



AGENDA

SPECIAL CITY COUNCIL MEETING
Tuesday, February 19, 2019 – 6:15 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, February 19, 2019 – 7:00 p.m.
City Council Chambers

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

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

6:00 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

1. 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 and to items on the special meeting agenda only.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for City Boards and Commissions. Interviews may result in an announcement of appointment at the meeting.

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

3. ADJOURN SPECIAL CITY COUNCIL MEETING

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| ▪ The special meeting will not be televised. |
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7:00 PM 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 – Arbor Week

Action Proposed: Pass a motion to approve a proclamation designating March 7 through March 14, 2019 as Arbor Week.

Contact: Maria Sanders, Operations & Environmental Services Division Manager, Public Works

B. Reappointment of Members to Design Review Board and Planning Commission

Action Proposed: Pass a motion to 1) approve the reappointment of Wenlin Li to the Design Review Board for a term from March 1, 2019 – March 1, 2023; and 2) approve the reappointment of Erin Gillett to the Planning Commission for a term from March 1, 2019 – March 1, 2023.

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

C. Cash & Investments Report for Quarter Ending December 31, 2018

Action Proposed: Receive and File.

Contact: Mark Rasiah, Finance Director, Finance Department

D. Final Parcel Map for three lots 966 Sea View Drive

Action Proposed: Adopt a resolution approving the Final Parcel Map for a three-lot subdivision in a single-family residential zoning district (RS-5) at 966 Sea View Drive.

Contact: Jeff Ballantine, Associate Planner; Sean Moss, Acting Planning Manager, Community Development Department

5. PRESENTATIONS

A. El Cerrito Library Update

Action Proposed: Receive and File.

Contact: Heidi Golstein, Library Manager, Contra Costa County Library

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Tenant Protections Study Session: *El Cerrito 2017 Affordable Housing Strategy*, Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations

Action Proposed: Receive a presentation regarding tenant protection tools, discuss policy and program options and provide staff direction towards development of integrated package of tenant protection ordinances.

Contact: Aissia Ashoori, Management Analyst II, Community Development Department; Melanie Mintz, Community Development Director, Community Development Department

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 Tuesday, March 5, 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.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org>

cerrito.org/streamingmedia and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.

- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email 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.



Date: February 19, 2019
To: Honorable Mayor and Members of the City Council
From: Holly M. Charléty, City Clerk
Subject: Commission Interviews

ACTION REQUESTED

Staff requests that City Council conduct interviews and, at the conclusion of interviews, confer with staff regarding the ongoing recruitments, any remaining vacancies, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.

INTERVIEW SCHEDULE

February 19, 2019			
6:15 p.m.	George Fruehan	Street Oversight Committee	
6:30 p.m.	Michael Fisher	Civil Service Commission Library Commission	Reappointment Reappointment

BACKGROUND

Staff continues to publicize board, commission and committee vacancies as they occur. Vacancies are published on the City's website and in the West County Times, and posted at City Hall, the Community Center and Library. Staff is also utilizing social media outlets to increase awareness and opportunities for citizens to participate by attending meetings and/or serving on a board, commission or committee. For your reference, the most recent list of vacancies is attached, as well as interview questions and applications for interviews.

Interviews that have been conducted by Council and are still pending a decision are as follows:

6:00 p.m.	Prachi Amin	Street Oversight Committee	Interviewed 2/5/19
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Attachments:

1. Current Board, Commission, and Committee Vacancy List
2. Interview Questions
3. Application(s) on file with the City Clerk's Office



VACANCIES ON EL CERRITO'S BOARDS, COMMISSIONS AND COMMITTEES

C. C. LIBRARY COMMISSION	(1 Upcoming Vacancy)
C. C. MOSQUITO & VECTOR CONTROL DIST.	(1 Upcoming Vacancy)
CITIZENS STREET OVERSIGHT COMMITTEE	(1 Vacancy)
CIVIL SERVICE COMMISSION	(2 Upcoming Vacancies)
COMMITTEE ON AGING	(2 Vacancies)
CRIME PREVENTION COMMITTEE	(9 Vacancies)
DESIGN REVIEW BOARD	(1 Upcoming Vacancy)
ECONOMIC DEVELOPMENT COMMITTEE	(8 Vacancies)
ENVIRONMENTAL QUALITY COMMITTEE	(1 Vacancy)
HUMAN RELATIONS COMMISSION	(1 Vacancy & 1 Upcoming Vacancy)
PARKS AND RECREATION COMMISSION	(2 Upcoming Vacancies)
PLANNING COMMISSION	(1 Upcoming Vacancy)
URBAN FOREST COMMITTEE	(9 Vacancies)

The El Cerrito City Council is seeking applicants interested in serving on its Boards, Commissions and Committees. There are several opportunities for El Cerrito residents to serve their community. If you are interested in volunteering, please submit an application to the City Clerk, 10890 San Pablo Avenue, El Cerrito, CA 94530. Vacancy information and the [application form](#) may be obtained by contacting the City Clerk at 215-4305 or by downloading the application form from the City's website at <http://www.el-cerrito.org/>.

Members of Boards, Commissions and Committees provide an invaluable service to our community. The detailed study and considered recommendations of our local advisory bodies are often catalysts for innovative programs and improved services. Serving as a commissioner or committee member can be a rewarding experience for community service minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Commissioners and Committee Members are appointed by the City Council for terms of four years. Commission and committee meetings are generally held once a month during evening hours. The City Council conducts its recruitment on a continuous, ongoing basis. **Please consider submitting an application now! For additional information please contact Holly Charléty, City Clerk at 215-4305, CityClerk@ci.el-cerrito.ca.us**

January 18, 2019

CITIZENS STREET OVERSIGHT COMMITTEE INTERVIEW QUESTIONS

1. Will you give us a quick summary of why you chose to apply or how you selected the Citizens Street Oversight Committee?

2. Briefly outline what in your professional background, work experience, education, or volunteer work would be relevant to this committee and highlight any special or unique qualifications or qualities you feel would contribute to the commission?

3. The Citizens Street Oversight Committee monitors the expenditures of revenue collected under the Pothole Repair and Local Street Improvement and Maintenance Transactions and Use Tax to determine whether funds are expended for the purposes specified in the Street Repair and Maintenance Expenditure Plan. The Committee issues reports on their findings to the Council and reviews the annual audits performed by the independent auditor. What do you see as your strengths in being part of this committee?

4. Can you explain how and why you feel you would be able to make fair and equitable decisions that would be in the best interest of **all** residents of El Cerrito?

CIVIL SERVICE COMMISSION INTERVIEW QUESTIONS

1. Will you give us a quick summary of why you chose to apply or how you selected the Civil Service Commission?

2. Briefly outline what in your professional background, work experience, education, or volunteer work would be relevant to the commission/board and highlight any special or unique qualifications or qualities you feel would contribute to the commission?

3. The Civil Service Commission hears appeals by any person in the competitive civil service relative to any disciplinary action, dismissal, demotion or alleged violation of the municipal code or the personnel rules and certifies its findings and recommendations. Do you have any experience in addressing personnel issues?

4. Can you explain how and why you feel you would be able to make fair and equitable decisions that would be in the best interest of **all** residents of El Cerrito?

CONTRA COSTA COUNTY LIBRARY COMMISSION INTERVIEW QUESTIONS

1. Will you give us a quick summary of why you chose to apply or how you selected the Library Commission?
2. Briefly outline what in your professional background, work experience, education, or volunteer work would be relevant to this committee and highlight any special or unique qualifications or qualities you feel would contribute to the commission?
3. What do you see as the strengths of the Library programs in the City and what do you see as the challenges facing the Library and its programs?
4. Can you explain how and why you feel you would be able to make fair and equitable decisions that would be in the best interest of **all** residents of El Cerrito?



**February 19, 2019
Special City Council Meeting**

Commission Interviews

Attachment 3 Applications

are available for review in hardcopy format at the
following locations:

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

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue

**EL CERRITO CITY COUNCIL PROCLAMATION
Designating March 7 through March 14, 2019 as Arbor Week**

WHEREAS, the first documented Arbor Day was held in 1594 in the Spanish village of Mondonedo, and was initiated in America in 1872 by J. Sterling Morton, who proposed that a special day be set aside for the planting of trees and said “Other holidays focus upon the past; Arbor Day focuses on the future”; and

WHEREAS, this American Arbor Day, was first observed in April with the planting of one million trees in Nebraska, it is now observed on seasonally appropriate dates throughout the world; and

WHEREAS, in California, Arbor Day is observed in March, as part of California Arbor Week starting on the birthday of Luther Burbank, a prodigious California plant breeder who enhanced the diversity, beauty, disease resistance and flavor of ornamental and edible plants by producing hundreds of new varieties of plants and trees; and

WHEREAS, trees planted in urban areas play a significant role in meeting the State’s greenhouse gas emission reduction targets and the City’s Climate Action Plan by sequestering carbon as well as reducing energy consumption; and

WHEREAS, trees directly contribute to improving air quality by reducing air pollution, removing airborne particulates from the atmosphere, and helping to purify the air; and

WHEREAS, trees play a significant role in maintaining water resources by reducing surface runoff, preserving water quality, and protecting urban water resources; and

WHEREAS, trees provide essential habitats for much of California’s wildlife, including many listed, threatened, and endangered species; and

WHEREAS, trees enhance the aesthetic quality of life in urban communities by providing a natural buffer for surface noise and natural recreational resource for California’s children, youth, and families; and

WHEREAS, a healthy and thoughtfully developed and managed urban forest is a valuable and distinctive natural resource, augmenting the economic base through the provision of resources, community character, and enhancement of the living environment.

Agenda Item No. 4(A)

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim March 7 through March 14, 2019 as El Cerrito Arbor Week, and urges all citizens to observe and celebrate the week by planting and caring for trees for our own benefit and for the benefit of future generations.

Dated: February 19, 2019

Rochelle Pardue-Okimoto, Mayor



AGENDA BILL

Agenda Item No. 4(B)

Date: February 5, 2019
To: El Cerrito City Council
From: Holly M. Charley, City Clerk
Subject: Reappointment of Planning Commissioner and Design Review Board Member

ACTION REQUESTED

It is recommended that City Council pass a motion to 1) Reappoint Wenlin Li to the Design Review Board for a term from March 1, 2019 to March 1, 2023 and 2) Reappoint Erin Gillett to the Planning Commission for a term from March 1, 2019 to March 1, 2023.

BACKGROUND

The City Council completed interviews for a limited term vacancy on both the Design Review Board and the Planning Commission in November 2018. On December 4, 2018, the City Council appointed Wenlin Li to fill a limited term vacancy on the Design Review Board, and Erin Gillette to fill a limited term vacancy on the Planning Commission. Both terms are set to expire on February 28, 2019.

Due to the short-term appointments made, and interviews being so recent, staff recommends that Council consider reappointment of both members with the attached letters of interest. This would be for reappointment to a full four-year term from March 1 2019 – March 1, 2023. Both members would still be eligible for consideration to a second four-year term.

Reviewed by:

Karen Pinkos
City Manager

Attachments:

1. Letters of Interest
2. Application(s) on file with the City Clerk's Office

February 1, 2019

Dear Members of El Cerrito's City Council,

My recent appointment as a Planning Commissioner is due to expire on February 28th, 2019. I attended my first meeting in January and I am planning to attend the February meeting. The work of El Cerrito's Planning Commission is very important and I am committed to serving the community of El Cerrito.

I would like your consideration to be appointed to a full term (March 1, 2019-March 1, 2023) so that I can continue my work on the Planning Commission and fulfill my responsibilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Gillett', with a long horizontal line extending to the right.

Erin Gillett

[REDACTED]
El Cerrito, CA 94530
[REDACTED]

From: [REDACTED]
To: [Holly Charley](#)
Cc: [REDACTED]; [Sean Moss](#)
Subject: Re: Reappointment to Design Review Board
Date: Sunday, February 10, 2019 6:27:11 PM

Dear Council Members,
(cc: Sean Moss, Holly Charley)

I am writing to express my interest for reappointment for a full term on the Design Review Board starting March 1, 2019 – March 1, 2023. It is a great honor and privilege to continue to serve the community. Thank you for your consideration.

Sincerely,
Wenlin Li, AIA, EDAC, LEED AP

[REDACTED]
El Cerrito, CA 9453 [REDACTED]
[REDACTED]



**February 19, 2019
Regular City Council Meeting**

Agenda 4(B)

**Reappointment of Planning Commissioner
and Design Review Board Member**

Attachment 2 Applications

are available for review in hardcopy format at the
following locations:

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

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue



AGENDA BILL

Agenda Item No. 4(C)

Date: February 19, 2019
To: El Cerrito City Council
From: Mark R. Rasiah, Finance Director/City Treasurer
Subject: Cash & Investments Report for Quarter Ending December 31, 2018

ACTION REQUESTED

Receive and file the City's Quarterly Investment Report for the Quarter ending December 31, 2018.

BACKGROUND

It is the policy of the City of El Cerrito ("City"), to invest public funds in a manner which provides for safety of principal while providing sufficient liquidity to cover the City's short and long term needs while generating the appropriate yield. All investment activity will conform to the California Government Code, Sections 53601 through 53659.

ANALYSIS

The Quarterly Investment Report for October 1, 2018 to December 31, 2018 shows that the City's investments had a par value of \$1,263,495 as of December 31, 2018. The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$1,076,855 is invested in the pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF) and \$186,640 is held in money market funds. Cash with Mechanics Bank was \$1,988,520. Total cash and investments were \$3,252,015. Of this amount, \$3,065,375 was available to meet operating expenses for the next six months.

STRATEGIC PLAN CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and ensure policies, procedures and systems represent best practices in financial management (Goal B).

FINANCIAL CONSIDERATIONS

During the quarter interest of approximately \$24,463.62 was earned and debt service payments for the Recycle Center, Streets, and the Solar Lease payments were made totaling \$331,582.47.

LEGAL CONSIDERATIONS

The City's investments comply with the "Authorized Investments" section of the Investment Policy.

Reviewed by:



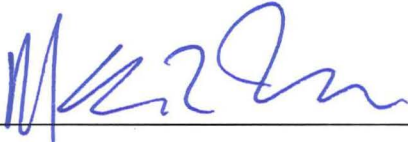
Karen Pinkos
City Manager

Attachment:

1. Cash & Investment Report for the Quarter ending December 31, 2018.

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	Local Agency Investment Fund(LAIF)	CA State Treasurer	\$1,076,855	\$1,076,855	2.30%	N/A	100.00	\$1,076,855
Swim Center Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$186,640	\$186,640	0.01%	N/A	100.00	\$186,640
				\$1,263,495	\$1,263,495				\$1,263,495
Cash with Bank (General Checking)	Mechanics Bank	N/A	N/A	\$1,988,520	\$1,988,520	N/A	N/A	N/A	\$1,988,520
Total Cash and Investments				\$3,252,015	\$3,252,015				\$3,252,015

I certify that this report is in compliance with the City of El Cerrito Investment Policy and the California Government Code Section 53646. The City has sufficient cash flow to meet the next six months of estimated expenditures as required by the Code. The balance of the pool's unrestricted investments in combination with anticipated operating cash inflows and the balance in the general checking account, will be used to meet the expenditure requirements for the next six months.



Mark R Rasiah, Finance Director/City Treasurer



AGENDA BILL

Agenda Item No. 4(D)

Date: February 19, 2019
To: El Cerrito City Council
From: Jeff Ballantine, Associate Planner
Sean Moss, Acting Planning Manager
Subject: Final Parcel Map for three lots at 966 Sea View Drive

ACTION REQUESTED

Adopt a resolution approving the Final Parcel Map for a three-lot subdivision in a single-family residential zoning district (RS-5) at 966 Sea View Drive.

BACKGROUND

The California Government Code and the El Cerrito Municipal Code include relevant sections regarding the requirements of Tentative and Final Maps and the role of the City Council regarding purview of a Final Map. California Government Code Sections 66444-66450 contain requirements for the preparation and filing of tentative and final parcel maps. Chapter 18.16 of the El Cerrito Municipal Code (ECMC) identifies the procedure for processing Final Subdivision Maps in the City of El Cerrito. The role of the City Council in this action is to verify that the Final Map is in compliance with the Tentative Map.

On December 21, 2017, I Kuan Choi submitted an application for a Tentative Parcel Map. On May 19, 2018, the Subdivision Committee adopted Resolution 18-01, approving the Tentative Parcel Map along with Conditions of Approval (Attachment 3). On January 16, 2019, the Planning Commission reviewed the Final Parcel Map and recommended its approval to the City Council (Resolution PC19-01) as included in Attachment 4.

ANALYSIS

The proposed three-lot subdivision would allow the creation of single-family homes on proposed Parcels 2 and 3. Proposed Parcel 1 is developed with a single-family residence. This allows for an underdeveloped parcel to accommodate new development. Any new residential construction on proposed Parcels 2 and 3 will have new sidewalk installed along the Moeser Lane frontage and will allow pedestrians in the area to use this feature when walking in this neighborhood. The future single-family residences can be two-stories tall, which is in keeping with other existing single-family homes in the immediate area of the neighborhood. Any new two-story structure requires review under the Residential Architectural Design (RAD) process.

Staff members, including the City Surveyor and the City Engineer, have reviewed the proposed Final Map (Attachment 2) and have found it conforms with the approved

Tentative Parcel Map and that the applicable conditions listed in Subdivision Committee Resolution 18-01 have been met.

VICINITY MAP



STRATEGIC PLAN CONSIDERATIONS

The following goal of the Strategic Plan is addressed by this action: *Goal C: Deepen a sense of place and community identity.*

ENVIRONMENTAL CONSIDERATIONS

This project is categorically exempt from review under the California Environmental Quality Act pursuant to Section 15315, Class 15: Minor Land Divisions.

FINANCIAL CONSIDERATIONS

There are no costs to the City associated with this action.

LEGAL CONSIDERATIONS

The resolution has been reviewed and approved by the City Attorney.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution
2. Final Map
3. Subdivision Committee Resolution 18-01 Approving the Tentative Subdivision Map
4. Planning Commission Resolution 19-01 Recommending City Council Approval of the Final Map

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING A FINAL PARCEL MAP FOR A THREE LOT SUBDIVISION AT 966 SEA VIEW DRIVE

WHEREAS, on December 21, 2017, I Kuan Choi (the “Applicant”) submitted a Tentative Parcel Map to subdivide a parcel of 30,083 square feet into three parcels: proposed Parcel “1” would be 13,384 square feet, and is developed with a single family home; proposed Parcel “2” would be 6,964 square feet and is vacant; and proposed Parcel 3 would be 9,735 square feet, and is vacant (the “Project”); and

WHEREAS, the current address of the site of the Project is 966 Sea View Drive; and

WHEREAS, the current Assessor’s Parcel Number of the site of the Project is 505-221-041; and

WHEREAS, the title of the Final Parcel Map is “Parcel Map MS 451-18”; and

WHEREAS, the General Plan land use designation of the site of the Project is Low Density Residential; and

WHEREAS, the zoning district of the site of the Project is RS-5 (Single Family Residential); and

WHEREAS, the Project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15315: Class 15, Minor Land Divisions; and

WHEREAS, the Tentative Parcel Map for the Project was approved by the El Cerrito Subdivision Committee on May 19, 2018; and

WHEREAS, the Applicant has submitted an application for a Final Parcel Map for the Project. Approval of the Final Parcel Map is governed by Sections 66444 - 66450 of the State of California Government Code (Subdivision Map Act) and Title 18 Divisions of Land of the El Cerrito Municipal Code; and

WHEREAS, on January 16, 2019 the Planning Commission adopted Resolution PC19-01, finding that the Final Parcel Map is in conformity with the requirements of Chapter 18 of the El Cerrito Municipal Code, in that it conforms with the requirements of the approved Tentative parcel Map including all changes permitted and all requirements imposed as a condition to its acceptance. Based on its findings, the Planning Commission recommended approval of the Final Map to the City Council; and

WHEREAS, the administrative record, including the Agenda Bill prepared in support of this Resolution and submitted to the City Council at its February 19, 2019, meeting, establishes that the Final Map is in conformity with the requirements of Chapter 18 of the El Cerrito Municipal Code, and that it conforms with the requirements of Tentative Map including all changes permitted and all requirements imposed as a condition to its acceptance.

Agenda Item No. 4D

Attachment 1

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that, based on the foregoing recitals and information presented related to the Final Parcel Map at its February 19, 2019 meeting, it hereby approves the Final Parcel Map for a three lots subdivision at 966 Sea View Drive with Assessor's Parcel Number 505-221-041.

I CERTIFY that at a regular meeting on February 19, 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 February XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE ONLY PARTIES HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES ON THIS MAP, BEING THE PROPERTY DESCRIBED IN THE GRANT DEED RECORDED JULY 3, 2017 AS DOCUMENT NUMBER 2017-0118940, CONTRA COSTA COUNTY RECORDS, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME.

THE UNDERSIGNED STATES THAT ALL AREA DESIGNATED "STORM DRAIN EASEMENT" ARE NOT HEREBY DEDICATED FOR USE BY THE GENERAL PUBLIC BUT IS FOR THE USE OF PARCELS 2 & 3 FOR DRAINAGE PURPOSES.

THIS MAP SHOWS ALL THE EASEMENTS OF THE PREMISES, OR OF RECORD.

BY: I CHENG MAGGIE CHOI

ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ON THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF _____

ON _____, 2018, BEFORE ME, _____,

NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN HER AUTHORIZED CAPACITY, AND THAT BY HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR ENTITY OF BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS BY HAND AND OFFICIAL SEAL,

SIGNATURE: _____

PRINTED NAME: _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

PRINCIPAL PLACE OF BUSINESS: _____ COUNTY

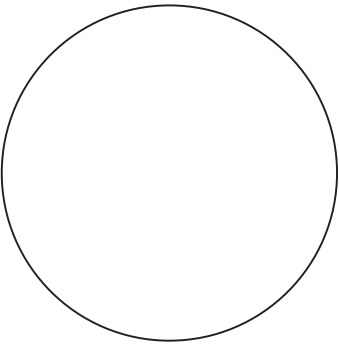
APN 505-221-041

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE TENTATIVE MAPS APPROVAL, HAVE BEEN COMPLIED WITH.

DATE: _____

BY: _____
YVETTEH D. ORTIZ, RCE 62368
CITY ENGINEER, CITY OF EL CERRITO



CITY CLERK'S STATEMENT

I, CHERYL MORSE, CITY CLERK OF THE CITY OF EL CERRITO, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAPS CONSISTING OF THREE (3) SHEETS AND ENTITLED "PARCEL MAP, MS NO. 451-18, " WAS PRESENTED TO THE CITY COUNCIL AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON _____ AND THAT SAID COUNCIL DID THEREUPON BY RESOLUTION APPROVE SAID MAP.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 201____.

