the costs for plan review of plans required by this code; requested or required inspection services; administrative costs; issuance of permits and all other direct costs incurred by the city.

Section 105.4.1.1 is amended by adding Section 105.4.1.2 (1 to 6):

Section 105.4.1.2 Review of Plans. Whenever required by this Code, plans shall be submitted to the Fire Chief for review and approval prior to construction. Whenever application is made for a building permit, as required by the Building Code, the Building Official shall withhold issuance of the building permit until notification from the Fire Department that plans required by this code have been reviewed and approved and that the requirements set forth in section 105 have been met. In addition to plan submittals required by other sections of this Code, plans shall be submitted whenever any of the following land developments and/or improvements are proposed:

1. Subdivision of land.
2. Construction, alteration or renovation of a building.
3. Demolition of a building.
4. Provision of a water supply for fire protection.
5. Provision of access for fire apparatus.
6. An occupancy for the storage, use, or handling of any hazardous substance, hazardous material process, or hazardous device.

16.26.110 Chapter 1 Section 105.6 Amended - Required operational permits

Section 105.6 is amended by adding 105.6.52 thru 105.6.55.

52. Christmas tree sales. To use a property for the purpose of selling cut Christmas trees. See applicable provisions of Chapter 3 General Precautions against fire.

53. Pumpkin patches/lots. To use a property for the purpose of selling pumpkins and seasonal items. See applicable provisions of Chapter 3 General Precautions against fire.

54. Liquefied petroleum gases. To store, use, or handle liquefied petroleum gas inside buildings. See Chapter 38.

55. Rockets. To launch model rockets. See California Code of Regulations Title 19, Division 1, Article 17.

16.26.120 Chapter 1 Section 109 Amended - Board of Appeals

Section 109 is amended by adding 109.1.1

Section 109.1.1 Whenever the fire chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal within thirty days the chief's decision to the city council.

16.26.130 Chapter 2 Section 202 Amended – General Definitions

Section 202 - General Definitions is amended as follows: by changing the definition of Jurisdiction and adding the definition for Fire Marshal by adding Sections 202. A and 202. B.

- A. Wherever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of El Cerrito.
- B. Where the party responsible for the enforcement of the California Fire Code is given the title of "Fire Marshal," add the following definition: Fire Marshal is the chief of the bureau of fire prevention.

16.26.140 Chapter 2 Section 202 Amended - Definitions – F

Section 202 -F - is amended by adding:

Facility - any structure or location used for storing, processing or handling material or equipment.

Fair - a temporary enterprise principally devoted to the exhibit or sale of products of commerce, agriculture or industry, or to entertainment and amusement and may include the operation of amusement rides or devices, or concession booths.

Firebreak - a continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn when dry has been abated or otherwise removed in order to prevent the surface extension of fire from one area to another.

Fire trail - a graded firebreak of sufficient width, surface, and design to provide access for fire personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Fuel break - a specified width, strip, or block of land on which the vegetation has been permanently modified to a low volume fuel type so that fires burning on it can be more

readily controlled.

16.26.150 Chapter 2 Section 202 Amended - Definitions – R

Section 202 - R is amended by adding:

Response Time - the calculated time difference between receiving a report of an alarm and the application of extinguishing agent.

Running Time - the calculated time difference between leaving the first due fire station and arriving on the emergency scene.

Rural Area - that area generally designated for agricultural or open space uses with parcels over 10 acres in size.

Rural Residential Area - that area generally designated for single family residential use with parcels between 3 and 10 acres in size.

16.26.160 Chapter 3 Section 321 Added - General precautions against fire

Chapter 3 Section 321 is added in its entirety:

Section 321 Exterior hazard control.

Section 321.1 Weeds and Rubbish to be Destroyed or Removed.

It shall be unlawful for any person owning, occupying, renting, managing or controlling any real property in this jurisdiction to cause, or permit to remain on the property, or on portions of streets adjoining such property, any weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous. It shall be the duty of every such person to remove or destroy such weeds, rubbish, litter or other flammable material. Destruction by burning within the jurisdictions unlawful unless the written permission of the Fire Chief of the City is first obtained and all other applicable permits are obtained from appropriate governing jurisdictions.

Section 321.2 Definitions, as used in this article

1. "Weed," as used in this part, means all weeds growing upon streets or private property in this jurisdiction and includes any of the following:
2. Weeds that bear seeds of a downy nature or are subject to flight.
3. Sagebrush, chaparral and any other brush or weeds which obtain such large growth as to become, when dry, a fire menace to adjacent improved property or to streets.
4. Weeds that are otherwise noxious or dangerous.

5. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
6. Dry grass, stubble, brush, litter or other flammable materials that endanger the public safety by creating a fire hazard.
7. "Rubbish" means waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction that is, or when dry may become a fire hazard.
8. "Streets" include alleys, parkways, driveways, sidewalks and areas between sidewalks and curbs.
9. "Person" includes individuals, firms, partnerships and corporations.
10. "Cost of Abatement" shall include all expenses incurred by jurisdiction, including administrative costs, in its work of abatement undertaken pursuant Section 318 of this ordinance.
11. "Superintendent" shall mean the City Manager or designee.

Section 321.3 Declaration of Policy.

The City Council, as the supervising, legislative and executive authority of this jurisdiction, hereby declares that the removal of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous is a matter of extreme municipal importance. The City Council hereby adopts the following Fire Hazard Abatement Program for the purpose of abating fire hazards caused by the presence of dry grass, stubble, brush, rubbish, litter or other flammable material on private properties within the City. This program shall be conducted in accordance with the provisions of Government Code Sections 39560-39588 as those sections presently exist or as may be amended. The City Manager or designee shall be deemed the street superintendent for the purpose of carrying out the provisions of this policy.

Section 321.4 Abatement Procedures

- a. The City Council of El Cerrito shall declare by resolution annually, or as often as may be necessary, those properties which are deemed public nuisances because of the presence of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous.
- b. The resolution may also declare that certain identified properties are seasonal and recurrent nuisances as defined by Government Code Section 39562.1
- c. The resolution shall designate a date, time and place for a hearing at which the owners of the properties identified in the resolution may object to the designation of their properties as public nuisances, and object to the abatement actions proposed by the City as authorized by Government Code Sections 39560-39588.

d. Written notice shall be provided to the owners of the properties identified in the resolution informing them of the date, time and place of the hearing. This notice shall be in substantially the same form as contained in Government Code Section 39566. Notice to the owners of those properties declared seasonal and recurrent nuisances shall incorporate the provisions contained in Government Code Section 39562.1. The notice shall be served as provided for in Government Code Sections 39564-39567.1.

e. At the hearing, the City Council shall hear and consider all objections. By resolution, the City Council shall allow or overrule these objections. The City Council shall also order the City Manager or designee to abate the public nuisances conditions at the properties designated in the initial resolution by having the dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous removed.

f. The City Manager may abate these public nuisance conditions either through the use of City employees or by private contract. The City Manager is authorized to execute such public contracts as may be necessary to abate these public nuisance conditions.

g. The City Manager shall keep a report of the cost of abatement for each property subject to the City Council resolution. At such time as the City Manager deems appropriate, a hearing shall be scheduled before the City Council for confirming the report. Notice shall be mailed to each property owner at least five days before the date of the hearing. The notice shall inform the property owner of the costs of abatement of the public nuisance conditions on the property; date, time and place of the hearing at which the property owner may object to the report; and a statement that if the report is confirmed by the City Council, that the costs of tax bill levied against the parcel for collection at the time and in the manner of ordinary municipal taxes. The report shall also be posted at least three days prior to the hearing date at or near the hearing place as required by Government Code Section 39575.

h. At the time fixed for the hearing, the City Council shall consider the report and hear any objections from the property owners liable to be assessed the costs of abatement. The City Council may modify the report if it is deemed necessary. The City Council may also establish installment payments for the abatement costs as provided for in Government Code Section 39581. At the conclusion of the hearing, the City Council shall confirm the report by resolution.

i. The cost of abatement upon each property and the costs incurred by the City in enforcing the abatement shall constitute a special assessment against the property as provided for in Government Code Section 39577. A lien shall attach to the property upon recordation of the order confirming the assessment by the County Recorder. On or before August 10th of each year, the City Manager shall file a certified copy of the report with the County Auditor. As authorized by Government Code Section 39581, the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes, subject to the same penalties and procedure of foreclosure and sale

provided for ordinary municipal taxes.