BY: _____
CHERYL MORSE
CITY CLERK
CITY OF EL CERRITO, CALIFORNIA

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF I CHENG MAGGIE CHOI IN OCTOBER, 2018. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED TENTATIVE MAP.

GREGORY D. ST. JOHN
L.S. No. 8647
LICENSE EXPIRATION DATE 12/31/19

DRAFT



PARCEL MAP
MS 451-18

PORTION OF LOTS 364-A AND 364-B, AMENDED
OFFICIAL MAP OF UNITS ONE AND TWO, BERKELEY
COUNTRY CLUB TERRACE, (1 OM 25)
EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

ST. JOHN LAND CONSULTING
OCTOBER 2018

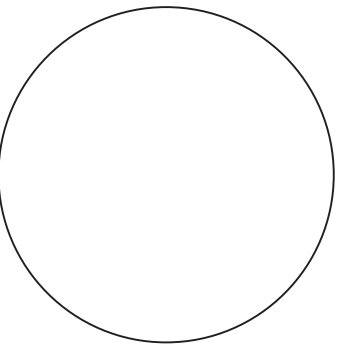
BENICIA, CALIFORNIA

CITY SURVEYOR'S STATEMENT

I, PATRICK M. REI, ACTING CITY SURVEYOR OF THE CITY OF EL CERRITO, STATE OF CALIFORNIA, HAVE EXAMINED THE HEREIN EMBODIED PARCEL MAP, AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: _____

BY: _____
PATRICK M. REI, L.S. 8176
ACTING CITY SURVEYOR,
CITY OF EL CERRITO



CLERK OF THE BOARD OF SUPERVISORS
STATEMENT

I CERTIFY AS CHECKED BELOW THAT:

- ☐ A TAX BOND ASSURING THE PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT NOT PAYABLE, HAS BEEN RECEIVED AND FILED WITH BOARD OF SUPERVISORS, CONTRA COSTA COUNTY, STATE OF CALIFORNIA
- ☐ ALL TAXES DUE HAVE BEEN PAID AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS

_____ DAY OF _____, 201____.

DAVID J. TWA _____
CLERK OF THE BOARD OF SUPERVISORS
AND COUNTY ADMINISTRATOR, CONTRA
COSTA COUNTY, STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK _____

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 201____, AT _____ .M. IN

BOOK _____ OF PARCEL MAPS AT PAGES _____, AT THE
REQUEST OF OLD REPUBLIC TITLE COMPANY.

JOSEPH E. CANCIAMILLA
COUNTY RECORDER, CONTRA COSTA COUNTY, STATE OF
CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

SHEET 1 OF 3

DOCUMENT REFERENCES:

- R1 SUBDIVISION 3378, FILED IN BOOK 102 OF MAPS AT PAGES 40 & 41, CCCR
- R2 AMENDED OFFICIAL MAP OF UNITS ONE AND TWO, BERKELEY COUNTY CLUB TERRACE FILED IN BOOK 1 OF OFFICIAL MAPS AT PAGES 25-31, CCCR
- R3 RESOLUTION NO. 2009, FILED IN BOOK 2823 OF OFFICIAL RECORDS AT PAGE 595, CCCR

BASIS OF BEARINGS:

THE BEARING NORTH 60°28'30" EAST BETWEEN TWO FOUND 1 1/4" BRASS DISKS WITH PUNCHES STAMPED "LS 2769" IN MONUMENT WELLS, AS SHOWN ON SUBDIVISION 3378, FILED IN BOOK 102 OF MAPS AT PAGES 40-41, CONTRA COSTA COUNTY RECORDS

PARCEL MAP
MS 451-18

PORTION OF LOTS 364-A AND 364-B, AMENDED OFFICIAL MAP OF UNITS ONE AND TWO, BERKELEY COUNTRY CLUB TERRACE, (1 OM 25)
EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

BENICIA, CALIFORNIA
SCALE: 1" = 60'



MONUMENT DESIGNATIONS (SEE NOTE 3):

- A FOUND 0.15 NORTHWESTERLY OF PROJECTED LINE
- B FOUND 0.02 NORTHWESTERLY OF PROJECTED LINE
- C FOUND 0.16 SOUTHERLY OF PROJECTED LINE
- D FOUND 0.05 SOUTHEASTERLY OF PROJECTED LINE
- E FOUND 0.44 SOUTHEASTERLY OF PROJECTED LINE
- F FOUND S 28°17'41" W, 0.35 OF LOT CORNER
- G FOUND N 67°23'20" E, 0.09 OF LOT CORNER
- H FOUND 0.03 SOUTHWESTERLY OF PROJECTED LINE
- J FOUND 0.03 SOUTHWESTERLY OF PROJECTED LINE
- K FOUND 0.02 SOUTHWESTERLY OF PROJECTED LINE
- L FOUND 0.04 SOUTHWESTERLY OF PROJECTED LINE
- M FOUND ON PROJECTED LINE
- N FOUND 0.02 SOUTHEASTERLY OF PROJECTED LINE
- P FOUND 0.16 NORTHWESTERLY OF PROJECTED LINE
- Q FOUND 0.22 NORTHWESTERLY OF PROJECTED LINE

ABBREVIATIONS:

- CCCR CONTRA COSTA COUNTY RECORDS
- D DEEDS
- NMR NON-RECORD MONUMENT
- OR OFFICIAL RECORDS
- PAR PARCEL
- (R) RADIAL BEARING
- T TOTAL
- C1 CURVE DATA
- L1 LINE DATA

CURVE DATA:

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	111.00	18.98	9°47'44"
C2	100.00	48.61	27°51'02"
C3	175.00	30.30	9°55'08"
C4	25.00	40.98	93°55'30"
C5	20.00	50.97	146°01'43"
C6	111.00	71.94	37°08'02"
C7	202.00	59.74	16°56'38"
C8	10.00	19.69 (20.06 R3)	112°48'41"
C9	295.00	45.44	8°49'32" R1

LINE DATA:

LINE	BEARING	DISTANCE
L1	S 23°27'42" W	20.40
L2	S 60°30'47" W	8.00
L3	N 58°07'22" E	67.25
L4	N 37°01'52" E	53.00

NOTES:

- ALL BEARINGS SHOWN HEREON CAN BE ROTATED COUNTERCLOCKWISE BY 00° 01' 52" TO MATCH BEARINGS PER R2.
- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN SURVEY FEET AND DECIMALS THEREOF.
- ALL TIES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
- ALL PIPES WERE MEASURED AT INSIDE DIAMETER UNLESS OTHERWISE NOTED.

LEGEND:

- FOUND 1 1/2" BRASS DISK IN MONUMENT WELL, STAMPED "LS 2769" PER R1
- FOUND OLD FAINT CHISELED CROSS ON TOP OF OLD CURB, RE-SCRIBED WITH SAW, NRM
- FOUND 5/8" REBAR, NRM, AS NOTED
- FOUND 2 1/2" IRON PIPE CONCRETE FILLED WITH NAIL AND TAG, STAMPED "LS 2452", NRM
- PARCEL LINE
- EASEMENT LINE
- TIE
- OLD PARCEL LINE

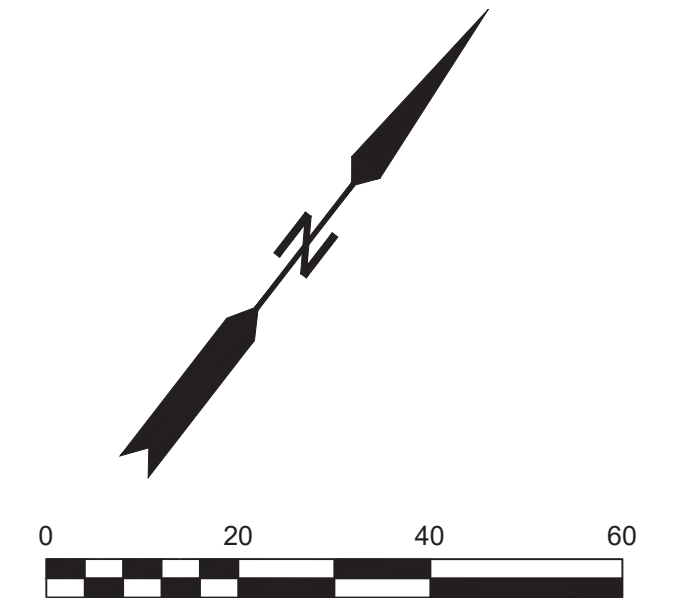
DRAFT

1. ALL BEARINGS SHOWN HEREON CAN BE ROTATED COUNTERCLOCKWISE BY 00° 01' 52" TO MATCH BEARINGS PER R2.
2. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN SURVEY FEET AND DECIMALS THEREOF.
3. ALL TIES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
4. ALL PIPES WERE MEASURED AT INSIDE DIAMETER UNLESS OTHERWISE NOTED.

THE BEARING NORTH 60°28'30" EAST BETWEEN TWO
FOUND 1 1/4" BRASS DISKS WITH PUNCHES STAMPED
"LS 2769" IN MONUMENT WELLS, AS SHOWN ON
SUBDIVISION 3378, FILED IN BOOK 102 OF MAPS AT
PAGES 40-41, CONTRA COSTA COUNTY RECORDS

PORTION OF LOTS 364-A AND 364-B, AMENDED
OFFICIAL MAP OF UNITS ONE AND TWO, BERKELEY
COUNTRY CLUB TERRACE, (1 OM 25)
EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

BENICIA, CALIFORNIA
SCALE: 1" = 20'



✂ SET 5/8" REBAR AND PLASTIC CAP,
STAMPED "PLS 8647"

◇ SET 1 1/8" BRASS DISK ON TOP OF
CONCRETE CURB, STAMPED "PLS
8647"

APN	ASSESSORS PARCEL
DN	NUMBER
FBO	DOCUMENT NUMBER
SF	FOR THE BENEFIT OF
T	SQUARE FEET
	TOTAL

Subdivision Committee Resolution No. 18-01

APPLICATION NO. PL17-0184

A RESOLUTION OF THE CITY OF EL CERRITO SUBDIVISION COMMITTEE GRANTING APPROVAL FOR A TENTATIVE PARCEL MAP FOR A THREE LOT SUBDIVISION LOCATED AT 966 SEAVIEW DRIVE

WHEREAS, on December 21, 2017, the applicant submitted a Tentative Parcel Map to subdivide a parcel of 30,231 square feet into three parcels: proposed Parcel "1" would be 13,384 square feet, and is developed with a single family home; proposed Parcel "2" would be 6,964 square feet and is vacant, and proposed Parcel 3 would be 9,735 square feet, and is vacant; and

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

WHEREAS, the zoning district of the site is RS-5 (Single Family Residential); and

WHEREAS, the address of the site is 966 Seaview Drive, APN 505-221-041; and

WHEREAS, no change to the existing residential dwelling unit for Parcel 1 is proposed, and it is expected that a new single family residence will be constructed on proposed Parcels "2" and "3"; and

WHEREAS, on May 29, 2018, the Subdivision Committee of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

Section 19.06.030 El Cerrito Municipal Code:

1. *All provisions of this Chapter are met.*

The proposed parcel map is processed under the requirements of Chapter 18.12 Tentative Maps of the Subdivision Ordinance. Proposed Parcel 1 is developed with a single family residence, and is to be 13,384 square feet. Proposed Parcel 2 is to be 6,964 square feet, and proposed Parcel 3 is to be 9,735 square feet. Both of these proposed parcels are undeveloped and it is anticipated that one single family residence would be constructed on each lot. All of the proposed parcels exceed the minimum lot size of 5,000 square feet for an interior lot, and 6,000 square feet for a corner lot, as well as the minimum lot dimensions as specified in the Zoning Ordinance Section 19.06.030 of the El Cerrito Municipal Code.

2. *The proposed project is consistent with the General Plan, and any applicable specific plans.*

The project is consistent with the General Plan in terms of the following policies: LU 1.1, Predominate Single-Family Use, LU1.5, Suitable Housing, CD1.1 Neighborhood Character, CD2.1 Street Frontages, CD4.3, Front Yards, and CD5.1 Design Review Process.

3. *The proposed project will conform to the El Cerrito Municipal Code in effect at the time of tentative or parcel map approval.*

At 13,384 square feet, proposed Parcel 1 exceeds the minimum lot size of 6,000 square feet for a corner lot in the RS-5 Single Family Residential zoning district. Proposed Parcels 2 and 3 exceed the

minimum lot size of 5,000 square feet for an interior lot in the RS-5 zoning district parcel. Proposed Parcel 1 will be approximately 100 feet in width along Seaview Drive, and will be approximately 120 feet in length; proposed Parcel 2 is to be approximately 58 feet in width, and 120 feet in length; and proposed Parcel 3 is to be 85 feet in width, and approximately 140 feet in length. All of the resulting parcels meet the minimum lot dimensions of 50 feet in width and 100 feet in length for the RS-5 zoning district. The project is consistent with Section 19.06.030 of the El Cerrito Municipal Code.

4. *The site is physically suited for the type of development and the proposed density of the development.*

The General Plan and Zoning Ordinance allows for a density of 9 units to the acre for the RS-5 Single Family Residential zoning district. With the existing lot size of 30,231 square feet, at more than two-thirds of an acre, the lot can accommodate the subdivision of one parcel into three resulting parcels, and the creation of two new residential units.

5. *All parcels created have adequate and safe access from a public street of both vehicles and pedestrians.*

The applicant was required to prepare a report that discussed sight distances, and turning radii for the proposed two new lots that would have access from Moeser Lane. As part of this report, the transportation consultant also reviewed these topics: the existing street network and site access; current traffic volumes and speed in the area at Seaview Drive, and Moeser Lane; site traffic generation analysis from the proposed two new lots; a driveway operation analysis; driveway sight distance evaluation, and traffic collision history.

This report indicates that the proposed driveways will operate at Level of Service (LOS) B or better, and that the striped median in front of the two lots on Moeser Lane will need to be modified as a two-way-left-turn-lane to provide left-turn access into the proposed two lots. This has been included as a condition of approval under the comments from the Public Works Department for the project. Additionally, the report indicates that there is available sight distance from the west, as 146 feet is required, and the available sight distance is 375 feet. For the east direction, the requirement of 202 feet is exceeded by the sight distance of 230 feet. Therefore, there is sufficient sight distance in either direction for the proposed three-lot subdivision.

The applicant requested the installation of this hydrant as there is a gap in the water line along the south side of Moeser Lane from Seaview Drive to Shevlin Drive. The installation of this new fire hydrant will be sited in the area by EBMUD; this language has been included as a condition of approval under the comments from the El Cerrito Fire Department.

Any new residential construction on proposed Parcels 2 and 3 will have new sidewalk installed along the Moeser Lane frontage, and will allow pedestrians in the area to use this feature when walking in this neighborhood. Language has been created as a condition of approval to require this improvement for the proposed Tentative Parcel Map.

6. *The proposed subdivision, together with the provisions for its design and improvement, are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat, unless an EIR was prepared and a finding was made that specific economic,*

social, or other considerations make the mitigation measure or project alternatives infeasible, pursuant to Section 21081 (a) (3) of the Public Resources Code.

The proposed subdivision will not cause environmental damage or substantially and unavoidably injure fish and wildlife or their habitat. The 30,213 square feet parcel is located in an urban setting and has already been developed as a residential lot.

Chapter 18 of the Subdivision Ordinance:

1. The proposed subdivision is in conformance with the law and this title whether the size and shape of the proposed lots are in general conformance to city requirements.

At 13,384 square feet, proposed Parcel 1 exceeds the minimum lot size of 6,000 square feet for a corner lot in the RS-5 Single Family Residential zoning district. Proposed Parcels 2 and 3 exceed the minimum lot size of 5,000 square feet for an interior lot in the RS-5 zoning district parcel. Proposed Parcel 1 will be approximately 100 feet in width along Seaview Drive, and will be approximately 120 feet in length; proposed Parcel 2 is to approximately 58 feet in width, and 120 feet in length; and proposed Parcel 3 is to be 85 feet in width, and approximately 140 feet in length. All of the resulting parcels meet the minimum lot dimensions of 50 feet in width and 100 feet in length for the RS-5 zoning district. The project is consistent with Section 19.06.030 of the El Cerrito Municipal Code.

2. Whether the proposed lots will have a proper and sufficient access to a public street.

As discussed above, new sidewalk will be installed along the Moeser Lane frontage for proposed Parcels 2 and 3. The existing striped median in front of the two lots on Moeser Lane will need to be modified as a two-way-left-turn-lane to provide left-turn access into the proposed two lots. This has been included as a condition of approval under the comments from the Public Works Department for the project.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Subdivision Committee hereby approves Application No. PL17-0184, subject to the following conditions:

Planning Division:

1. The project shall be developed and maintained substantially in compliance with the plans dated December 21, 2017 except as amended by subsequent conditions of this Resolution. Minor changes may be approved by the Zoning Administrator.
2. The scope of this Subdivision Committee approval shall be limited to the approval of a Tentative Parcel Map for a three lot minor subdivision.
3. If not recorded, this Subdivision Committee approval of a Tentative Parcel Map shall expire two years from the date of this action.
4. When new residences are constructed, they will be subject to the zoning regulations in place at the time that the building permit is submitted. Currently, dwellings to be constructed that

are two-stories require an application for a Residential Architectural Design (RAD). A new single story residence is not required to go through a RAD process.

5. Prior to the issuance of a building permit, a construction staging plan shall be submitted to the Zoning Administrator. The construction staging plan shall illustrate where the construction equipment will be staged and the location of parking for the construction employees. This construction and staging plan may also require the submission of a Temporary Use Permit.
6. Any fence constructed shall not be any taller than three feet for the first 22 feet of proposed Parcels 2 and 3. This is to allow the residents of these proposed parcels to see each other when backing out.
7. Any landscaping shall not be taller than three (3) feet for the first 22 feet of proposed Parcels 2 and 3. This is to allow the residents of these proposed parcels to see each other when backing out.
8. All of these Conditions of Approval listed in this Resolution are applicable to any future residential development on proposed Parcels 2 or 3.

Building Division:

9. The properties are located in a slide zone as well as a high fire hazard zone. Any development will need geotechnical analysis for the foundation design and will require use of materials for building in a high fire hazard zone.

Public Works:

10. Prior to the recordation of the Final Map, the applicant/developer must submit additional information noting the type of street improvements and utilities which are to be installed, including but not limited to, a new driveway and sidewalk for proposed Parcels 2 and 3 to be ADA compliant, as well as any required street trees to the satisfaction of the Director of Public Works. The issue of the location of the driveway and sidewalk, and ADA compliance are being addressed through a building permit that is still being reviewed by the City of El Cerrito for proposed Parcel 1.
11. For any work in the Public Right-of-Way, street cuts, street tree, sidewalk, curb/gutter, and driveway work, applicant must obtain a Public Works Encroachment Permit and pay all associated fees. Any sidewalk, curb ramp and driveway work shall meet current ADA and City of El Cerrito Standards. Please refer to the Maximum Driveway Profile, LL1031, adopted October 2002 and Standard Driveway Profile, dated April 23, 2010, prepared by the City of El Cerrito Public Works Department.
12. The subdivider must prepare a Final Map per Chapter 18.16 of the El Cerrito Municipal Code (ECMC). Upon approval of the documents, the applicant or an authorized agent shall record all documents with the County of Contra Costa. After recording of the Final Map, the

applicant or authorized agent shall return a copy of all recorded materials to the City Engineer.

13. Prior to the issuance of a building permit:

- a. the Applicant shall provide a detailed drainage plan including rain leaders, roof slopes, downspouts, etc.
- b. the applicant/developer of the specific lot shall clearly show the proposed connections to water and sewer.
- c. all new fences shall be shown on the development plan and will be included as part of the building permit set.
- d. submit a preliminary soils report per Chapter 18.20 of the (ECMC).
- e. submit a preliminary grading plan prepared by a registered civil engineer. All site grading shall be done per Chapters 8 and 13 of the (ECMC) and all other relevant laws, rules and regulations. Prior to commencing any grading in excess of 50 cubic yards, obtain a grading permit and approval from the Public Works Department.
- f. submit a preliminary plan for soil and erosion and sediment control.
- g. Projects that create or replace 2,500 to 10,000 square feet, (which this project may do when considering the new concrete driveway and other site improvement), are required to submit a Stormwater Control Plan for Small Development Projects that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C3 Guidebook. Refer to following links for more information:
http://cccleanwater.org/Publications/Guidebook/2013/C3Update_Jan_2013_d2.pdf
and
<http://cccleanwater.org/Publications/Guidebook/2012/StormwaterControlPlanforSmallL andDevelopmentProjects2012-12-01.pdf>.
- h. earthwork and grading operations in excess of 50 cubic yards will require the applicant to submit a detailed grading plan, obtain a Grading & Transportation Permit and pay all associated fees.
- i. plans for removal and replacement of all sidewalk and driveway approaches along project frontage to be ADA-compliant. These improvements along with any new street trees will require a Public Works Encroachment Permit.
- j. compliance with other applicable requirements in Chapters 8.40 Stormwater Management and Discharge Control, 18.24 (General Regulations and Design) and 18.28 Improvements, of the El Cerrito Municipal Code.

The reports and plans shall be submitted and approved, or any necessary agreements executed, to the satisfaction of the Director of Public Works.

14. Prior to the issuance of a Certificate of Occupancy:

- a. the developer/applicant shall be responsible for completing all the traffic recommendations in the report prepared by PHA Transportation Consultants, dated February 16, 2018, along with any associated signage in the public right-of-way as required by the Engineering Manager. A copy of this report is included as Exhibit 1 to this Resolution. This work shall be done as part of a Public Works Encroachment Permit.
- b. the developer/applicant shall install sidewalk, curb and gutter along the property frontages that meet current City and ADA standards, along with a new ADA compliant curb ramp on the southeast corner of Moeser Lane and Seaview Drive.