Section 321.5 Alternate Mitigation.

In lieu of ordering abatement of fire hazards as provided in Section 321.4, the Fire Chief may order the preparation of firebreaks/fuel breaks around parcels of property when combustible weeds, crops, or brush is present. In determining the proper width of firebreaks/fuel breaks, the Fire Chief shall consider the height of the growth, weather conditions, topography and accessibility to the property of fire protection equipment. The procedure set forth in Section 321.4 for the abatement of weeds and rubbish shall also apply to the preparation of firebreaks/fuel breaks.

Section 321.6 Alternate Procedures

The procedures provided for by this Article are an alternative to any other procedure adopted by the City Council for the abatement of public nuisances, such as Chapter 8.34 of the El Cerrito Municipal Code, or which may be authorized by the law of the State of California.

Section 320.7 Peat Fire, Penalties Therefore

a. It is the duty of each person, firm, corporation or association not to permit on their property a peat fire in, or a fire involving combustible vegetable materials under the surface of the natural ground. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetative material at his/her own cost and expense.

b. If there exists upon the lands of any person herein defined, subsurface fire involving the burning or combustion of peat or vegetative matter, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, the City of El Cerrito may, in addition to its regular duties to extinguish or minimize such fire or combustion, enter upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire Department in fighting the fire and for the cost of providing rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the fire department incurring those costs in the same manner as in the case of an obligation under contract, express or implied. (Health & Safety Code 13009.)

16.26.170 Chapter 4 Section 401.5 Amended - Making false report

Section 401.5 is amended by adding an additional sentence:

Section 401.5 A charge may be made for excessive false alarms.

16.26.180 Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service Features

Chapter 5 Sections 503, 504, 505 and 507 are amended as follows.

Section 503.4 is amended by adding Section 503.4.2:

Section 503.4.2 When approved, gates and barriers may be installed across or over Fire Department access roads. These installations shall meet the standards approved by the Fire Chief and design shall be approved prior to installation.

Section 504.1 is amended by adding:

504.1.1 Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

Section 505 is amended by adding 505.1.1

505.1.1 Approved address numbers attached to the building or the primary address of the building shall be internally or externally illuminated.

Section 507.1 is amended by adding a preface sentence to read as follows: The type of water supply provided shall meet the standards approved by the Fire Chief.

16.26.190 Chapter 6 Section 603.6 Amended - Building Services and Systems

Section 603.6 is amended by adding subsection 603.6.6:

Section 603.6.6 Spark Arrester. Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the mechanical code.

16.26.200 Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing Systems

Section 903.2 is amended by adding 903.2.20:

903.2.20. An automatic fire extinguishing system shall be required in all occupancies of 5000 square feet or greater. This shall include addition of square footage causing building to be greater than 5,000 square feet.

16.26.210 Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems

Section 903.2 is amended by adding subsections 903.2.21.1 through 903.2.21.10

Section 903.2.21.1 Fire Department Delivery Capability. An automatic fire sprinkler system shall be installed in all new buildings or occupancies or in existing buildings or structures that change occupancy classification or use when the required fire flow exceeds 2,000 GPM, or the total floor area exceeds 5,000 square feet.

For the purpose of this section, buildings separated by area separation walls, as set forth in Section 706 of the California Building Code, shall not be considered to create

separate buildings unless such walls are constructed as specified in the California Fire Code.

Section 903.2.21.2 Undetermined Occupancy. When fire sprinkler systems are required in buildings of undetermined occupancy, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with a minimum design area of 3,000 square feet. Occupancy is considered undetermined if not classified at the time the building permit is issued. Where a subsequent occupancy requires a fire sprinkler system of greater density than Ordinary Hazard Group 2, the system shall be upgraded to such use.

Section 903.2.21.3 Response Times. An automatic fire sprinkler system shall be installed in all new buildings or occupancies when any of the following requirements is exceeded.

Section 903.2.21.4 Run Times. A maximum running time of 3 minutes or a maximum response time of 5 minutes from the first-due station. Times shall be measured by the most direct route on surface streets.

Section 903.2.21.5 Distance from Fire Apparatus Access. The Fire Chief may require installation of automatic fire sprinkler system when the exterior wall of the 1st story is located more than 150 feet from approved fire apparatus access.

Section 903.2.21.6 Other Codes. An automatic sprinkler system shall be installed in all other occupancies as may be required by the Uniform Building Code or the California Building Code.

Section 903.2.21.7 NFPA 13D fire sprinkler systems installed shall be interconnected to the structure's smoke detection or fire alarm system. The smoke of fire alarm systems need not be monitored by a central monitoring station.

Section 903.2.21.8 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs, and the new total fire area of the structure exceeds 3,600 square feet.

Section 903.2.21.9 Number of design sprinklers NFPA Standard 13D/13R. For Group R-3 buildings up to 5000 square feet, the number of design sprinklers shall be in accordance with NFPA 13D and the listing requirements for individual sprinklers. Group R-3 buildings in excess of 5000 square feet or over three stories tall, shall meet the requirements of NFPA 13R. A 10% safety margin, in pressure, shall be provided in the design at the point of connection to the public main.

Section 903.2.21.10 Additional locations of sprinklers of Group R-3. Additional locations of fire sprinklers shall be as follows:

- Attached garages/carports, shall be provided with sprinkler protection.
- All bathrooms regardless of size shall be provided with sprinkler protection.
- Crawl spaces or areas beneath stairs, accessible or if intended to be used for living or storage purposes and break areas below stairs as a separate entry

where over 6 feet in height at any point, shall be provided with sprinkler protection.

- Attics spaces that contain mechanical equipment such as furnaces and water heaters shall be provided with sprinklers limited to the protection of the equipment itself. Sprinkler coverage at a minimum shall protect the access opening.

Section 903.2.21.11 Additional NFPA 13D requirements. Additional NFPA 13D requirements shall be as follows:

- Sprinkler control valves shall be located upstream of the domestic tie in and are **indicating** valves.
- Hydraulic placards at the riser shall be provided.
- Spare sprinkler box with at least one of each type used shall be provided.

16.26.220 Chapter 9 Section 905.3.1 Amended - Standpipe Systems

Section 905.3.1 Subsection (2) is amended by replacing subsection (2) in its entirety:

Section 905.3.1 Subsection (2). "three stories" (3) or more in height replaces four stories (4) or more in height.

Section 905.3.1 is amended by adding subsection (6):

6. When standpipes are required and the building is equipped with automatic fire sprinklers, a class one standpipe(s) is required and the standpipe shall be interconnected with the fire sprinkler system.

16.26.230 Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems

Section 907.2 is amended by adding subsection 907.2 A:

Section 907.2 A. At the discretion of the Fire Chief, single-station smoke alarms or multiple-station smoke alarms may be required to be connected to an approved 24-hour monitored fire alarm system.

16.26.240 Chapter 9 Section 907.7.2 Amended - Record of completion

Section 907.7.2 is amended by adding subsection 907.7.2.1

Section 907.7.2.1 Acceptance, maintenance and testing records. A copy of acceptance, maintenance and testing records shall be maintained on site and shall be available to the city upon request.

16.26.250 Chapter 10 Section 1010.1.10 Amended - Panic and fire exit hardware.

Section 1010.1.10 Exception is amended by adding the following sentence:

The use of this exception may be revoked by the Fire Chief or the Building Official for due cause.

16.26.260 Chapter 10 Section 1028.5 Amended – Access to Public Way

Section 1028.5 is amended by adding Subsection 1028.5.1:

Section 1028.5.1. Exterior Exit Pathways. Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

16.26.270 Chapter 50 Section 5001.2 Added - Hazardous Materials

Section 5001.1 is amended by adding subsection 5001.1.2:

Section 5001.1.2 Coordinated Enforcement. Where the Contra Costa County Health Services Department is enforcing State Health and Safety and/or County health regulations, the Fire Department will coordinate efforts to eliminate duplication of time and resources to comply with hazardous material regulations. When approved by the Fire Chief equivalent documentation and compliance may be accepted in lieu of requirements of Appendix E. Where Contra Costa County Health & Safety regulations and California Fire Code regulations conflict, the more restrictive provisions shall prevail.