Fire Department (required for the issuance of a building permit for 15-21):

15. All new dwelling units on the parcels shall be required to comply with the following conditions:
 - a. Building construction shall meet current California Building, Fire, and Residential Codes and the El Cerrito Fire Code.
 - b. Door from the dwelling to an attached garage shall be self closing, self latching, 1 3/8 inch solid core, 1 3/8 inch steel or 20 minute rated door.
 - c. All electrical breakers shall be labeled.
16. Carbon Monoxide Detectors
 - a. Carbon monoxide alarm shall be installed outside of and adjacent to sleeping areas where fuel-burning appliances are installed; and in dwelling units that have attached garages.
 - b. Carbon Monoxide detectors shall be installed in accordance with NFPA 720.
 - c. Carbon Monoxide alarms shall be 120 v Powered with battery backup and be interconnected with the smoke detectors.
17. Smoke Detection
 - a. Smoke detection shall be installed in each bedroom, in hallways adjacent to bedrooms, and one detector per floor level (top and bottom of stairs).
 - b. Smoke detectors shall be 120v powered with battery backup.
 - c. Smoke detectors shall be interconnected.
18. Automatic Fire Sprinklers
 - a. NFPA 13D Automatic Fire Sprinklers are required throughout.
 - b. Plans shall be submitted for review and approval under separate cover.
19. Premises Identification
 - a. Approved numbers or address shall be provided in such a position to be plainly visible and legible from the street fronting the property.
 - b. Address shall be either internally or externally illuminated.
20. Emergency Egress
 - a. Every sleeping room shall have at least one operable window or door approved for emergency escape or rescue.
 - b. Escape or rescue windows shall be installed in accordance with California Residential Code R310.2.1 & R310.2.2.
21. Wildland-Urban Interface
 - a. Area is located within designated Very High Fire Hazard Severity Zone (VHFHSZ) and is subject to the requirements of the Wildland-Urban Interface. Building construction shall meet all applicable codes and requirements including those in CRC Section R337.
 - b. El Cerrito Vegetation Management Standards shall be strictly enforced.
 - c. State Law and City Ordinance require that all roofing within the VHFHSZ be Class B or better in new construction.
 - d. Spark arresters with a maximum of 1/2" openings in the mesh are required over the outlet of chimney shall be installed.

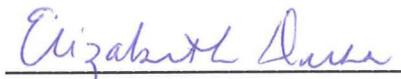
22. Fire Hydrant

- a. This project requires one East Bay Municipal Utilities District (EBMUD) fire hydrant to be installed to meet fire water requirements).
- b. The EBMUD fire hydrant shall be installed in the area adjacent to the project as recommended or proposed by EBMUD.
- c. The installation of the new hydrant shall be completed prior to the issuance of a Certificate of Occupancy for any new residential construction for proposed Parcels 2 or 3. An encroachment permit must be issued by the El Cerrito Public Works Department for the installation of the new fire hydrant. Coordination with EBMUD and the Fire Department is required for the installation of the new fire hydrant.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Subdivision Committee at a regular meeting held on May 29, 2018, upon motion of Committee member Colin, second by Committee member Crump:

AYES: Colin, Crump, Hanin, Ortiz
NOES: None
ABSTAIN: None
ABSENT: None



Elizabeth Dunn
Consulting Planner

Planning Commission Resolution No. 19-01

APPLICATION NO. PL18-0099

A RESOLUTION OF THE CITY OF EL CERRITO PLANNING COMMISSION VERIFYING COMPLIANCE OF AND RECOMMENDING APPROVAL FOR A FINAL PARCEL MAP FOR THREE LOTS ON A SITE LOCATED AT 966 SEA VIEW DRIVE WITH ASSESSOR'S PARCEL NUMBER 505-221-041

WHEREAS, the existing address of the site is 966 Sea View Drive; and

WHEREAS, the existing Assessor's Parcel Number of the site is 505-221-041; and

WHEREAS, on December 21, 2017, the applicant submitted a Tentative Parcel Map to subdivide a parcel of 30,231 square feet into three parcels: proposed Parcel "1" would be 13,384 square feet, and is developed with a single family home; proposed Parcel "2" would be 6,964 square feet and is vacant, and proposed Parcel 3 would be 9,735 square feet, and is vacant; and

WHEREAS, the Tentative Parcel Map for the project was approved by the El Cerrito Subdivision Committee on May 19, 2018; and

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

WHEREAS, the zoning district of the site is RS-5 (Single Family Residential); and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act pursuant to Section 15315: Class 15, Minor Land Divisions; and

WHEREAS, approval of the Final Parcel Map is governed by Sections 66444 – 66450 of the State of California Government Code (Subdivision Map Act) and Title 18 Divisions of Land of the El Cerrito Municipal Code; and

WHEREAS, the staff report includes facts that determine that the Final Map is in conformity with the requirements of Title 18 of the El Cerrito Municipal Code, further it conforms with the requirements of Tentative Parcel Map including all changes permitted and all requirements imposed as a condition to its acceptance; and

WHEREAS, the Final Parcel Map is consistent with the Zoning Ordinance and General Plan of the City of El Cerrito; and

WHEREAS, on January 16, 2018, the Planning Commission of El Cerrito, after due consideration of all evidence and reports offered for review, does find and determine the following:

1. The Final Map and its attachments are found to be in conformance with the Tentative Map along with all requirements imposed as conditions of acceptance listed in the Subdivision Committee Resolution 18-01.

2. The project is consistent with the El Cerrito General Plan and will implement the following policies of the General Plan: LU1.1, LU1.5, CD1.1, CD2.1, and CD4.3.
3. Approval of the Final Map would allow the creation of single family homes on proposed Parcels 2 and 3. Proposed Parcel 1 is developed with a single family residence. The proposal is consistent with the purpose of the RS-5 district where it is located and conforms in all significant respects with the El Cerrito General Plan.

NOW, THEREFORE, BE IT RESOLVED, that after careful consideration of maps, facts, exhibits, correspondence, and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the El Cerrito Planning Commission hereby finds the Final Map is in conformity with the requirements of Title 18 of the El Cerrito Municipal Code in that it conforms with the Tentative Map including all changes permitted and all requirements imposed as a condition to its acceptance and hereby recommends approval of the Final Map to the City Council.

CERTIFICATION

I CERTIFY that this resolution was adopted by the El Cerrito Planning Commission at a regular meeting held on January 16, 2019 upon motion of Commissioner Navarrete, second by Commissioner Crump:

AYES: Hansen, Crump, Gillett, Mendez, Navarrete
NOES: None
ABSTAIN: Lucas
ABSENT: Bloom



Sean Moss, AICP
Acting Planning Manager



AGENDA BILL

Agenda Item No. 7(A)

Date: February 19, 2019
To: El Cerrito City Council
From: Aissia Ashoori, Affordable Housing Analyst
Melanie Mintz, Community Development Director
Subject: Tenant Protections Study Session: *El Cerrito 2017 Affordable Housing Strategy*, Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations

ACTION REQUESTED

Receive a presentation regarding tenant protection tools, discuss policy and program options, and provide staff direction towards development of integrated package of tenant protection ordinances.

BACKGROUND

In August 2017, the *El Cerrito Affordable Housing Strategy (Strategy)* was adopted by City Council (Resolution 2017-61). The *Strategy* (available at www.el-cerrito.org/affordablehousing) was developed based upon an evaluation of the City's existing affordable housing programs and resources and it aimed to proactively identify programs and policies that could be advanced in the near- and medium-term to meet the City's housing goals, as articulated in the City's *2015 Housing Element* and *San Pablo Avenue Specific Plan*. The goals of the *Strategy* set the framework over the next five years to ensure that the City advances policies and programs to produce, protect and preserve housing at all income levels.

The *Strategy* identified the following four policy pillars to guide the City's affordable housing efforts:

- A. Leverage Private Development to Address Affordable Housing Needs
- B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations
- C. Encourage Development of Missing Middle Housing Types
- D. Increase Local Funding to Continue Support of Low Income and Special Needs Housing Development

Since the adoption of the *Strategy*, a full-time Housing Analyst was hired in the Community Development Department in January 2018 to carry out the goals/programs identified in the *Strategy*. Since the position was filled, the City has developed and adopted an Inclusionary Zoning Ordinance to leverage new private development to provide new affordable housing needs, addressing Pillar A of the Affordable Housing Strategy.

To advance the strategies identified in *Pillar B, Strategy 4-2: Consider enacting an ordinance to regulate the demolition of existing housing units, including requiring tenant relocation assistance and Strategy 6-1: Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities*, staff held a study session with Council on August 21, 2018 to discuss near-term and medium-term tenant protection tools. At this meeting, staff received direction from the City Council to develop a package of tenant protections ordinances.

On December 18, 2018, staff introduced four tenant protection ordinances for City Council consideration: 1) Rent Review Program; 2) Minimum Lease Term; 3) Termination of Tenancy; and 4) Tenant Relocation Assistance triggered by demolition, remodel, renovation or repurposing of a property. Of these ordinances, Council introduced three, the Minimum Lease Term and Termination of Tenancy, as written. The Tenant Relocation Assistance ordinance was introduced with amendments to include a provision wherein a 20% rent increase over a two-year period would trigger relocation assistance with an additional payment of one month's rent for special circumstances households, as defined in the ordinance. Council also directed staff to return with "Just Cause Eviction" and an ordinance to create a mandatory method for collecting data regarding rents for residential units (a "Rent Registry").

Staff returned on January 15, 2019 for the second reading of the introduced ordinances. Given that the four ordinances introduced on December 18th were part of an integrated package and in consideration with the City Council's direction to return with Just Case Eviction and Rent Registry, action was deferred by Council at that meeting. In the interest of maintaining an integrated package of Tenant Protection Ordinances and conservation of budget and staff resources for implementation and administration, the City Council accepted staff's recommendation to defer action on the Tenant Protection Ordinances until after the Council has had an opportunity to evaluate the introduced ordinances as a package along with a potential Just Cause Eviction ordinance and Rent Registry ordinance.

Because of the additional tenant protection tools being considered, this Study Session will focus on the applicability, costs, and characteristics of Just Cause for Eviction, Rent Registry, and Tenant Relocation Assistance; along with how these would interact with the ordinances introduced on December 18th.

FINANCIAL CONSIDERATIONS

There are no immediate financial considerations and costs associated with tonight's study session. However, adoption and implementation of any of the tenant protection programs under consideration would require expenditures and is a topic of the study session. Some programs may be self-funded, other programs will require third-party service providers, outside legal assistance, additional city attorney time, and additional staff support.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Tenant Protection Tools Study Session (PowerPoint Presentation)
2. Written Public Comments Received

THE CITY OF EL CERRITO TENANT PROTECTION TOOLS STUDY SESSION

FEBRUARY 19, 2019



1

OVERVIEW OF TONIGHT'S AGENDA

- Purpose
- Background
- New Tenant Protection Tools
 - Just Cause for Eviction
 - Rent Registry
 - Tenant Relocation triggered by rent increases
- Already Introduced Policies
- Policy/Program Considerations
- Next Steps/Discussion

2

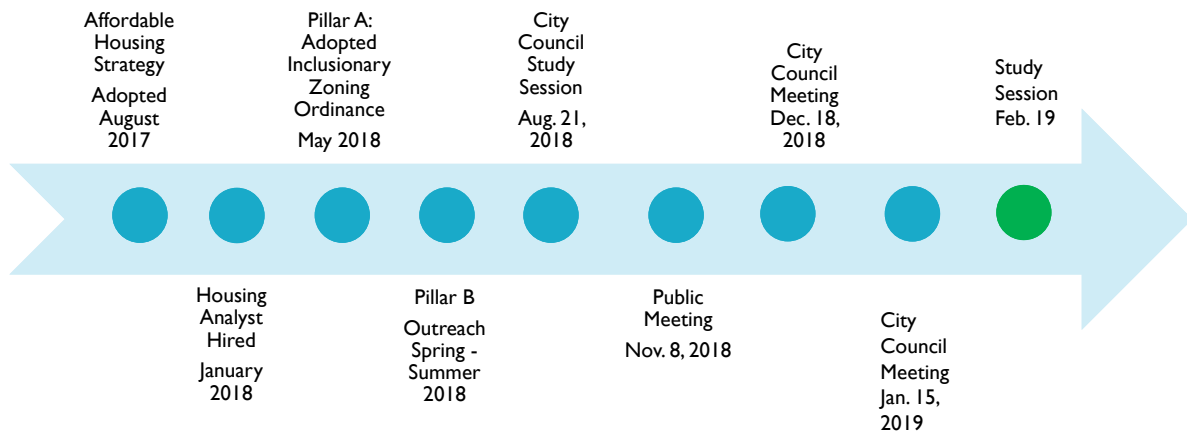
PURPOSE

To inform and discuss tenant protection policies requested by City Council; and

Provide staff direction for program development.

3

TIMELINE



4



**City Council Meeting to Study
Tenant Protections**
**Reunión del Ayuntamiento para
estudiar las protecciones de los
inquilinos**
市议会租民保护研究会议



The City Council is holding a study session to examine a variety of tenant protection policies. Tenants and landlords, attend this public meeting to learn more and give your input.

Tuesday, February 19, 2019 — 7PM
19 de febrero de 2019 — 7PM
2019年2月19日 — 晚上7点

El Cerrito City Hall, Council Chambers
10890 San Pablo Ave, El Cerrito
www.el-cerrito.org/AffordableHousing

**MEETING NOTICE:
CITY-WIDE MAILER**

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EL CERRITO HOUSING POLICIES

- 2014: San Pablo Avenue Specific Plan
- 2015-2023: Housing Element
- 2017: Affordable Housing Strategy
- 2018: Inclusionary Zoning Ordinance

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OTHER RENTAL HOUSING POLICIES



Residential Rental Inspection Program (RRIP)
Established 1997

- The goal of the RRIP is to ensure that rental housing units are in compliance with Health & Safety Codes
- All rental housing units in El Cerrito are subject to RRIP
- Business License Required



Condominium Conversion Ordinance,
El Cerrito Municipal Code Chapter 19.45
Established 2008

- Regulations that apply to the conversion of existing multifamily rental housing to condominiums
- Tenant's Right to Purchase
- Moving Expenses = two times the monthly rent



Soft-Story Retrofit Inventory Grant Application
Submitted September 2018

- Seeking FEMA grant funding to study and inventory soft-story structures in El Cerrito
- Goals: Reduce risks to human life, preserve housing stock and infrastructure
- Data from this study will be used to inform our hazard mitigation efforts

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EL CERRITO HOUSING ELEMENT 2015-2023 (ADOPTED MAY 2015)

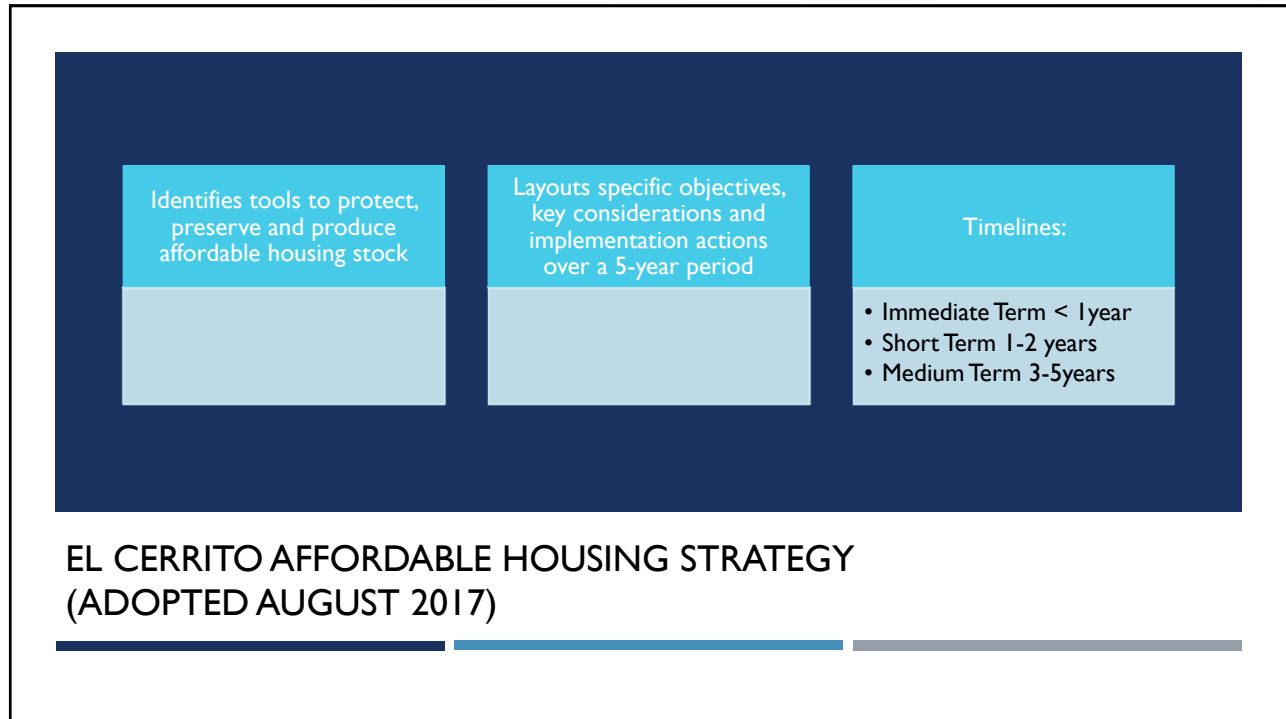
Goal H1: Existing Housing, Program H1.4. Evaluate Displacement

- The City will participate, as appropriate, in studies of regional housing need and displacement, and consider policies or programs to address the displacement of low income residents. (Source: New Program)

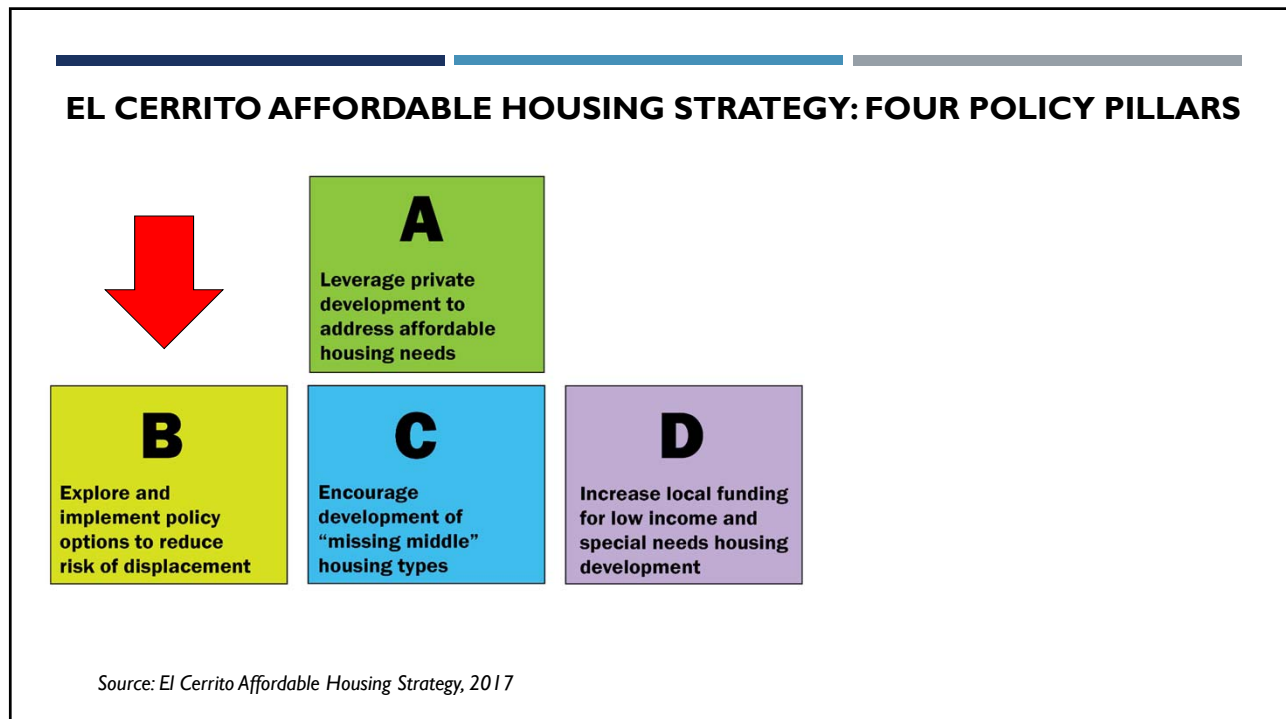
Goal H1: Existing Housing, Program H1.6. Eviction for Good Cause Ordinance

- The City shall vet and consider adopting a Good Cause Ordinance for Eviction Ordinance that would prohibit landlord from terminating tenancy without good cause. (Source: New Program)

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PILLAR B STRATEGIES: HIGH PRIORITY IMPLEMENTATION ACTIONS

Strategy 4: Implement policies to preserve low-cost housing stock.

4-2. Consider enacting an ordinance to regulate the demolition of existing housing units, including requiring tenant relocation assistance.

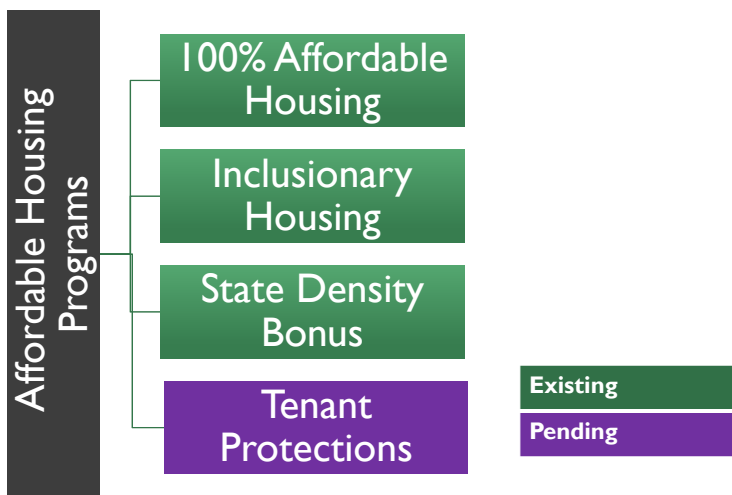
Strategy 6: Explore potential tenant protection policies.

6-1. Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities.

B

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CITY AFFORDABLE HOUSING TOOLBOX



12

2018 Area Median Income Limits (AMI) for Contra Costa County					
Household Size	Extremely Low 30% of AMI	Very Low Income 50% of AMI	Low Income 80% of AMI	Median Income 100% of AMI	Moderate Income 120% of AMI
1	\$24,400	\$40,700	\$62,750	\$73,100	\$87,700
2	\$27,900	\$46,500	\$71,700	\$83,500	\$100,250
3	\$31,400	\$52,300	\$80,650	\$93,950	\$112,750
4	\$34,850	\$58,100	\$89,600	\$104,400	\$125,300
5	\$37,650	\$62,750	\$96,800	\$112,750	\$135,300
6	\$40,450	\$67,400	\$103,950	\$121,100	\$145,350

DEFINITIONS OF AREA MEDIAN INCOME CATEGORIES

Source: The California Department of Housing and Community Development (HCD)

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BACKGROUND: HOUSEHOLD INCOME RANGE BY INCOME CATEGORY				
Income Category	El Cerrito		Contra Costa County	
	Households	Percent	Households	Percent
Extremely Low Income	1,030	10.4%	41,650	11%
Very Low Income	1,050	10.6%	37,410	10%
Low Income	1,135	11.5%	48,360	13%
Moderate Income	1,770	17.9%	66,452	18%
Above Moderate Income	4,880	50%	171,796	47%
Total Households	9,865	100%	365,668	100%

Population: 23,862

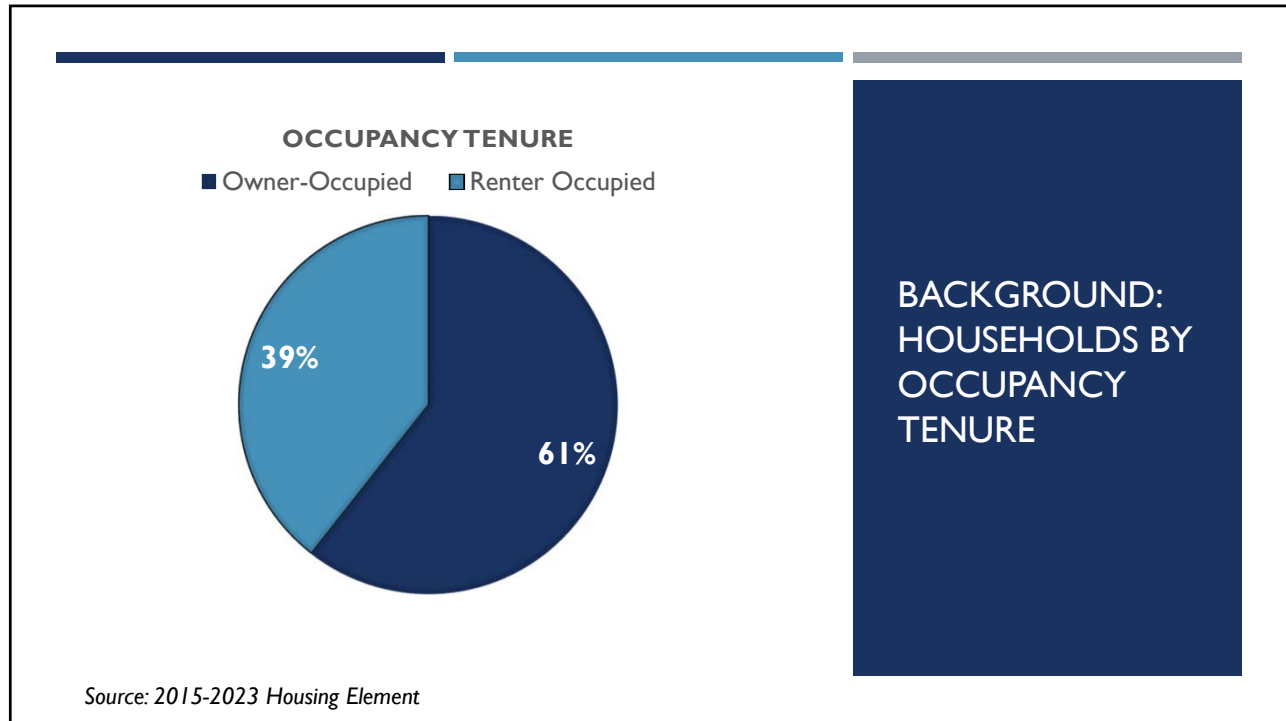
Size: 3.66 square miles

Median Income: \$104,400 (4-persons)

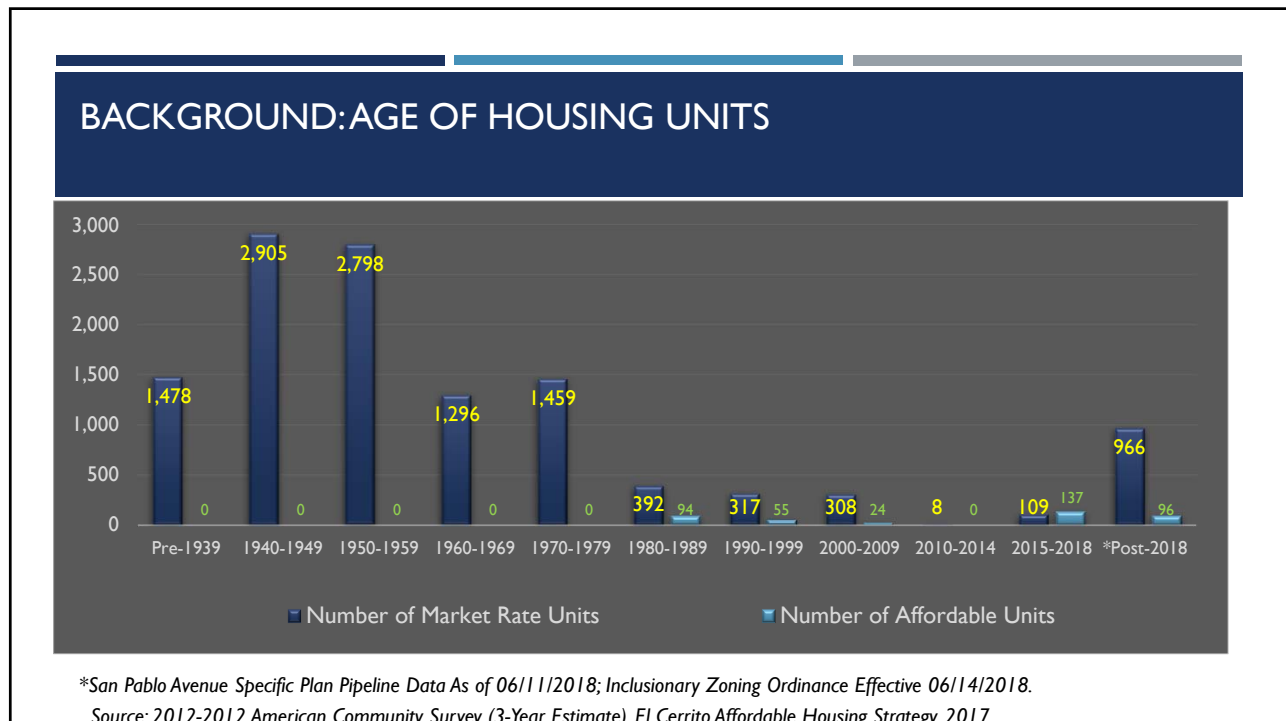
Source: 2015-2023 Housing Element and
CA Department of Housing and Community Development, State Income Limits for 2018



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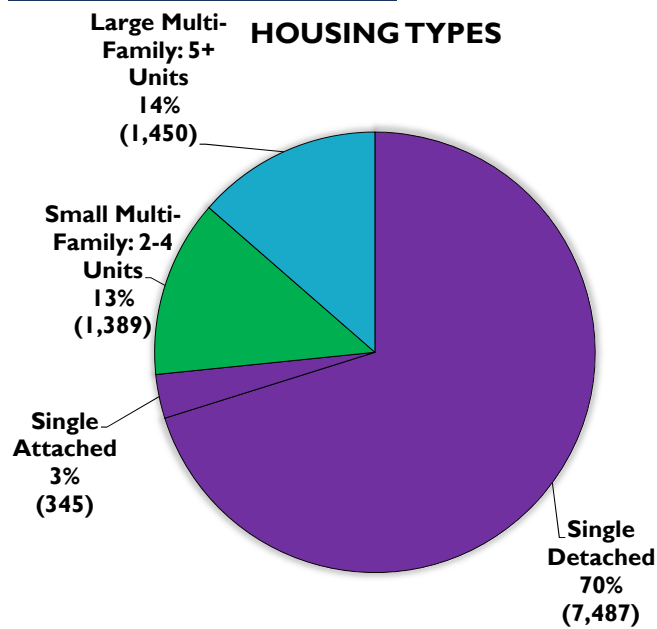


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HOUSING TYPES

PROPERTY TYPES	DESCRIPTIONS
Costa-Hawkins	• Single-Family • Condominiums, Townhomes • Multi-family units built after Feb. 1995
Small Multi-Family	• Duplex • Triplex • Quadraplex
Large Multi-Family	• 5+ Units

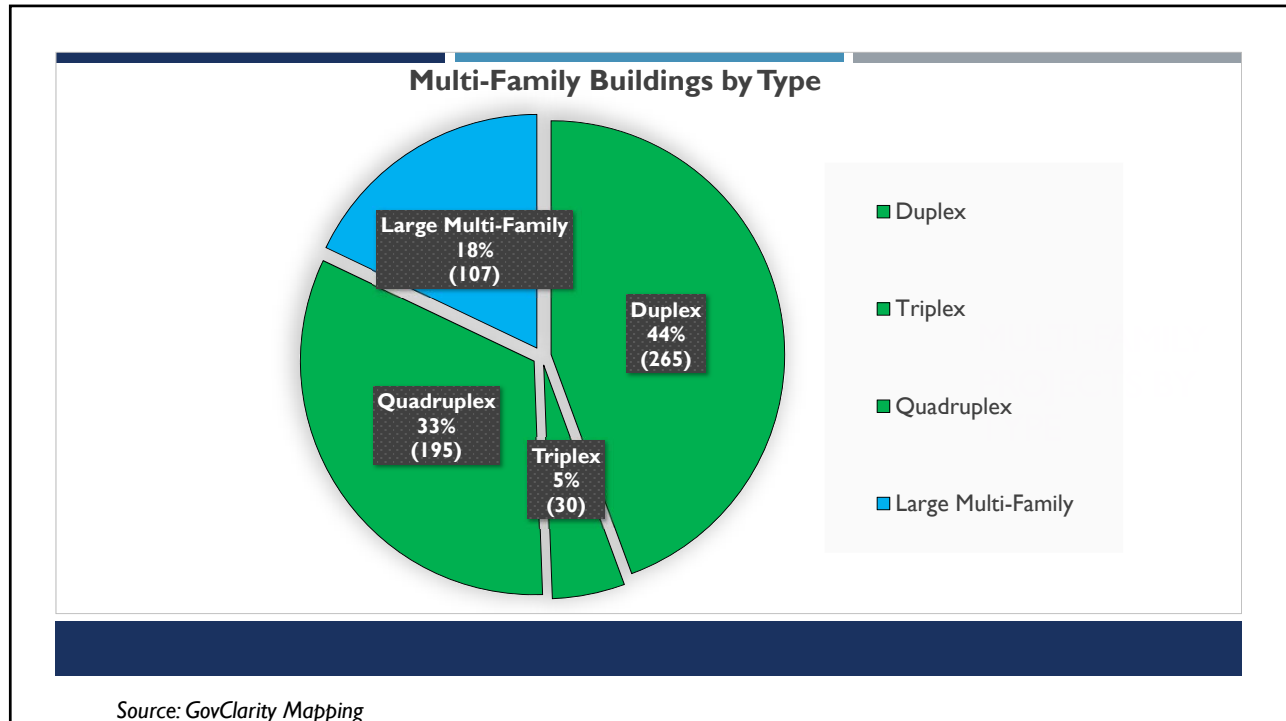
17



Source: 2015-2023 Housing Element

HOUSING TYPES:
HOUSING
INVENTORY
ESTIMATES IN
EL CERRITO
(2014)

18



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HOUSING TYPES: COMMON EXCEPTIONS

Exceptions:

- Single-family residence (even if rented)
- Condo, townhomes, etc.
- A multi-family rental unit with a Certificate of Occupancy issued after February 1995
- A room rental
- Accessory Dwelling Units (ADU)
- Hotels, motels, bed and breakfasts, etc.
- Tenancy that is condition of employment by a landlord
- Units whose rents are controlled by any government agency

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BUSINESS LICENSES



896 Active Licenses

One license per building is required



2,618 UNITS REGISTERED

2,098 multi-family
533 single-family/condo

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EXISTING STATE LAW

The Costa-Hawkins Rental Housing Act:

Limits local jurisdictions ability to impose rent stabilization ordinances.

Vacancy Decontrol allows landlord to set new rent for next tenant.

Rent stabilization measures may not apply to single-family homes, condos or any property built after February 1, 1995.

CA Civil Code Section 1946.1 - Termination of Tenancy

Termination of tenancy requires a 60-day notice or

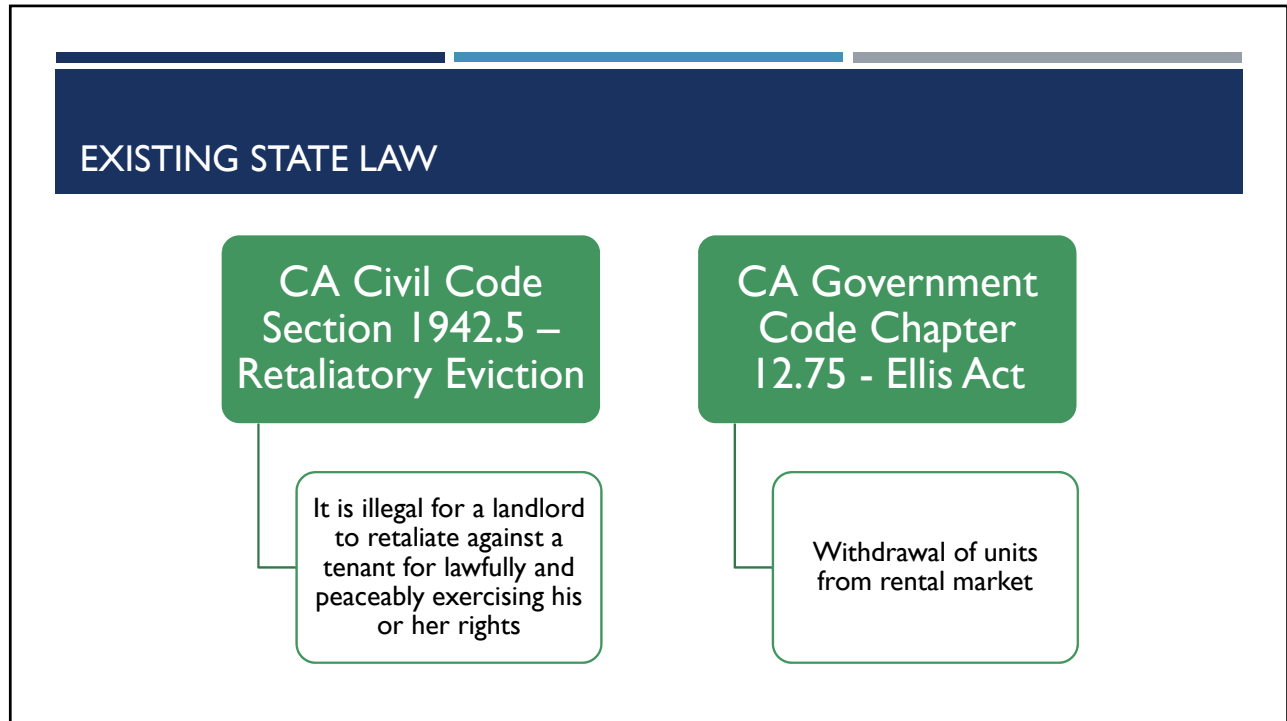
30-day notice for less than one year

CA Civil Code Section 827b - Rent Increase Notice

30-days if less than 10% ≤

60-days if greater than 10%

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JUST CAUSE FOR EVICTIONS: OVERVIEW

Purpose	- Restricts reasons for which landlord can evict - Tenants must be provided specific “for cause” - Typically includes Harassment Protections
Eligible Units	Generally includes 2+ or 3+, but may include all rental properties (incl. single family)
Program Administrator	City staff, 3 rd Party Program Administrator, Landlords, Tenants and generally Legal Aid
Rent Threshold	Does not apply to rent increases and typically paired with rent control/increase programs
Participation	Mandatory
Noticing Process	Landlord required to provide notice of tenant rights to all prospective/existing tenants
Enforcement	Complaint Based or Mandatory Participation; Civilly Enforced
Costs	Medium

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Termination Process:

- 30, 60 or 90-day Notice of Termination of Tenancy
- Notice to Quit
- Unlawful Detainer Action

Reasons to Evict:

- Failure to Pay Rent
- Breach of Lease
- Nuisance or Criminal Activity
- Ellis Act (withdrawal from market)

Anti-Harassment
Protections

Prohibits Discrimination
from Protected Class

JUST CAUSE FOR
EVICTIONS
EXISTING
STATE LAW

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JUST CAUSE FOR EVICTIONS: PROCESS & NOTICING REQUIREMENTS

Step 1: Landlord Requirements	Step 2: Notice of Tenants Rights	Step 3: Notice of Termination	Step 4: Civil Remedies
Must demonstrate the following: • Current Business License with the City • Unit is Registered as Rental with the City	Landlord must provide each tenant a Notice of Tenant rights upon: • Adoption of ordinance • Execution of New Lease Agreement • Renewal of Lease Agreement • Notice of Termination	If issued, landlord must provide notice that contains the reason(s) for termination of tenancy	Disputes are resolved in the following manner: • Pursued through civil action • City not involved

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JUST CAUSE FOR EVICTIONS: FOR-CAUSE & NO-FAULT REASONS

For-Cause Typically Includes:

- Failure to Pay Rent
- Breach of Rental Agreement
- Tenant Illegal Activities
- Tenant Violations of Health & Safety Code
- Failure to Allow Landlord Access
- Tenant Rejected Written Lease Extension
- Tenant Violated Occupancy Restriction
- Landlord Returning from Deployment

No-Fault (landlord caused):

- Ellis Act
- Owner Move-in or Owner Relative
- Major Rehabilitation/Renovation/Demolition
- Condominium Conversion
- Substantial Rehab for Health & Safety Governmental Order

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JUST CAUSE FOR EVICTIONS: ENHANCED HARRASSMENT PROTECTIONS

- Interrupt or fail to provide housing services
- Abuse of right to access the property
- Influence or offer payment in return for the tenant vacating
- Threaten the tenant by word or harm
- Refuse to cash or accept a rent check
- Violations of the tenants right to privacy
- Other repeated acts to substantially interfere with or disturb tenant

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JUST CAUSE FOR EVICTIONS:APPLICABILITY BY UNIT TYPE

PROPERTY TYPES	DESCRIPTIONS
Costa-Hawkins	Single-Family, Condominiums, Townhomes, Multi-family units built after Feb. 1995
Small Multi-Family	Duplex Triplex Quadraplex
Large Multi-Family	5+ Units

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JUST CAUSE FOR EVICTIONS: EXCEPTIONS

- **In general may exclude:**
 - A room or any other portion of any property occupied by landlord who rents or leases two or fewer bedrooms to one or more tenants
 - Accessory Dwelling Units (ADU)
 - Hotels, motels, bed and breakfasts, etc.
 - Housing accommodations in extend care facility, etc.
 - Tenancy that is condition of employment by a landlord (i.e. on-site manager's living unit)
 - Units whose rents are controlled by any government agency

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JUST CAUSE FOR EVICTIONS: PROS & CONS

PROS	CONS
Local regulations for which tenancy may be terminated	Costly
Transparent reason for termination	Lengthy proceedings
Stability for tenants	Added Pre-Screening

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JUST CAUSE FOR EVICTIONS: PROGRAM COSTS



Program Administration (ongoing)

City Staff

**0.25 FTE, Administrative Assistant*

Tenant Counseling

Landlord Counseling

Legal Aid (city subsidy)

Program Materials

**Newly identified staff resources*



Annual Costs

City Staff

City Attorney

Technology

Service Provider

Supplies



Start-up Costs

Workshops

Technology

Forms, Website

City Staff

City Attorney

Service Provider

**Added City Staff*

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JUST CAUSE: SCENARIOS

Scenario

- Landlord wants to occupy the rental unit
- Tenant asks landlord to make a repair and as a result landlord terminates tenancy
- Tenant violated the guest policy of the lease agreement by having an occupant reside in the property who is not named on lease
- Landlord accuses tenant of operating a business out of the rental unit

Outcome

- Allowed: Just Cause (no-fault)
- Not Allowed: Terminating a tenancy for this reason does not constitute a just cause
- Allowed: Just Cause (with proof)
- Unknown: Possible just cause, burden of proof must be provided by the landlord

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JUST CAUSE FOR EVICTIONS: PROGRAMS IN OTHER CITIES

City	Adopted	Rent Increase	Eviction Protections	Population	Budget	Fee Charged per Rental Unit	Full-Time Employee (FTE)	Funding Source
Emeryville	2016	None	Eviction & Harassment Protections	11,758	\$65,000	\$0.00	2	Local & County Housing Bond
Union City	2017	Tenant/Landlord Mediation: Non-Binding	Eviction & Harassment Protections	73,010	\$100,000	\$21.50 \$10.00	2	Cost-Recovery, County Housing Bond
Richmond	2016	Fair Rent Program	Just Cause for Eviction	111,785	\$2.4M	Range: \$207, \$100 or \$50	8	Cost-Recovery, General Fund
Berkeley	1980	Rent Stabilization	Eviction for Good Cause	121,238	\$4.5M	\$250	20.6	Local & County Housing Bond, Cost-Recovery

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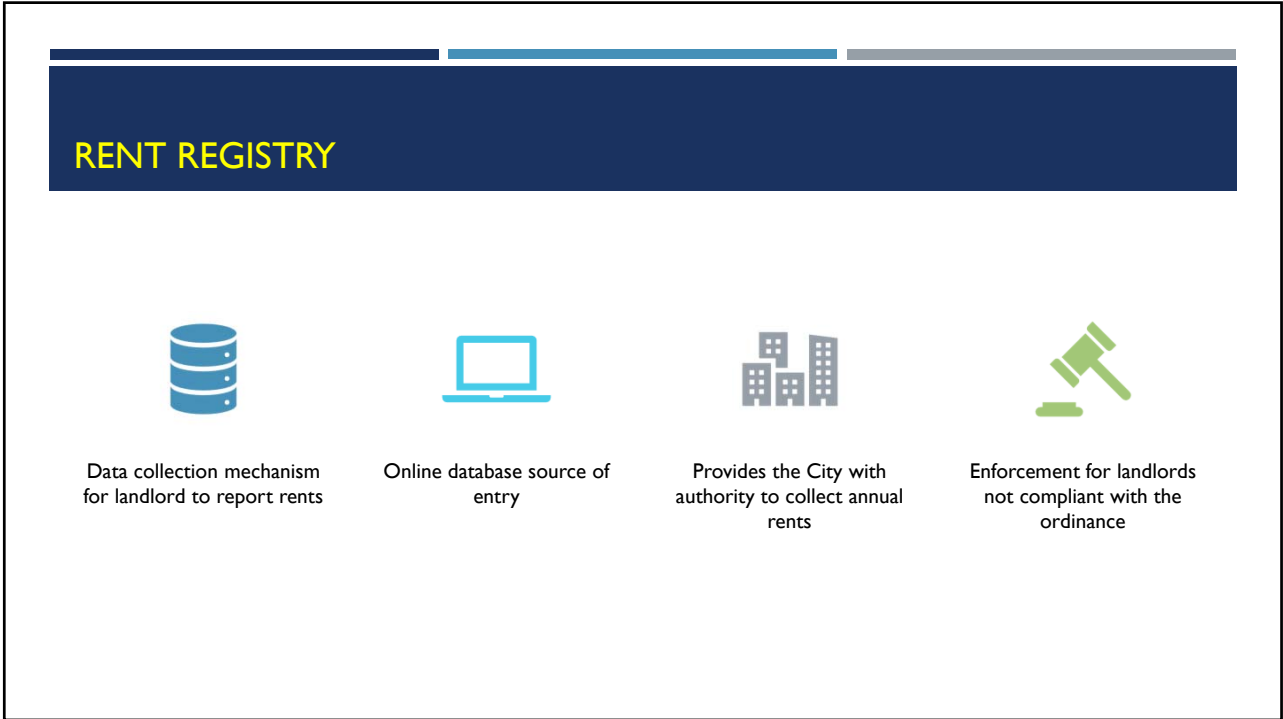
JUST CAUSE FOR EVICTIONS: CITY COUNCIL CONSIDERATIONS

- Types of Units?
- Regulate Notice of Termination?
- Collect Termination of Tenancy Data?
- Fund Legal Aid?