Exception: Where state or county regulations specifically limit or pre-empt local regulations to be more restrictive.

16.26.280 Chapter 50 Section 5004.1 Amended - Scope

Section 5004.1 is amended by adding 5004.1. A, and 5004.1. B

A. The limits referred to in Section 5004.1 of the California Fire Code, in to which the storage of hazardous materials is restricted are hereby established as follows: All areas within the jurisdiction shall be for retail in group M occupancies.

B. Exception - A permit shall be obtained from the Fire Marshal approving on site Hazardous Materials for retail sales, storage or commercial/industrial use.

16.26.290 Chapter 53 Section 5304.2A Added - Compressed Gasses

Section 5304.2 is amended by adding 5304.2A

A. The limits referred to in Section 5304.2 (ch 54, 58, 60 through 67) of the California Fire Code, in which the storage of compressed natural gas is restricted, are hereby amended as follows: All areas within the jurisdiction without an approved permit by the Fire Marshall.

16.26.300 Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks

Section 5601.1.1 is amended by adding 5601.1A and Exception:

A. The limits referred to in Section 5601.1 of the California Fire Code and Title 19 Division 1 Chapter 6 and 10 subchapter 3, in which the storage of storage of explosives and blasting agents is restricted, are hereby amended as follows: All areas within the jurisdiction.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.310 Chapter 57 Section 5704.2.11.6 Added - Flammable and Combustible Liquids – Below Ground Tanks

Section 5704.2.11.5 is added in its entirety to read:

Section 5704.2.11.5. Abandonment and status of tanks. Tanks taken out of service as a result of properties being abandoned or its use being changed shall be removed in accordance with Section 5704.2.14.2

Section 5704.2.13.1.3 is amended in its entirety to read:

Section 5704.2.13.1.3 Out of Service for More Than 180 Days. Underground tanks that have been out of service for a period greater than 180 days shall be removed from the ground in accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied concurrently with the permit requirements of the City.

Section 5704.2.13.2.3 is deleted in its entirety.

Section 5704.2.13.2.3 is amended to replace “one year” with “more than 180 days”

Section 5704.2.13.2.3. Out of service for more than 180 days aboveground tanks which have been out of service for a period greater than 180 days shall be removed in accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied with concurrently with the permit requirements of the City.

16.26.320 Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks

Section 5704.2.9.6.1 is amended by adding 5704.2.9.6.1A and 5704.2.9.6.1B establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited or restricted:

A. The limits referred to in Section 5704.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in outside above ground tanks is restricted, are hereby amended as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

B. The limits referred to in Section 5704.2.9.6.1 in which new bulk plants for flammable or combustible liquids are prohibited, are hereby amended as follows: Any area which is zoned other than industrial without an approved permit from the Fire Marshal.

16.26.330 Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids

Section 5803 is amended by adding 5803A and Exception:

A. Stationary containers is restricted, are hereby established as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.340 Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases - Inside Buildings

Section 6103.2.1.7 is amended in its entirety to read:

Section 6103.2.1.7 Individual portable containers used, stored, or handled inside of buildings used for assembly or business for people cooking, display, or similar use shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the Fire Chief or authorized representative.

16.26.350 Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases - Outside Buildings

Section 6104.2 is amended by adding 6104.2 A

A. The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby amended as follows: All areas of the jurisdiction without an approved permit from the Fire Marshal.

DIVISION X. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under the general rule that CEQA applies only to projects that have the potential for causing a

significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

DIVISION XI. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

DIVISION XII. EFFECTIVE DATE

This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on November 19, 2019 and passed by the following vote:

AYES:	Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman and Quinto
NOES:	None
ABSENT:	None
ABSTAIN:	None

ADOPTED AND ORDERED published at a regular meeting of the City Council held December 3, 2019 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2019–09 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 3rd day of December, 2019; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this XX day of December, 2019.