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RENT REGISTRY: OVERVIEW	
Purpose	To track and monitor rents as well as rent increases in El Cerrito
Eligible Units	Generally includes 2+ or 3+, but may include all rental properties (incl. single family)
Program Administrator	City staff (Housing Analyst, Finance), Database Administrator and Landlords
Rent Threshold	Does not apply to rent increases
Participation	Mandatory
Noticing Process	City will notify landlords on an annual basis simultaneously with business license renewals
Enforcement	City staff, Fines (i.e. Housing Analyst, Code Enforcement, City Attorney)
Costs	Medium-High

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RENT REGISTRY: DATA POINTS

OWNER INFORMATION	PROPERTY/UNIT INFORMATION	RENT HISTORY	OCCUPANCY STATUS
- Name - Contact Information - Address # of Units Owned in El Cerrito	- Address - Number of Units - Unit Number - Square Footage - Number of Bedrooms - Number of Bathrooms	- Previous Rent - Current Rent (auto calculation for % of rent increase) - Date of Rent Increase - Date of Move-In - Date of Move-Out	- Vacant - Occupied

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RENT REGISTRY: HOUSING UNIT TYPES

PROPERTY TYPES	DESCRIPTIONS
Costa-Hawkins	Single-Family, Condominiums, Townhomes, Multi-family units built after Feb. 1995
Small Multi-Family	Duplex Triplex Quadraplex
Large Multi-Family	5+ Units

40

RENT REGISTRY: EXCEPTIONS

- **In general exclude:**
 - A room rental
 - Accessory Dwelling Units (ADU)
 - Hotels, motels, bed and breakfasts, etc.
 - Housing accommodations in extend care facility, etc.
 - Tenancy that is condition of employment by a landlord
 - Units whose rents are controlled by any government agency
 - Units acquired by the city intended to be used for public purposes

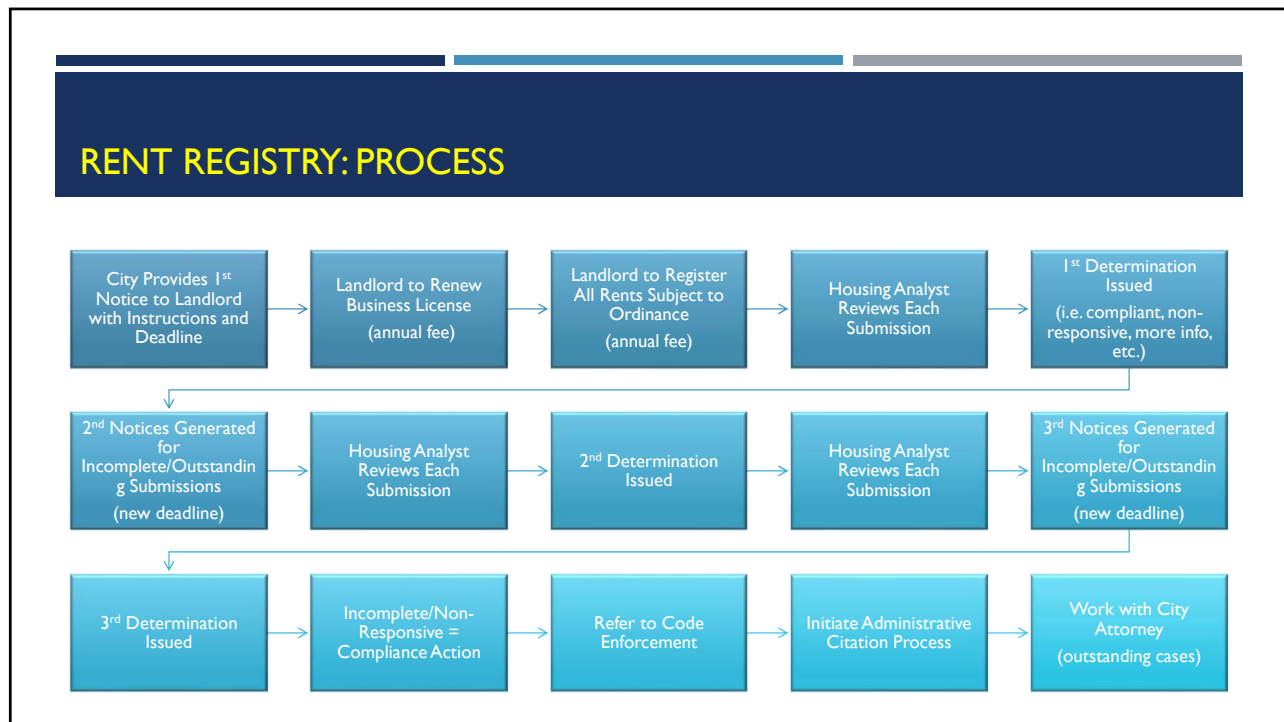
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Requires all rental
properties in El Cerrito
to be registered annually
through a rent registry

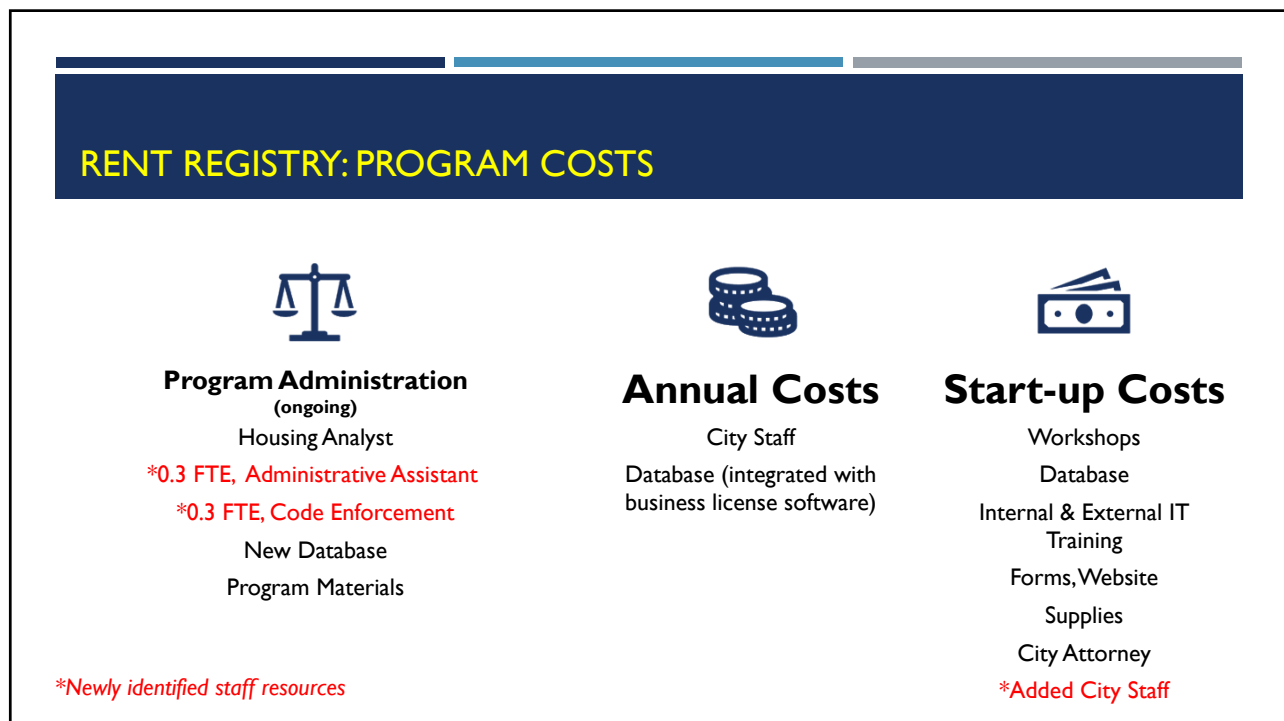
City staff and City
Attorney enforces the
requirements of the
ordinance

RENT REGISTRY: OVERVIEW

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RENT REGISTRY: PROS & CONS

PROS

- Local dataset to track and understand rents and rent increases
- Reporting Ability
- Data may be used to shape City's housing policies

CONS

- Generally paired with other programs (not standalone)
- Ability to implement with existing administrative staff is limited
- Additional IT, Code Enforcement and Administrative Staff expenses

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RENT REGISTRY: OTHER CITIES

City	Adopted	Rent Increase	Population	Fee Charged per Rental Unit
County of Marin	2019	Tenant/Landlord Mediation: Binding/ Non-Binding	67,000	\$0
Los Angeles	2016	Rent Stabilization	4,000,000	\$24.51
Richmond	2016	Fair Rent Program	111,785	Range: \$207, \$100 or \$50 (cost recovery)

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RENT REGISTRY: CITY COUNCIL CONSIDERATIONS

- Unit Types?
- Data points?
- Mandatory or Voluntary?
- Cost Recovery?

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TENANT RELOCATION ASSISTANCE/RENT INCREASE: OVERVIEW	
Purpose	• Program that requires landlords to provide relocation payments to displaced tenants earning less than 120% of Area Median Income • Triggered when tenant receives a single or cumulative rent increase that exceeds 20% over two-year period which results in displacement
Eligible Units	Generally includes 2+ or 3 multi-family properties built before 1995
Program Administrator	City staff, 3 rd Party Program Administrator, Landlords and Tenants
Rent Threshold	Rent increases >20% over two-year period
Participation	Mandatory
Noticing Process	Landlords to provide tenant notice of relocation benefits
Enforcement	City, Civilly between tenant and landlord
Costs	Medium-High

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State Law	Some Exceptions
30-day notice for increases <10% 60-day notice for increase >10%	Generally rents cannot be raised during a lease term

TENANT RELOCATION ASSISTANCE, RENT INCREASE:
STATE LAW NOTICING REQUIREMENTS

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TENANT RELOCATION ASSISTANCE, RENT INCREASE: ELIGIBILITY



- **Eligible Household:** Tenant(s) whose annual household income does not exceed 120% of the Area Median Income (AMI)
- Cash equivalent of 3 months rent will be paid to the eligible household based on HUD's Fair Market Rent for a rental unit with the same number of bedrooms
- Special-circumstances households will be paid 2 additional months of rent for a maximum of 5 months' rent

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TENANT RELOCATION ASSISTANCE, RENT INCREASE 2018 Area Median Income	
Source: State Income Limits for 2018, Contra Costa County, The California Department of Housing and Community Development (HCD), Effective April 26, 2018	

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TENANT RELOCATION ASSISTANCE, RENT INCREASE FY 2019 Fair Market Rent (FMR)	
Source: HUD FY 2019 Fair Market Rent Documentation System for 2018, Contra Costa County	

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TENANT RELOCATION ASSISTANCE, RENT INCREASE: SAMPLE RELOCATION CALCULATION

- Household Size One: 1
- Annual Income: \$75,000
- Unit Size: 1-bedroom
- Current Rent: \$1,500 (January 2019)
- Proposed Rent Increase: \$375
- % Rent Increase: 25%
- New Rent: \$1,875 (March 2019)

Sample Calculation	
Bedroom Size	1-bedroom
Fair Market Rent	\$1,693
Household Type	Eligible (3-months)
Total Relocation Payment	\$5,079

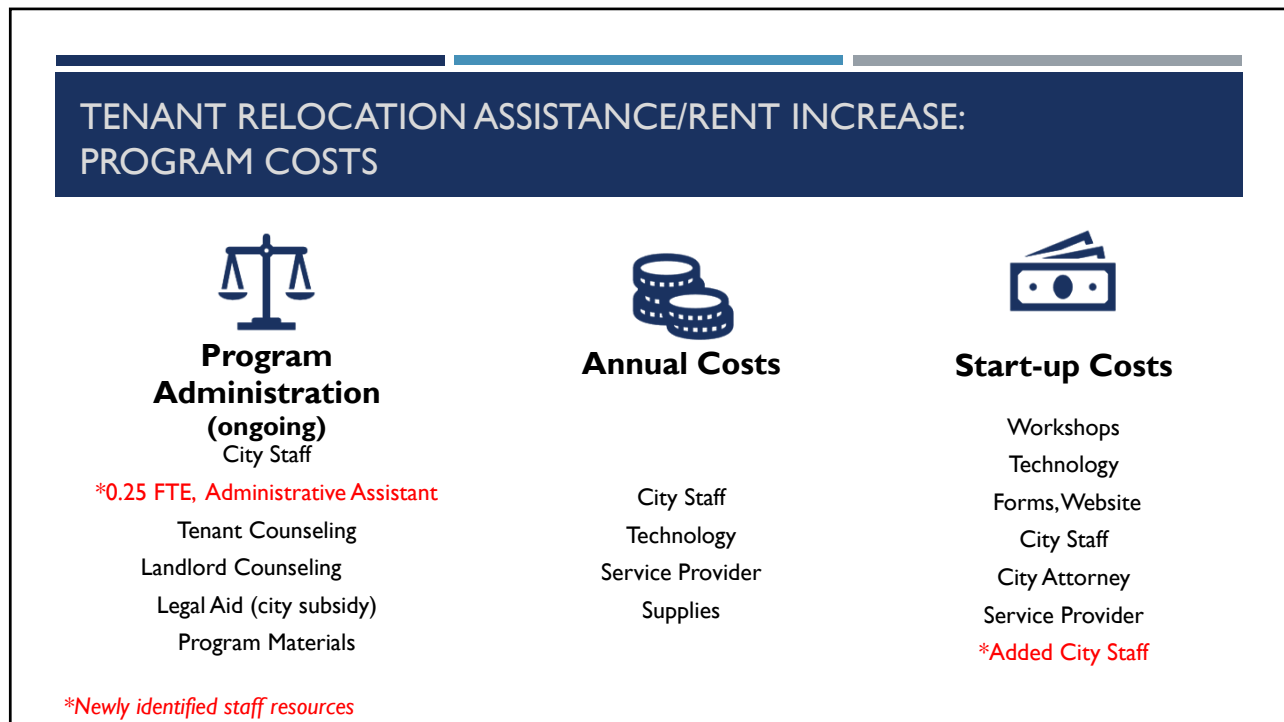
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TENANT RELOCATION ASSISTANCE, RENT INCREASE: SAMPLE RELOCATION CALCULATION

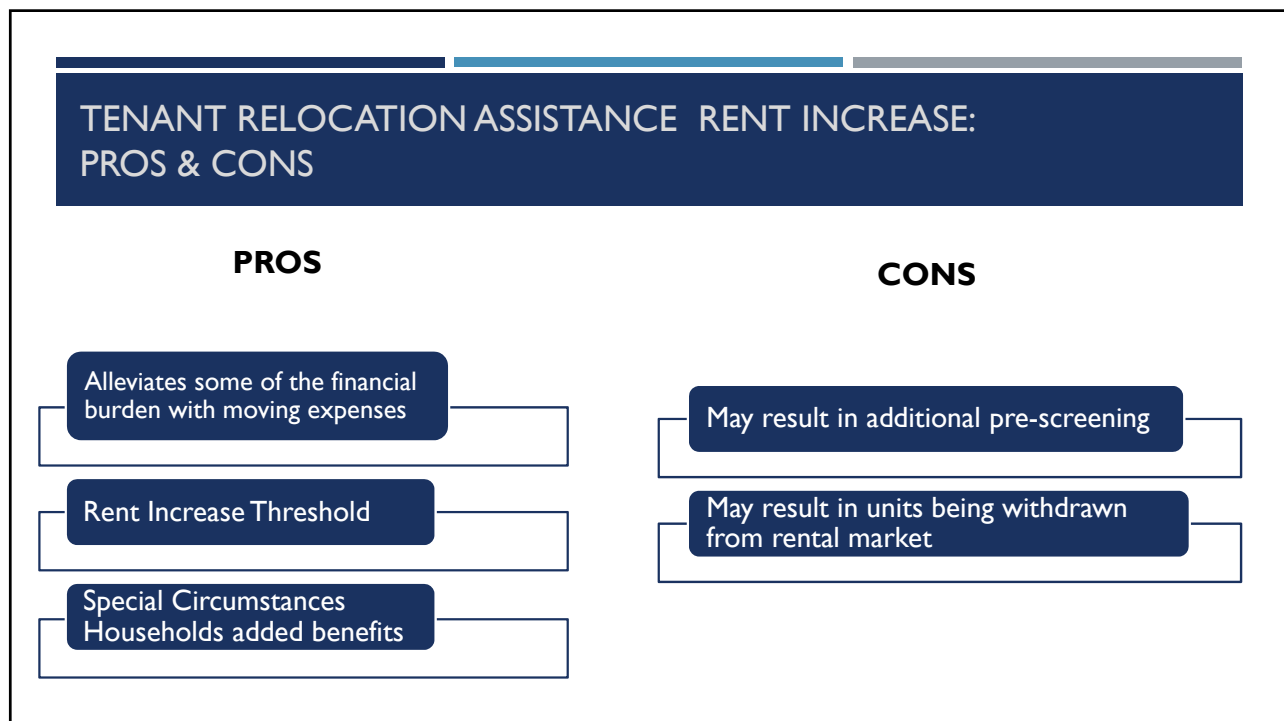
- Household Size One: 1
- Annual Income: \$100,000
- Unit Size: 1-bedroom
- Current Rent: \$1,500 (January 2019)
- Proposed Rent Increase: \$375
- % Rent Increase: 25%
- New Rent: \$1,875

Sample Calculation	
Bedroom Size	1-bedroom
Fair Market Rent	\$1,693
Household Type	Ineligible – over-income
Total Relocation Payment	\$0

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TENANT RELOCATION ASSISTANCE/RENT INCREASE: UNIT TYPES

PROPERTY TYPES	DESCRIPTIONS
Small Multi-Family	Duplex Triplex Quadraplex
Large Multi-Family	5+ Units

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TENANT RELOCATION ASSISTANCE: PROCESS & NOTICING REQUIREMENTS

Step 1: Landlord Requirements	Step 2: Tenant Relocation Claim	Step 3: Notice of Determination	Step 4: Payment To Eligible Households	Step 5: Civil Remedies
Provide tenant Notice of Relocation Assistance	Tenants seeking relocation assistance must contact the City/Program Administrator to file a claim and supply the required documents	City/Program Administrator will notify tenant and landlord of income determination (eligible/ineligible)	Landlord shall make relocation payments to eligible household as follows: 1. Half of the relocation benefits to be paid within a specified number of days upon eligibility determination 2. Remainder due within a specified number days upon vacating the unit	Disputes are resolved in the following manner: • Pursued through civil action • City not involved

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TENANT
RELOCATION
ASSISTANCE, RENT
INCREASE:
CITY COUNCIL
CONSIDERATIONS

- Threshold?
- Means testing?
- Unit Types?

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TENANT RELOCATION ASSISTANCE: OTHER CITIES					
City	Adopted	Tenant Relocation Triggers	Eviction Protections	Population	FTE
San Leandro	2017	1. Rent Increase 2. No-Fault Eviction	None	87,882	2.5
Menlo Park	Pending	1. Rent Increase 2. No-Fault Eviction	None	34,357	I - Analyst I - Pending Position
Santa Cruz	February 2019	1. Rent Increase 2. Illegal Use of Structure 3. Unsafe or Hazardous Conditions	Under Consideration	65,021	Unknown

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POLICY CONSIDERATIONS

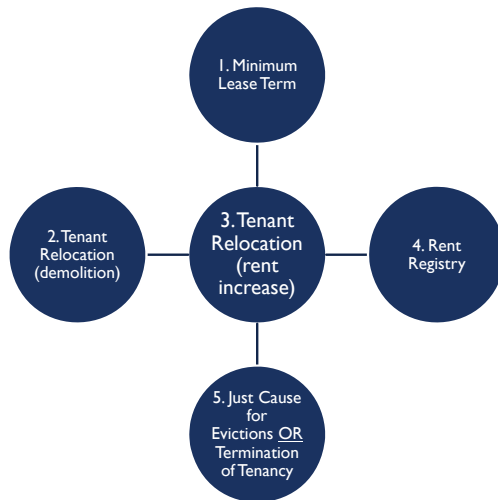
61

ORDINANCES PREVIOUSLY CONSIDERED ON DEC. 18, 2018

PROGRAM	DESCRIPTION
Rent Review Program (Not Approved)	Program that <u>requires</u> both landlords and tenants to participate in conciliation and may include mediation to increase rent above 5%
Minimum Lease Term (Approved)	Program that provides minimum lease term requirements to prospective and current tenants with mandatory one-year minimum term
Termination of Tenancy (Approved)	Requires landlord to notify the City anytime a tenancy is terminated
Tenant Relocation (Approved with amendments)	- Program that requires landlord to provide relocation payments to displaced tenants earning less than 120% of Area Median Income - Triggered when an application is submitted to the City to approve a land use change or improvement of real property that will result in displacement - Some exceptions and special circumstances

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PROGRAM IMPLEMENTATION: ESTIMATED COSTS



Annual General Fund Approval:

\$100,000, 1 FTE, fully loaded (added staff) (approximately)
\$25,000 - \$50,000 Legal Aid (not eligible for cost-recovery)
Increase to City Attorney time

Upfront Costs:

\$30,000 Start-up (database, service providers)

Estimated Annual Fees:

\$80 - \$100 per unit (cost-recovery)

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PACKAGE OF ORDINANCES FOR CONSIDERATION

PREVIOUS (12/18/2018)	CURRENT (02/12/2019)	PAIRING OPTIONS
Rent Review Program		Option 1: Rent Review w-Just Cause Option 2: Rent Review w-Just Cause and Minimum Lease Term Option 3: No Rent Review
Minimum Lease Term		Option 1: Tenant Relocation w-Just Cause and Minimum Lease Term Option 2: Remove Minimum Lease Term
Termination of Tenancy	*Just Cause for Eviction	Option 1: Termination of Tenancy OR Option 2: Just Cause for Eviction
	Rent Registry	Option 1: <i>Standalone</i> Rent Registry Option 2: Tenant Relocation & Business Licensure renewal may be alternate methods of collecting rent data
Tenant Relocation (demolition)		Option 1: <i>Standalone</i> Tenant Relocation (demolition)
	Tenant Relocation (rent increase)	Option 1: Tenant Relocation w-Just Cause *Just Cause for Eviction generally paired with rent increase ordinance

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POLICY CONSIDERATIONS: EXISTING RENTAL PROGRAM FEES

PROGRAM	FEE & FREQUENCY
*Residential Rental Inspection Program	\$241 - single-family \$211 - 1 st multi-family \$120 - each additional multi-family unit <i>*Rental inspections to occur every 2 years</i>
Business License Fee	\$75 - Enrollment \$24 - Renewal
Business License Fee – Per Unit	\$111 - per unit

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NEXT STEPS/DISCUSSION

- Tonight's Discussion
 - Just Cause for Eviction
 - Rent Registry
 - Tenant Relocation
 - Pairing Options
 - Program Costs
- Next Steps
 - Timelines
 - Draft Ordinances
 - 1st Reading

66



THANK YOU!



From: Nola Agha <[REDACTED]>
Sent: Sunday, February 10, 2019 2:09 PM
To: Aissia Ashoori <AAshoori@ci.el-cerrito.ca.us>
Subject: El Cerrito Affordable Housing Tenant Protections

Hi Aissai -

I received a flyer in the mail that El Cerrito is holding a hearing in tenant protection policies. As a renter in El Cerrito for 8.5 years I'd like to make a comment for the public record even though I have to work on the evening of the hearing and won't be able to attend.

I strongly support and encourage the City Council to adopt rent control policies in El Cerrito. This past year our landlord raised our rent by over 14% -- a \$500 increase in our monthly bill. I have had to take on extra work to pay this increase. Hardly any family sees their wages increase by 14% in a year. This was pure and simple price gouging. An email the property manager forwarded us included notes making it clear that this was a desire to charge "market rate" for no other reason except that they could. In an area with an under supply of housing, "market rates" are artificially inflated leading landlords to overcharge which further exacerbates the shortage of affordable housing.

I understand the need for landlords to pay bills and invest in capital improvements and for this reason it is reasonable for rents to move up at a reasonable pace. I do not support the ability to raise rents simply because they can. And certainly not 14%. This is unconscionable.

- Nola Agha



February 12, 2019

Dear Members of the City Council,

At our January meeting, your Economic Development Committee voted to study potential economic impacts of the proposed Tenants Rights Ordinance the City Council is considering implementing. We plan to study this at our next meeting on Thursday, February 28th. Our responsibilities include advising the City Council on economic development matters. We hope that our findings can be useful in your decision-making process and would ask that you not make a decision to implement the proposed ordinance until we have had a chance to meet at the end of this month and submit our recommendations to you.

On behalf of the Economic Development Committee,

Bill Kuhlman, Chair
Jean Shrem, Vice Chair
Eric Wright, Member



SUPPLEMENTAL AGENDA REPORTS AND CORRESPONDENCE

CITY COUNCIL MEETING February 19, 2019

PUBLIC COMMENT

1. Materials provided at the meeting under general public comment

AGENDA ITEM 7(A) – Tenant Protections Study Session: *El Cerrito 2017 Affordable Housing Strategy*, Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations

1. Public comments received after publication of the agenda packet
2. Materials provided at the meeting under public comment
3. Revised Attachment 1, Tenant Protection Tools Study Session

RECEIVED
AT THE MEETING OF

FEB 19 2019

El Cerrito City Council Meeting – Feb 19, 2019

Tonight I am asking 3 questions and request your response.

CITY OF EL CERRITO
CITY CLERK

In **January 2018** a group of neighbors submitted a petition to Public Works, at the urging of Fire Marshal Gibson, to put up signs and paint curbs on the Buckingham cul-de-sac for parking on one side only. This would allow emergency vehicles to access the assisted care home at 8320 Buckingham. The work order was issued in April 2018. Nothing has been done to date. *What does it take to get El Cerrito to act?*

In **November 2016** I submitted a request to the Public Works department to install stop signs or speed bumps at the intersection of Buckingham and Contra Costa. It has limited sight distance, people speed through, and I've almost been in several accidents backing out of my driveway. A work order was created. I followed up in November 2017 and never heard back from the city. *What does it take to get El Cerrito to act?*

On **Nov 4, 2015**, EC City Council Agenda Item 4 was a proposal by Diablo Fire Safe to prepare an El Cerrito-Kensington Community Wildfire Protection Plan. The completed El Cerrito-Kensington Wildfire Action Plan was posted online in April 2017. It was signed by the El Cerrito City Council, Kensington Fire Protection District Board, and Contra Costa County Board of Supervisors, with supporting letters from the ECFD, Fire Chief Maples, Interim Fire Chief Swanson, Friends of Five Creeks, and Mira Vista Homeowners Assn. The prioritized actions are 1) Fuel Reduction, 2) Addressing Structure Ignitability, and 3) Collaborating With/Educating Homeowners. Other than weed-whacking grass and some limited recent eucalyptus trimming in the Hillside Natural Area, nothing has been done. *What does it take to get El Cerrito to act?*

We have been told that the EC Police Department is working on **evacuation routes**. When the routes are finalized and the signage is ordered, time is of the essence. They must be installed before the next fire season starts this April.

Thank you,

Gary Prost
Make El Cerrito Fire Safe

RECEIVED
AT THE MEETING OF

FEB 19 2019

CITY OF EL CERRITO
CITY CLERK

Sunflowers and Artemesia

(a poem for El Cerrito, by the people of El Cerrito with her Poet Laureate)

All day we can hear the BART trains
hurtling toward the stations.
And in the dim morning
baking pastries from Fatapples
donuts from All Star
in the wind
rushing us down Central
to the fare gates.

In the afternoon
the gardens
sunflowers and artemesia
birds talking
a fox
down by Cerrito Creek
children in the mud
bright boots flashing
laughter.

In Cerrito Vista park
swings cut the sky,
whirling skirts
a yellow shirt
on a high branch.
An artist out front
of the Plaza
deep greens and blues,
a flash of red,
more laughter.

This city
holds us
her people
from islands and inland
and all the edges
of the nations
together.

As the sun sets
people line up
at the Cerrito Theater,
walk to the food trucks.
When night tumbles over
Albany hill
lights wink on
along each street,
Key Route,
Madera,
Shevlin,
Tapscott,
Stockton,
a blanket of stars
down on earth.

Holly Charlety

From: Holly Charlety
Sent: Tuesday, February 19, 2019 11:50 AM
To: Holly Charlety
Subject: FW: Against rental control proposal

Hello Mr. Quin,

Hello Ms. Abelson,

My husband and I are El Cerrito housing providers. We are very worried about the rental control proposal. We do believe it will harm honest and hardworking people like us, it will also bring negative impact on our city.

We are working class, work very hard through all our adult lives, and we live a very moderate live without spending money on luxury stuffs. We bought our first house 20 years ago in El Cerrito and keep it till now because it has attached lots of warm memories even we relocated because our jobs. And we are responsible housing provider, always try our best to provide good housing to our tenants.

If the rental control proposal passes, we will suffer great hardship. We understand the proposal is meant to protect tenants right. But it actually is going to make our small housing providers very difficult to keep providing housing. It is also very likely that someone would abuse this proposal to make honest housing providers in a very unfair position in the rental market. It will eventually harm both good housing providers and tenants if small housing providers are forced out of the market.

I have faith that you, as an elected leader of our society, work very hard to make our city a better place for all our fellow town people. Please vote against the rental control proposal.

Thank you very much!

Jeana Xu

Holly Charlety

From: Holly Charlety
Sent: Tuesday, February 19, 2019 11:04 AM
To: Holly Charlety
Subject: FW: Fwd:

Since I am unable to speak at Tuesday's City Council meeting, I am writing personally to you.

I am a resident of El Cerrito and have been a landlord for 32 years. I own a small duplex here. I, like many landlords with a small number of rentals, provide decent housing in El Cerrito, pay our taxes, business licenses, and inspection fees. We are responsible landlords.

Many of us depend on rental income for our retirement. I maintain my property, keep my rents lower than market value, raise rents only occasionally (usually every two or three years) and always at less than 5%. I have never had to evict a tenant. My tenants are urged by me to let me know immediately when there is need for repairs, and they do. I take good care of my tenants and they, in turn, trust and know they can depend on me. Rent control will unfairly burden us while allowing owners of buildings built prior to 1995 to be exempt from it.

It is ESSENTIAL that the City of El Cerrito gather and study data to understand the real situation here before adopting costly programs which will unduly negatively impact small housing providers. I strongly urge the City Council to do so.

Respectfully,
Elizabeth Berdge

Holly Charlety

From: Holly Charlety
Sent: Tuesday, February 19, 2019 11:02 AM
To: Holly Charlety
Subject: FW: Tenant Protections

Dear Councilmember

We are and have been residents of El Cerrito for 46 years. In those 46 years, we have raised our 3 children and taken care of parents and a sibling in their final years.

We want to address the issues you will be studying at the City Council meeting on Tuesday, Feb. 19th. We own one piece of income property in El Cerrito. The property is in a prime location being 2 blocks from the Plaza and BART. We have had this property for 45 years. It is a 4 unit apartment building which we purchased to help fund education for our children and provide some income for our retirement. We are now in our late 70s and our property has served us well. We also think that we and our building has served our tenants well.

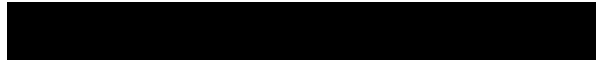
The issue of tenant protection and affordable housing is being studied. You will hear of rent gouging and greedy landlords but do you have records in El Cerrito? We are on the other end of the spectrum. Our rents are at least 25% to 40% below the current market rents. We can provide documentation if necessary. We offer our tenants a choice of month to month or a year long lease options. All of our tenants opted for year long leases.

The issue of diversity always comes up. As our tenants, we have 2 apartments occupied by a single parent and their children. One is from SE Asia and the other parent is born and raised in Berkeley. One apartment is a couple from SE Asia raising two college age children. The latest tenants are a couple from So. America who are recent immigrants and just had their

first child. They moved in 3 years ago. The other three tenants have been with us for 20, 21 and 28 years respectively.

We think we can safely say that we are responsible property owners, providing affordable housing to a diverse population at very reasonable rents. We think that the issues of rent control, just cause eviction, relocation fees and rent registries will negatively affect our retirement income, our relations with tenants and not beneficial for El Cerrito. These issues are taking up much of your time and city staff time, in addition to the financial costs which would be better spent making El Cerrito a cleaner and safer city. Please do not adopt any of the above mentioned issues. Thank you,

Brenda and Victor Wong



Holly Charlety

From: Holly Charlety
Sent: Tuesday, February 19, 2019 11:02 AM
To: Holly Charlety
Subject: FW: Rent control in El Cerrito

Dear Mayor Pardue-Okimoto and Members of the City Council,

I do not support Just Cause Eviction, Tenant Relocation with Rent Caps, or the Rent Registry. Instead, I urge you to conduct further studies on El Cerrito's rental market to truly understand the city's needs.

As a local housing provider who offers quality, safe housing to my tenants and recognizes our region's housing challenges, I have significant concerns moving forward with the proposed regulations:

1. **The City of El Cerrito can't afford these programs.** The city is extremely short-staffed and lacks funding. The city is not structured to administer, operate, and enforce these programs. Adopting the proposals will create a new bureaucracy that the city cannot afford.
2. **Many small mom and pops will be driven out of business.** These are the same people who provide naturally affordable housing in the city! An overwhelming majority of El Cerrito housing providers have family-owned buildings with a small number of units. They have renters who generally have good relationships with their landlords. Please don't punish us.
3. **Just Cause Eviction is dangerous for neighborhoods.** It would give bad tenants lifetime tenancies and leave property owners no power to recover the unit even if the tenant behaves badly unless another tenant serves as a witness. Thus, owners will likely be more selective when renting their units.

Instead, we ask that you consider gathering more data to evaluate whether El Cerrito needs regulations such as Just Cause Eviction and programs with rent caps.

The original proposals for lease offerings and data gathering proposed by city staff at the December 18th meeting was a better approach because it was not punitive against housing providers and would not create a new bureaucracy that would add costs to the city, housing providers, and renters.

Thank you for your consideration.

Sincerely,

Your name

Rudra Shrestha

Holly Charlety

From: Holly Charlety
Sent: Tuesday, February 19, 2019 11:00 AM
To: Holly Charlety
Subject: FW: Rent Control

Dear Mayor Pardue-Okimoto and Members of the City Council,

I do not support Just Cause Eviction, Tenant Relocation with Rent Caps, or the Rent Registry.

We are immigrants and came here to live a better life for our family. We came here with all our saving and worked very hard on buying a rental unit which will in the future will help with our retirement. We wont get much from social security because we don't have fancy jobs nor can we contribute a lot towards it because we can here in our mid 50s and there is only so much you can put into social security before you retire at the age we came

We loved El Cerrito and worked very hard to get the property. We did so, so that we could be rest assure that we had some extra income to survive. We work long hours and can never make it to the meetings. We have a few family friends that have done the same and work long hours to survive to pay the mortgage, and everyday expense for the family. California is not a cheap place to live in but we are doing out best in our own way.

The bigger cooperation are making new apartments and raising the rent and its affecting us small renters by your policies because they do not fall into the category of rent control. Most of us work very hard so that we can live the American dream. I hope you keep us small apartment owners in mind when you make any decision. We do our best to keep our tenants happy and our apartments in good shape but it might not be the same if we don't have your support.

In the end i would like to thank you for your service and hope whatever decision you make you keep us little people in mind so that we don't regret moving to El Cerrito.

Sincerely,

Tashi (representing all the small immigrant renters who came here to live the American dream)

Holly Charlety

From: Holly Charlety
Sent: Tuesday, February 19, 2019 11:51 AM
To: Holly Charlety
Subject: FW: Tenant Protections

Dear Councilmember,

As a follow up to the letter below, we wanted to add the following; Any one of the issues being studied would negatively affect us financially and cost us some of the precious time that we have left to comply and conform to the policies. These issues only push us toward the decision sell the property as they would decrease the value of the property. As it is, we can sell the property and generate more income using any number of options open to us. I cannot help but think that new policies would negatively affect other small property owners like ourselves and tenants as well.

Does the city have documented records and numbers of rent gouging and evictions outside of the horror stories told at council meetings? We believe that there are many more responsible small property owners that you have not heard from. Perhaps you can suggest that the city collect more information and statistics before creating greater costs for the city, property owners and tenants.

Respectfully,
Brenda and Victor Wong

Dear Councilmember

We are and have been residents of El Cerrito for 46 years. In those 46 years, we have raised our 3 children and taken care of parents and a sibling in their final years.

We want to address the issues you will be studying at the City Council meeting on Tuesday, Feb. 19th. We own one piece of income property in El Cerrito. The property is in a prime location being 2 blocks from the Plaza and BART. We have had this property for 45 years. It is a 4 unit apartment building which we purchased to help fund education for our children and provide some income for our retirement. We are now in our late 70s and our property has served us well. We also think that we and our building has served our tenants well.

The issue of tenant protection and affordable housing is being studied. You will hear of rent gouging and greedy landlords but do you have records in El Cerrito? We are on the other end of the spectrum. Our rents are at least 25% to 40% below the current market rents. We can provide documentation if necessary. We offer our tenants a choice of month to month or a year long lease options. All of our tenants opted for year long leases.

The issue of diversity always comes up. As our tenants, we have 2 apartments occupied by a single parent and their children. One is from SE Asia and the other parent is born and raised in Berkeley. One apartment is a couple from SE Asia raising two college age children. The latest tenants are a couple from So. America who are recent immigrants and just had their first child. They moved in 3 years ago. The other three tenants have been with us for 20, 21 and 28 years respectively.

We think we can safely say that we are responsible property owners, providing affordable housing to a diverse population at very reasonable rents. We think that the issues of rent control, just cause eviction, relocation fees and rent registries will negatively affect our retirement income, our relations with tenants and not beneficial for El Cerrito. These issues are taking up much of your time and city staff time, in addition to the financial

costs which would be better spent making El Cerrito a cleaner and safer city. Please do not adopt any of the above mentioned issues. Thank you,

Brenda and Victor Wong



From: [Holly Charlety](#)
To: [Holly Charlety](#)
Subject: FW: Don't punish the small mom and pop landlords!
Date: Tuesday, February 19, 2019 12:11:51 PM

Dear Mayor Pardue-Okimoto and Members of the City Council,

My father, Gino Martinucci was born in El Cerrito, and lived all 85 years of his life in this town. He was the epitome of hard working. After graduating from El Cerrito High School, he went to work for the Richmond Unified School District as a carpenter and eventually became the Director of the Maintenance Department, working a total of 40 years for RUSD. My father became a landlord after buying a vacant lot on Yosemite Avenue and building a 5-plex in 1956, providing housing for many residents ever since then. My father always treated people with respect, offering fair rents to tenants while providing safe, clean and well maintained properties. Even to this day with most of our rentals at well below market rates, my family and I continue his legacy in the same manner with what he has built and passed on to us. However, the proposed regulations that are being considered would have a detrimental effect on the quality of housing that we currently offer. Don't punish the small mom and pop landlords in our community with unjust policies.

I do not support Just Cause Eviction, Tenant Relocation with Rent Caps, or the Rent Registry. Instead, I urge you to conduct further studies on El Cerrito's rental market to truly understand the city's needs.

As a local housing provider who offers quality, safe housing to my tenants and recognizes our region's housing challenges, I have significant concerns moving forward with the proposed regulations:

1. **The City of El Cerrito can't afford these programs.** The city is extremely short-staffed and lacks funding. The city is not structured to administer, operate, and enforce these programs. Adopting the proposals will create a new bureaucracy that the city cannot afford.
2. **Many small mom and pops will be driven out of business.** These are the same people who provide naturally affordable housing in the city! An overwhelming majority of El Cerrito housing providers have family-owned buildings with a small number of units. They have renters who generally have good relationships with their landlords. Please don't punish us.
3. **Just Cause Eviction is dangerous for neighborhoods.** It would give bad tenants lifetime tenancies and leave property owners no power to recover the unit even if the tenant behaves badly unless another tenant serves as a witness. Thus, owners will likely be more selective when renting their units.

Instead, we ask that you consider gathering more data to evaluate whether El Cerrito needs regulations such as Just Cause Eviction and programs with rent caps.

The original proposals for lease offerings and data gathering proposed by city staff at the December 18th meeting was a better approach because it was not punitive against housing providers and would not create a new bureaucracy that would add costs to the city, housing providers, and renters.

Thank you for your consideration.

Sincerely,

Steven Martinucci
Resident of El Cerrito

Dear Mayor Pardue-Okimoto and Members of the City Council,

I do not support Just Cause Eviction, Tenant Relocation with Rent Caps, or the Rent Registry. Instead, I urge you to conduct further studies on El Cerrito's rental market to truly understand the city's needs.

As a local housing provider who offers quality, safe housing to my tenants and recognizes our region's housing challenges, I have significant concerns moving forward with the proposed regulations:

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Instead, we ask that you consider gathering more data to evaluate whether El Cerrito needs regulations such as Just Cause Eviction and programs with rent caps.

The original proposals for lease offerings and data gathering proposed by city staff at the December 18th meeting was a better approach because it was not punitive against housing providers and would not create a new bureaucracy that would add costs to the city, housing providers, and renters.

Thank you for your consideration.

Sincerely,

Larry Ribarich
Rental Property Owner
City of Richmond
City of Concord



From: [Holly Charlety](#)
To: [Holly Charlety](#)
Subject: FW: Comments on the Affordable Housing Strategy
Date: Tuesday, February 19, 2019 1:53:26 PM

Honorable Mayor Rochelle Pardue-Okimoto and Members of the City Council:

As an El Cerrito property owner, we have provided reasonable single family housing to tenants for over 30 years. We have priced our rental unit modestly at or below average market rates. We listen to the needs of our tenants and provide regular preventative maintenance several times per month.

We don't believe the Affordable Housing Strategy adopted by the council in its current form is fair or equitable to property owners. We fully support a balance and fair ordinance that protects the rights of both the tenant and property owner. However, we cannot support Just Cause Eviction, Tenant Relocation with Rent Caps, or the Rent Registry, as it places significant hardship on small property owners such as ourselves.

By creating ordinances that restrict options for property owners to remove tenants for cause, will only increase the likelihood of lease violations and the proliferation of non-authorized tenants, criminal activity, property damage, trash buildup, and a deterioration of property over time.

As a single property owner, we would be forced to sell this property as we could not afford to carry the additional risk these ordinances would weigh upon us. We urge you to conduct further studies on El Cerrito's rental market to truly understand the city's needs and provide an equitable solution for both owners and renters.

Thank you for your time and consideration to these important issues.

Curtis and Leslie Savoye

From: [Holly Charlety](#)
To: [Holly Charlety](#)
Subject: FW: Just Cause Eviction, Tenant Relocation with Rent Caps, Rent Registry
Date: Tuesday, February 19, 2019 3:31:33 PM

Dear Mayor Pardue-Okimoto and Members of the City Council,

I do not support Just Cause Eviction, Tenant Relocation with Rent Caps, or the Rent Registry. Instead, I urge you to conduct further studies on El Cerrito's rental market to truly understand the city's needs.

As a local housing provider who offers quality, safe housing to my tenants and recognizes our region's housing challenges, I have significant concerns moving forward with the proposed regulations:

1. The City of El Cerrito can't afford these programs. The city is extremely short-staffed and lacks funding. The city is not structured to administer, operate, and enforce these programs. Adopting the proposals will create a new bureaucracy that the city cannot afford.