Holly M. Charléty, City Clerk



ELECTION OF CITY COUNCIL OFFICERS¹

Adopted: November 19, 1990

Revised: July 7, 1997

In order to fairly rotate the offices of Mayor and Mayor Pro Tem of the City Council among the five members of the Council, this policy is established.

CITY COUNCIL

A newly elected council member, who is not an incumbent, will serve a minimum of one year on the Council before qualifying to serve as Mayor.

Mayor Pro Tem will replace the outgoing Mayor.

Mayor Pro Tem will be the council member who has received the highest number of votes, compared to the other council members elected at the same time. This process continues until all council members elected in the same year have served as mayor.

An appointed council member shall join the rotation only after first being elected.

Newly elected and re-elected council members are added onto the existing order of rotation in the order of the number of votes received, from the highest number of votes to the lowest.

A council member may decline to serve as Mayor Pro Tem. This will drop the council member back one position in the rotation.

This format will be followed except in unusual or exceptional cases. The Council has the ultimate discretion to elect or not elect any council member for any office.

¹ All references to election of Redevelopment Agency Officers has been deleted due to dissolution of the Redevelopment Agency by the State of California.

Most recent election results for all members		
2018	Gabriel Quinto	8,730
	Janet Abelson	8,344
2016	Rochelle Pardue-Okimoto	6,919
	Greg Lyman	6,903
	Paul Fadelli	5,921

Year	Mayor	Mayor Pro Tem
2019	Rochelle Pardue-Okimoto	Greg Lyman
2018	Gabriel Quinto	Rochelle Pardue-Okimoto
2017	Janet Abelson	Gabriel Quinto
2016	Greg Lyman	Janet Abelson
2015	Mark Friedman	Greg Lyman

Holly Charl  ty

From: City Clerk
Subject: RE: 12/3/19 Building Code Agenda Item

From: Denice A Dennis <>
Sent: Tuesday, December 3, 2019 1:38 PM
To: Rochelle Pardue-Okimoto <RPardueOkimoto@ci.el-cerrito.ca.us>; Janet Abelson <jabelson@ci.el-cerrito.ca.us>; Greg Lyman <GLyman@ci.el-cerrito.ca.us>; Paul Fadelli <PFadelli@ci.el-cerrito.ca.us>; Gabe Quinto <GQuinto@ci.el-cerrito.ca.us>
Cc: City Clerk <cityclerk@ci.el-cerrito.ca.us>
Subject: 12/3/19 Building Code Agenda Item

Dear Mayor Pardue-Okimoto and City Councilmembers,

I am concerned about Agenda Item No. 6A on tonight's City Council Meeting Agenda, Adoption of Building and Fire Code Updates. The Staff Report reads that "There are no substantial qualitative changes from the Codes Previously codified in Title 16 of the El Cerrito Municipal Code in November 2016."

The city declared a Climate Emergency on August 20th, and the City Council committed to climate emergency mobilization and active implementation of the Resolution. It appears that the Building and Fire Code Ordinance being considered tonight continues a "business as usual" model that is not consistent with a Declaration of Climate Emergency. **The City should not be settling for the CA state building standards—we need to take this opportunity to adopt Building Code that goes further to address the city's carbon emissions.** This is especially important as the city continues to plan for transit-oriented development, a new library and other building construction.

There are resources available on potential "reach codes" that go beyond the state requirements and strengthen local agency efforts to improve energy standards and encourage greater use of renewable and sustainable materials in building construction. An example of this is requiring electrification of all new buildings. <https://www.bayrencodes.org/reachcodes/#ReachCodes2019> includes discussion of these options and lists other Bay Area jurisdictions that have adopted a "reach code". The Sierra Club also has consultants on this topic.

One example of a reach code is to ban gas in new buildings. Attached, please find an article on the importance of this issue in addressing carbon emissions. <https://www.ewg.org/energy/22951/cities-moving-ban-new-natural-gas-hookups>

Please assure that the Building Code under consideration is strengthened to be consistent with the Declaration of Climate Emergency in our city. The time to act is NOW.

Toward Climate Justice for All,

Denice Dennis

Volunteer, 350 East Bay and 1000 Grandmothers for Future Generations