2. Many small mom and pop businesses will be driven out of business. These are the same people who provide affordable housing in the city! An overwhelming majority of El Cerrito housing providers have family-owned buildings with a small number of units. They have renters who generally have good relationships with their landlords. Please don't punish us.

3. Just Cause Eviction is dangerous for neighborhoods. It would give bad tenants lifetime tenancies and leave property owners no power to recover the unit even if the tenant behaves badly unless another tenant serves as a witness. Thus, owners will likely be more selective when renting their units.

Instead, we ask that you consider gathering more data to evaluate whether El Cerrito needs regulations such as Just Cause Eviction and programs with rent caps.

The original proposals for lease offerings and data gathering proposed by city staff at the December 18th meeting was a better approach because it was not punitive against housing providers and would not create a new bureaucracy that would add costs to the city, housing providers, and renters.

Thank you for your consideration.

Sincerely,

Patricia McGoldrick

From: [Holly Charley](#)
To: [Holly Charley](#)
Subject: FW: Rental Housing Regulations
Date: Tuesday, February 19, 2019 3:32:02 PM

Dear Mayor Pardue-Okimoto and Members of the City Council,

I do not support Just Cause Eviction, Tenant Relocation with Rent Caps, or the Rent Registry. Instead, I urge you to conduct further studies on El Cerrito's rental market to truly understand the city's needs.

As a local housing provider who offers quality, safe housing to my tenants and recognizes our region's housing challenges, I have significant concerns moving forward with the proposed regulations:

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Instead, we ask that you consider gathering more data to evaluate whether El Cerrito needs regulations such as Just Cause Eviction and programs with rent caps.

The original proposals for lease offerings and data gathering proposed by city staff at the December 18th meeting was a better approach because it was not punitive against housing providers and would not create a new bureaucracy that would add costs to the city, housing providers, and renters.

Thank you for your consideration.

Sincerely,

Timothy Kearns

From: [Holly Charlety](#)
To: [Holly Charlety](#)
Subject: FW: PLEASE read RE: Tonight's City Council Meeting on Rental Housing Regulations
Date: Tuesday, February 19, 2019 3:51:43 PM

Dear Councilmember Gabriel Quinto,

My name is Elaine Sherman. My husband Bob and I own a 6 unit apartment building here in El Cerrito and I am writing to you regarding possible rental housing regulations.

My husband, who is now retired, made a living working almost 40 years in the construction trades. Over 20 years ago we scraped our savings together and invested in a bare lot here. He built a 6 unit building on that lot. There was a lot of blood, sweat and tears but in the end we had what we hoped would be our nest egg retirement plan. As we were self employed, this is what we now depend on for our retirement income to support ourselves and our adult daughter who has health issues. I've heard it's been said that you don't want to hurt the "Mom and Pop" property owners with these new regulations. We are mom and pop owners and are among many other people just like us.

These new regulations of Just Cause Eviction, Tenant Relocation with Rent Trigger and the Rent Registry would be DEVASTATING, causing us, and many like us, an extreme hardship and drive many of us out of business. These regulations open the door to many UNINTENDED but very negative outcomes for us, as a property owner and also OUR TENANTS as well.

Please let me address "Just Cause Eviction"

1) It's important to note that as a landlord, we do not want to have to evict a tenant.

This is a last resort to an unresolved problem. We want to work with our tenants and have a good relationship with them. We want to provide a nice place and create a space that people want to make their home. This in turn also provides us with stability of income and occupancy of our units, as opposed to a higher attrition rate which costs not only in eviction fees and loss of rental income but usually in repair and renovation of the unit as well.

2) Just Cause Eviction will be dangerous for our good tenants and the safe neighborhood they live in.

It will make it extremely difficult to deal with bad tenants, while making it practically impossible for us to recover the apartment. It leaves us unable to maintain the peace and security of the property and good living conditions for our other tenants. Our tenants may choose to leave to get away from the problem tenant causing the loss of a good tenant and further rental income.

3) Another problem with Just Cause eviction is that another tenant must be a witness against a bad tenant.

For example, I cannot imagine either the young couple with small children or the elderly woman who lives in our apartment, being willing to risk possible retribution or harassment from coming forward as a witness. Evictions can take a very long time and I don't believe any

tenant would want the possible added risk of living next door to a bad tenant they have been a witness against.

4) The solution to this problem is the LEASE. A lease offers protections not just to the landlord but for our tenants as well. It is the foundation upon which the whole agreement and relationship is made. The lease protects the tenants with a fixed rent rate. All expectations are clearly laid out in the lease. While the rules and regulations of the lease protects the landlord and the premises it ALSO protects the tenants with a peaceful and safe environment in which to live.

In addressing the Tenant Relocation Fee and the Rent Registry, both of these programs would burden the property owner with even more fees and costs. These increased costs are unsustainable when coupled with Just Cause Eviction and the rising cost of owning and operating our property. The ability to supply rental properties will decrease as many of us will be driven out of business.

In closing I'd like to point out that most mom and pop landlords are retired people, senior citizens and family owned small business who have worked their whole lives to own a small rental property. Please don't punish us or make it more difficult for us to make a living for ourselves while also providing safe quality housing for our tenants.

Instead, please consider putting together more data to evaluate whether El Cerrito needs regulations like Just Cause Eviction and programs with rent caps. The original proposals for lease offerings and data gathering proposed by your staff at the December 18 meeting was a better approach because it doesn't punish the mom and pop property owners and it doesn't create a new City program that adds costs to the City, to us and to our tenants.

Thank you for your consideration.

Sincerely,

Bob and Elaine Sherman



CALIFORNIA APARTMENT ASSOCIATION

5478 Buskirk Avenue
Pleasant Hill, CA 94523
925.746-7131

February 19, 2019

El Cerrito City Council
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Re: February 19 City Council Agenda #7A

Dear Mayor Pardue-Okimoto and Members of the City Council,

The California Apartment Association's Contra Costa Division (CAA Contra Costa) offers this letter to emphasize the association and its members' staunch opposition to a Just Cause Eviction Ordinance.

While a Just Cause Eviction Ordinance sounds well intended, the actual implementation of the policy jeopardizes renters and their ability to find housing. In addition, such an ordinance forces rental housing providers to make drastic changes to how they operate rental homes or elect to exit the rental housing business.

Just Cause Eviction Reduces Access to Housing for Struggling Renters

Under just cause, property owners will be less willing to take risks when it comes to marginal applicants who may not have a stellar rental history or credit record. Today many property owners are willing to take a chance on an applicant who is otherwise qualified but who has something in their past – such as an eviction when they were young, a foreclosure, a bankruptcy, or a lack of credit history as a result of living abroad. Property owners are willing to do this because they know that if the tenant is unable to live up to their lease obligations, there is, today, a straightforward process to recover possession of the unit. If just cause becomes law, property owners will no longer be willing to go out on a limb for these riskier applicants, who are often those in the greatest need of housing.

Though just cause is intended to make housing more secure for vulnerable populations, it will actually worsen the situation for those who are looking for housing.

Just Cause Eviction is Costly for Mom and Pop Housing Providers

Complying with procedural requirements of a Just Cause ordinance can be challenging for housing providers, especially mom and pops operators. That's because, often, cities do not offer comprehensive resources to help rental housing owners comply with the ordinance. As a result, property owners often must retain, at their own expense, an attorney to assist with the preparation and service of both warning and termination notices. These procedural requirements, together with loss of rent payments, substantially increase the cost of terminating a tenancy before even considering the costs of actually litigating a for-cause eviction.

For-cause evictions are significantly more difficult and expensive because the property owner has the burden of proving, with evidence, that sufficient cause exists to terminate the tenancy. This may sound simple in theory, but it is not always so simple in practice. Evictions based on nuisance and illegal activity are the most difficult because, in most cases, the landlord must rely on reluctant third parties (neighbors and/or law enforcement) to provide the evidence



CALIFORNIA APARTMENT ASSOCIATION

5478 Buskirk Avenue
Pleasant Hill, CA 94523
925.746-7131

necessary to win the eviction case.

Just Cause Eviction Forces Neighbors to Testify

Contrary to what one might expect, the more serious the problem with a tenant, the more difficult it is to evict. The neighbors of drug-dealing or gang-affiliated tenants often complain anonymously to the property owner, but then refuse to make written statements or testify in court out of fear that they will be retaliated against by their bad-news neighbor. While an owner's attorney can subpoena these neighbors to appear at the eviction trial, a subpoena cannot compel a scared neighbor to testify truthfully. Local law enforcement is often of little help. Even if the police do respond to calls, they often do not make arrests, or if they do, the offending tenant is released shortly thereafter. Most police departments also will not release police reports to landlords, even if the incident occurred on the owner's property.

Just Cause Eviction Gives Tarnished Renter Histories

A no cause eviction usually does have a cause but is used in many cases as a way to avoid revealing information about a tenant. For example, a tenant that becomes unemployed and does not pay rent may eventually be evicted. If a cause is listed, it may be more difficult for the tenant to find another place to rent after they obtain a new job. Because just cause policies take away the landlords discretion to serve a "no cause" termination notice, they have no choice but to use the 3-day notice procedure to remove tenants who violate the lease. This means that more tenants will end up with negative marks on their rental histories, which will make it more difficult to find new housing in an already tight housing market.

The short notice timeframes also make it more difficult for tenants to move out and avoid an unlawful detainer action. Thus, a tenant who is served with a 3-day notice is more likely to have an unlawful detainer judgment entered against him or her. Many landlords perform unlawful detainer checks as part of their screening procedure and will not accept the application of a person who has had an unlawful detainer judgment entered against them.

It's important to understand that rental property owners proceed with an eviction only as a last resort. In California, it's too expensive and time consuming to terminate a tenancy, and most owners would much prefer to work with a tenant. California law already provides some of the strongest tenant protections for illegal or retaliatory evictions. A Just Cause Eviction Ordinance for El Cerrito is unnecessary and will have negative unintended consequences on renters' ability to find housing. Since an overwhelming majority of the city's housing providers are family-owned properties, CAA Contra Costa asks that you consider the impact such policy will have on their ability to remain in the rental housing business. CAA urges you to reject Just Cause Eviction and continue working with your local housing providers to carefully identify the problem and develop meaningful and equitable solutions.

Sincerely,

Rhovy Lyn Antonio
Vice President of Public Affairs
CAA Contra Costa

From: [Holly Charley](#)
To: [Holly Charley](#)
Subject: FW: Landlord-Tenant Issues in EC
Date: Tuesday, February 19, 2019 5:22:04 PM

To: El Cerrito City Council president Rochelle Pardue-Okimoto, and members Greg Lyman, Paul Fadelli, Gabe Quinto, and Janet Abelson,

As I'm sure you are aware, I speak regularly at City Council meetings on the topic of Landlord-Tenant Relationships. I've been a landlord in El Cerrito for 46 years, and a resident for 39 years. I currently own a four-plex in the City. I consider owning and managing rental property to be a service industry, and I keep up with the law and take my job of providing good, safe homes for my tenants very seriously. I maintain my units well, keep my rents as low as I possibly can, and raise rents infrequently—and only after speaking with the tenant about their current situation. I started as a landlord by renovating then renting tiny little cottages in the area, doing much of the work myself. I continue to do some repairs and all cleaning in my units, but as I turn 76, I no longer paint or do certain other work—frankly, I'm tired!

I believe that I am like many, many, small landlords in El Cerrito. We did without things for years in order to take care of our properties and tenants. We know our tenants pretty well and often help them when they need it (and I even have TWO tenants who help ME by moving garbage cans in and out, relighting the water heater, and checking the lint traps in the laundry room! How lucky am I?) A great many of us small landlords, myself included, rely upon the income generated from our properties in our retirement (and remember that there were many years when there was no “extra” income, or when we couldn't rent a place at any price for several months, though our mortgages were still due each month . . . It has been far from a picnic all these years . . .)

It is for all these reasons that I keep speaking at City meetings. I feel that we might well have a really valuable resource in our small-time landlords, and that we would be fools to just blindly and blithely follow the same predictable steps of nearby cities, which is generally what has been outlined by EC staff. I think that we should be thinking differently, not having knee-jerk responses to claims of tenant advocates, who in my experience tend not to back their claims with facts or evidence that the transgressions have occurred in El Cerrito.

I KNOW there are bad landlords out there. But I also know that there are GOOD landlords out there, and I think they are valuable in terms of providing affordable units and in retaining tenants in El Cerrito. I could be wrong about how many decent landlords we have in El Cerrito, but I'd really like to see some factual data before you start implementing even seemingly small requirements, like just-cause evictions, which can be complicated and have unintended consequences. I think that myself and other landlords in El

Cerrito *deserve* this, as do our tenants and the other citizens of the City. PLEASE do your best to ensure that we actually need whatever action you are going to take. Please.

In the meantime, while you gather real data on the situation in EC, here are some ideas that have occurred to me lately:

1. Stop thinking about current issues as “protecting tenants” against bad landlords. Start couching things in terms of *solutions* for persistent housing shortages and inequities, with “solutions” being a positive and neutral concept to which landlords AND tenants can contribute.
2. Toward this end, stop referring to the issues you are currently dealing with as “Tenant Protection.” This term makes it sound as if landlords kill and eat their tenants if they are left untended! It hurts every time I hear it! Try something like what I used: El Cerrito Landlord-Tenant Relationships, which is a much less adversarial and more inclusive way to refer to the issues you are currently dealing with than “Tenant Protection.”
3. Consider not establishing a formal rent registry in order to gather much-needed data. Instead, just use a simple survey, which is a respected research tool. Make completing it mandatory to obtaining a City Business license. Enforce this by not issuing the license and increasing the penalties for obtaining such license as long as the landlord/owner doesn’t comply. You lawyers should be able to find a way to make that system work. It is also possible that your property inspection person can obtain some of the needed information (not rents or that sort of thing) during the course of the inspection we pay for every year or two.
4. Revisit the idea of a “Rent Review Board,” but don’t model it after the usual ones in nearby cities. Instead, how about a “Landlord-Tenant Alliance Board” or something positive like that, with a board made up of landlords and tenants and housing experts, including lawyers, and probably ordinary citizens or business owners, like the other City committees. Let this board review any complaint or discord between landlords and tenants, and make a nonbinding recommendation. The idea would be that everybody is heard, and that common sense can prevail when things are discussed honestly. (My inspiration for this idea is the Oak Tree in Guernika, Spain, where Basques came to have disputes and complaints toward neighbors or merchants or the government mediated. The system worked because that was the system they had!) This board COULD be volunteer, right down to taking the minutes and sending them to the City.
5. Explicitly include landlords in Pillar B of the EC Affordable Housing Strategy. After I sold my other EC four-plex when the business of rent control was first bandied about in EC, all four sets of my tenants, including families, moved out because of rent increases by the new owner. Serious tenant displacement!

6. Do more to include landlords in your solutions. You might be surprised! Also, recognize that you ask only one segment of the City's businesses to assist in the solution of affordable housing shortages. You do not ask restaurants to have a separate menu to give tenants a break, nor do you ask hardware and paint stores to give landlords with restricted rent options a discount as a way for those businesses to take on part of the housing load. It is all on landlords, so it seems very important that you know who those landlords are and how vulnerable they are at this time.

I apologize for the lateness and the length of this commentary, and I appreciate any attention you give to my comments.

Thank you,

Elizabeth ("BJ") Thorsnes

From: [Holly Charlety](#)
To: [Holly Charlety](#)
Subject: FW: Rent Control in El Cerrito
Date: Tuesday, February 19, 2019 6:03:17 PM

Dear Esteemed Members of the City Council:

I am writing apropos of tonight's city council meeting on instituting rent control policies in El Cerrito. As a homeowner in El Cerrito for the past nine years, I believe the proposed policies will negatively affect the future of the city by driving away middle-class people like myself from buying homes here.

In 2011 my wife and I bought a single family home on Conlon Ave near the El Cerrito Del Norte BART station. Since then we have continuously rented out the property, first to our son and then to other tenants. Part of what attracted us to this neighborhood was the absence of onerous rent control laws in El Cerrito, in contrast to the nearby cities of Berkeley and Richmond. I understand that this may all change soon. According to the minutes for tonight's meeting, the city council plans to discuss tonight:

Just Cause Eviction Ordinance: limits a landlord's ability to regain possession of the property or evict problem tenants.

- **Tenant Relocation Fee:** forces payment to the tenant of up to five times the market rent if the rent is raised beyond a certain threshold and the tenant moves as a result of the rent increase.
- **Rent Registry:** a mandatory requirement for landlords to submit rent and tenant data to the city.

Policies like these can easily be used by unscrupulous tenants against their landlords to prolong their stay indefinitely without paying rent, to damage the property with impunity, and to otherwise cause endless headache for the landlord. We have heard many horror stories from our friends in other cities who have had to deal with these situations, and what drew us to El Cerrito in the first place was that we believed we could avoid such difficulties here. If the city council passes onerous rent control policies like the ones being discussed, rental housing owners like myself will be strongly encouraged to sell our properties in El Cerrito and invest our money elsewhere.

The proponents of these policies argue that they will protect residents in low-income apartment housing. However, only a small portion of real estate in El Cerrito is apartment housing. The vast majority of its residents live in single family homes. This is partly what makes El Cerrito a nice place to start a family and raise kids, one of the safest and most prosperous parts of the East Bay. What the city should be protecting is the community of responsible, hardworking citizens who have made it an oasis in the midst of rapid change in the Bay Area. It is our sincere hope that the members of the city council will take the wishes of homeowners like myself into consideration at tonight's meeting, and in directing the future of this city.

Sincerely,
Dalun Zhai

From: [Holly Charlety](#)
To: [Holly Charlety](#)
Subject: FW: NO RENT CONTROL and JUST CAUSE EVICTION in El Cerrito! !!
Date: Tuesday, February 19, 2019 6:03:09 PM

Dear Mayor, Mayor Pro tem, Fellow Council Members, and City Clerk :

Please hear me out to understand why just cause eviction should Not apply to Single Family Homes. The single major difference between a SFH or condos, and multi-unit rental properties that were purposely built for the intent of renting to tenants is that SFH are intended to be lived in by the owners in the first place. If the owners provided such for rentals because they have to move out of state, these property owners need protection from you as well, to protect their rights to move back into their homes when that time comes.

As a just law erecting body, you are to weigh and balance the pros and cons of all voices, and enact only fair laws. We have known an incredible number of untold hardworking homeowners and their families who are either renters themselves in the Bay Area because they can NOT by law move back into their own homes... or in some cases, are living as far as in Arkansas, lamenting the fact that 1) they will not lived out their lives to be able to move into the home they have worked their whole life to own and support, 2) to be close to their family and aging parents, sons and daughters, or 3) to enjoy being grandparents to their grandkids, while serving the community by paying tens of thousands of dollars yearly in property taxes, not to mention large mortgages for all those years!!

When United States becomes a country that robs others of their fundamental protection for homeownership rights and the rights to personal property and freedom, we once again return to becoming a barbaric country, again, where we enslave one group of people ---their hardwork, their time away from their families, for the benefit of another group, namely in the name of serving the 2nd group ----that's called forced enslavement without equalled benefits ---this is absolutely and equally wrong as what the confederates did in the South. This is a keen to stealing and robbing of others' precious time and hardwork ---the same people whose exchange for the payment of hundreds of millions in property taxes should be freedom from the perpetual plantation class, freed from forced enslavements, freed from the oppressions of the entitlement wills and demands of another group. The same hundred of millions of annual dollars contributed and collected from the property owners should have been sufficiently used for public housing services to serve the most in need. It is the government's job to take care of those in need for the amount of money it receives, not the individual private sector's duty to doubly subsidize for housing, through additonal loses in money and property rights of all kinds.

Unlawful just cause eviction laws like this surely will create more housing problems that solve them. The law will spur legalized racketeering for one group to take money from another instead of preventing it. A current case file named "Ballinger vs. City of Oakland" challenges the unconstitutional tenant relocation scheme, which hurts families and housing industry. In the end, less housing units will be provided when

the cons outweighs the pro.

I'm a resident with families in San Francisco where we learn that the restrictive rental laws hurt so much more than help, because what the media never expose is the fact that more than 75% of San Francisco renters pay between \$300 - \$600 for a one (1) to three (3) bedroom rental ALL ACROSS TOWN, which further restricts the housing supply. There are far more effective means than a reactive response which has back-fired with dire consequences that worsens the lives of newly entered tenants and owners alike as what we have known, seen and experienced in San Francisco.

I respectfully ask for your careful consideration to weigh the seriousness of this poor law and refrain from allowing just cause eviction from further ruining the El Cerrito housing stock.

Best wishes for the future of El Cerrito,

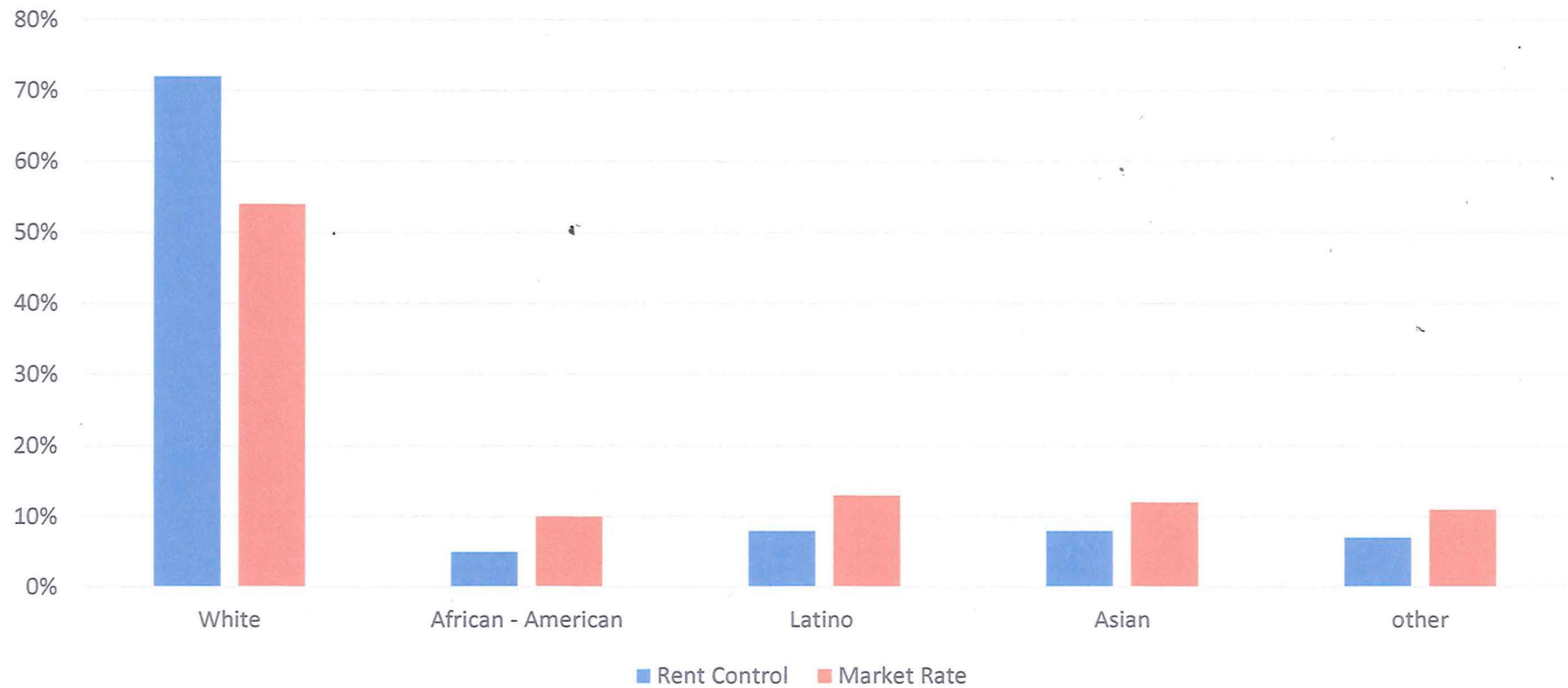
Eva Chao

RECEIVED
AT THE MEETING OF

FEB 19 2019

CITY OF EL CERRITO
CITY CLERK

Data from SF Rent Board
percentage of renters by race



THE CITY OF EL CERRITO TENANT PROTECTION TOOLS STUDY SESSION

FEBRUARY 19, 2019



OVERVIEW OF TONIGHT'S AGENDA

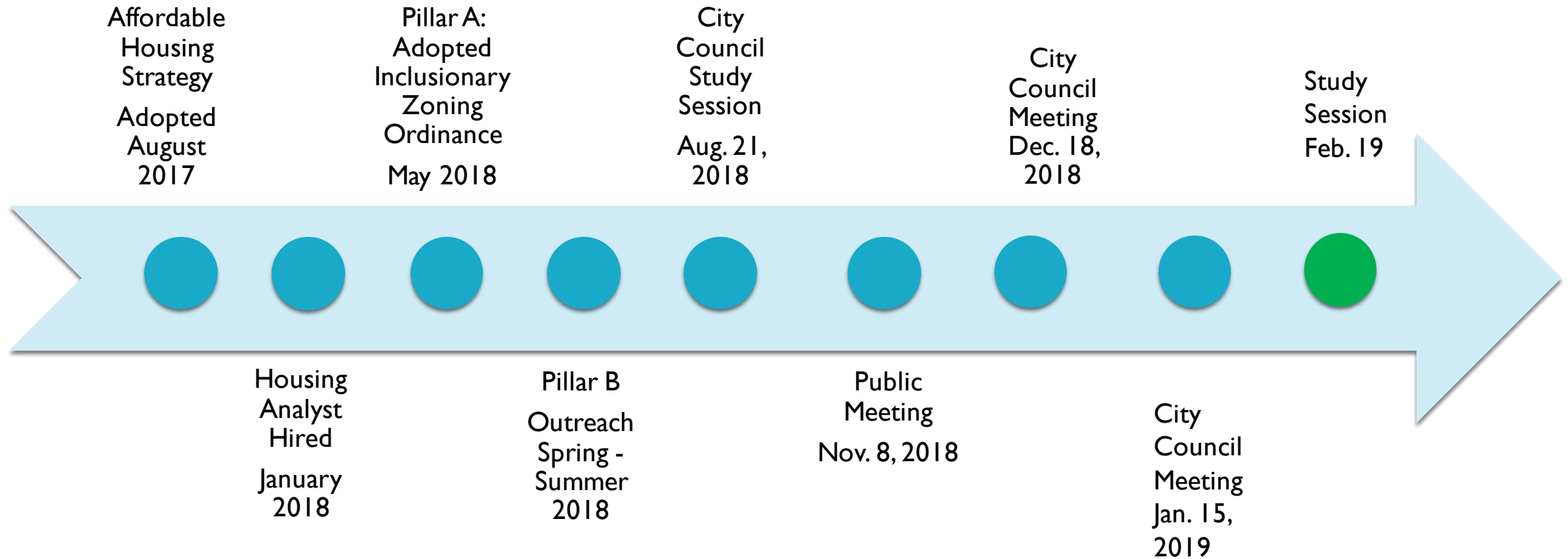
- Purpose
- Background
- New Tenant Protection Tools
 - Just Cause for Eviction
 - Rent Registry
 - Tenant Relocation triggered by rent increases
- Already Introduced Policies
- Policy/Program Considerations
- Next Steps/Discussion

PURPOSE

To inform and discuss tenant protection policies requested by City Council; and

Provide staff direction for program development.

TIMELINE





**City Council Meeting to Study
Tenant Protections**
**Reunión del Ayuntamiento para
estudiar las protecciones de los
inquilinos**
市议会租民保护研究会议



The City Council is holding a study session to examine a variety of tenant protection policies. Tenants and landlords, attend this public meeting to learn more and give your input.

Tuesday, February 19, 2019 — 7PM

19 de febrero de 2019 — 7PM

2019年2月19日 — 晚上7点

El Cerrito City Hall, Council Chambers
10890 San Pablo Ave, El Cerrito
www.el-cerrito.org/AffordableHousing

**MEETING NOTICE:
CITY-WIDE MAILER**

EL CERRITO HOUSING POLICIES



2014: San Pablo Avenue Specific Plan

2015-2023: Housing Element

2017: Affordable Housing Strategy

2018: Inclusionary Zoning Ordinance

OTHER RENTAL HOUSING POLICIES



Residential Rental Inspection Program (RRIP)
Established 1997

- The goal of the RRIP is to ensure that rental housing units are in compliance with Health & Safety Codes
- All rental housing units in El Cerrito are subject to RRIP
- Business License Required



*Condominium Conversion Ordinance,
El Cerrito Municipal Code Chapter 19.45*
Established 2008

- Regulations that apply to the conversion of existing multifamily rental housing to condominiums
- Tenant's Right to Purchase
- Moving Expenses = two times the monthly rent



Soft-Story Retrofit Inventory Grant Application
Submitted September 2018

- Seeking FEMA grant funding to study and inventory soft-story structures in El Cerrito
- Goals: Reduce risks to human life, preserve housing stock and infrastructure
- Data from this study will be used to inform our hazard mitigation efforts

EL CERRITO HOUSING ELEMENT 2015-2023

(ADOPTED MAY 2015)

Goal HI: Existing Housing, Program HI.4. Evaluate Displacement

- The City will participate, as appropriate, in studies of regional housing need and displacement, and consider policies or programs to address the displacement of low income residents. *(Source: New Program)*

Goal HI: Existing Housing, Program HI.6. Eviction for Good Cause Ordinance

- The City shall vet and consider adopting a Good Cause Ordinance for Eviction Ordinance that would prohibit landlord from terminating tenancy without good cause. *(Source: New Program)*

Identifies tools to protect,
preserve and produce
affordable housing stock

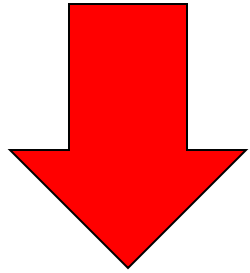
Lays out specific objectives,
key considerations and
implementation actions
over a 5-year period

Timelines:

- Immediate Term < 1 year
- Short Term 1-2 years
- Medium Term 3-5 years

EL CERRITO AFFORDABLE HOUSING STRATEGY (ADOPTED AUGUST 2017)

EL CERRITO AFFORDABLE HOUSING STRATEGY: FOUR POLICY PILLARS



A

Leverage private development to address affordable housing needs

B

Explore and implement policy options to reduce risk of displacement

C

Encourage development of “missing middle” housing types

D

Increase local funding for low income and special needs housing development

PILLAR B STRATEGIES: HIGH PRIORITY IMPLEMENTATION ACTIONS

Strategy 4: Implement policies to preserve low-cost housing stock.

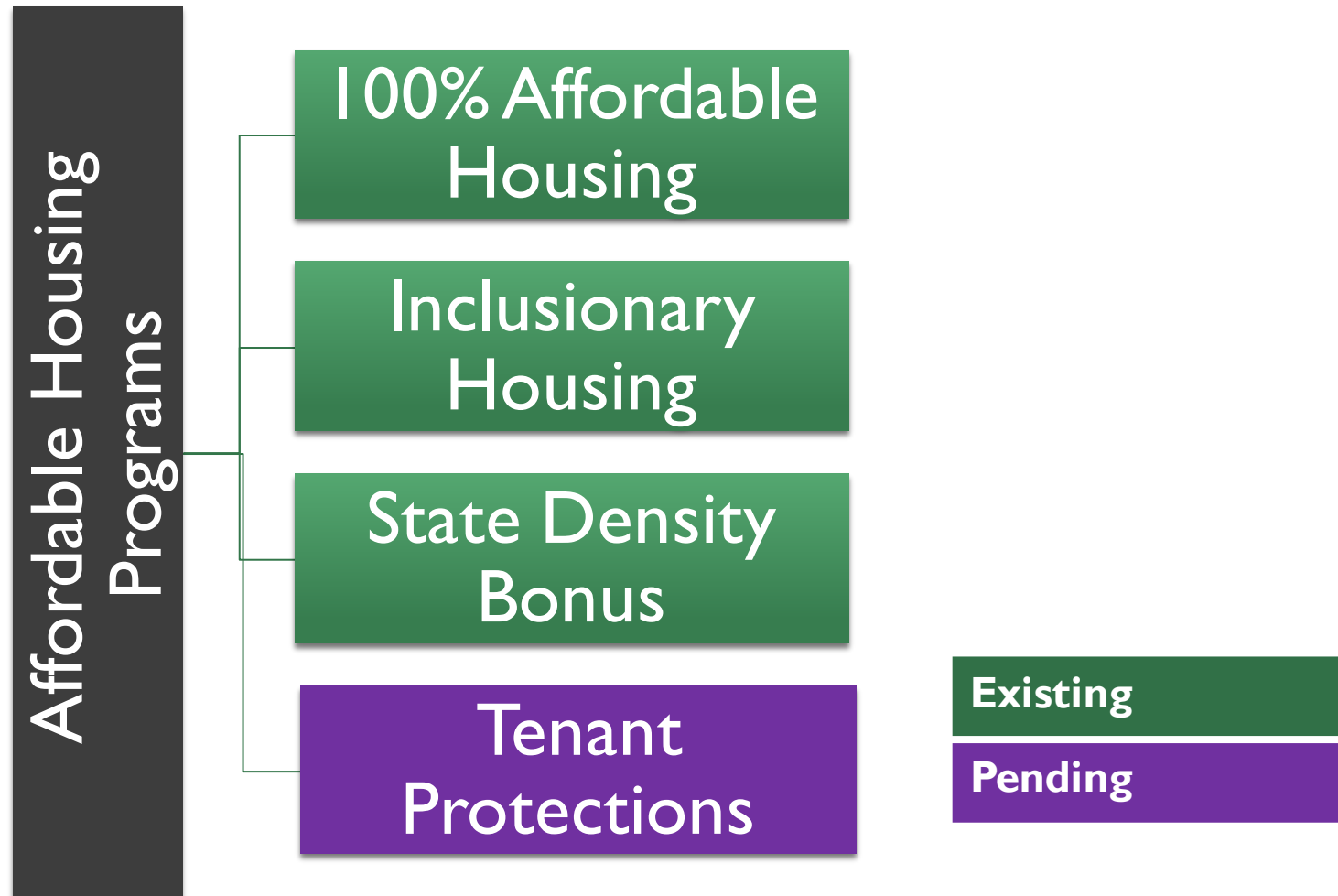
4-2. Consider enacting an ordinance to regulate the demolition of existing housing units, including requiring tenant relocation assistance.

Strategy 6: Explore potential tenant protection policies.

6-1. Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities.

A large, bold, black letter 'B' is centered on a bright yellow rectangular background. The letter has a slightly pixelated or blocky appearance.

CITY AFFORDABLE HOUSING TOOLBOX



2018 Area Median Income Limits (AMI) for Contra Costa County

Household Size	Extremely Low 30% of AMI	Very Low Income 50% of AMI	Low Income 80% of AMI	Median Income 100% of AMI	Moderate Income 120% of AMI
1	\$24,400	\$40,700	\$62,750	\$73,100	\$87,700
2	\$27,900	\$46,500	\$71,700	\$83,500	\$100,250
3	\$31,400	\$52,300	\$80,650	\$93,950	\$112,750
4	\$34,850	\$58,100	\$89,600	\$104,400	\$125,300
5	\$37,650	\$62,750	\$96,800	\$112,750	\$135,300
6	\$40,450	\$67,400	\$103,950	\$121,100	\$145,350

DEFINITIONS OF AREA MEDIAN INCOME CATEGORIES

Source: The California Department of Housing and Community Development (HCD)

BACKGROUND: HOUSEHOLD INCOME RANGE BY INCOME CATEGORY

	El Cerrito		Contra Costa County	
Income Category	Households	Percent	Households	Percent
Extremely Low Income	1,030	10.4%	41,650	11%
Very Low Income	1,050	10.6%	37,410	10%
Low Income	1,135	11.5%	48,360	13%
Moderate Income	1,770	17.9%	66,452	18%
Above Moderate Income	4,880	50%	171,796	47%
Total Households	9,865	100%	365,668	100%

Population: 23,862

Size: 3.66 square miles

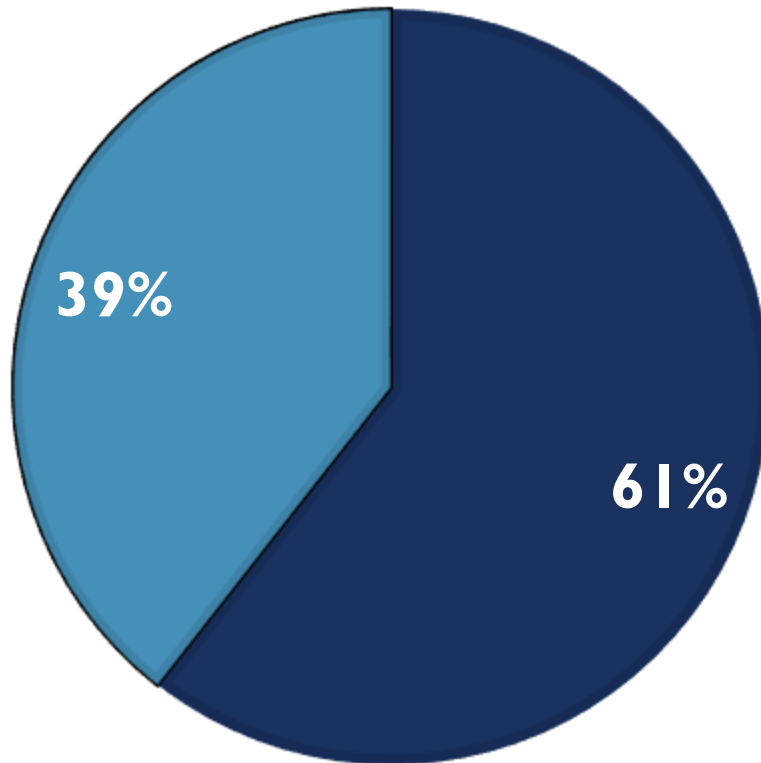
Median Income: \$104,400 (4-persons)

Source: 2015-2023 Housing Element and
CA Department of Housing and Community Development, State Income Limits for 2018



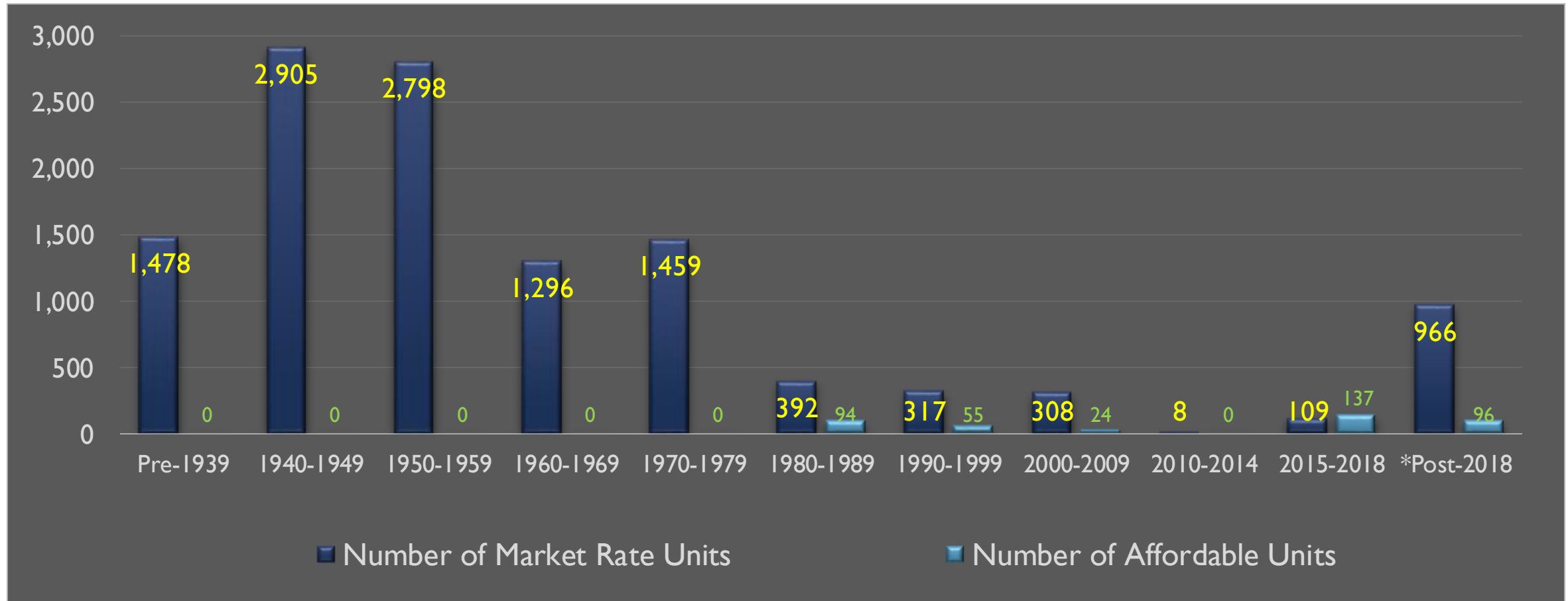
OCCUPANCY TENURE

■ Owner-Occupied ■ Renter Occupied



BACKGROUND:
HOUSEHOLDS BY
OCCUPANCY
TENURE

BACKGROUND: AGE OF HOUSING UNITS

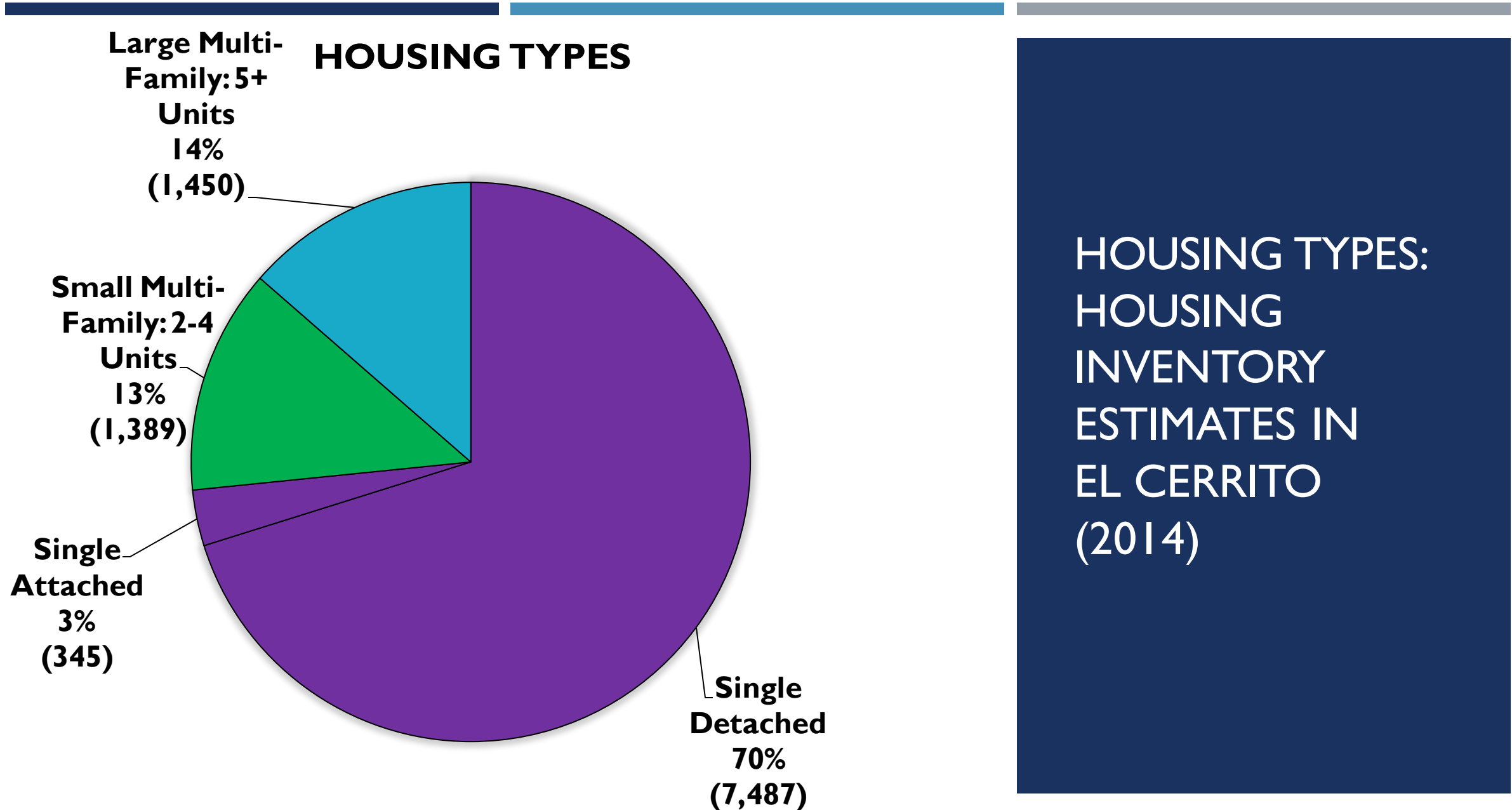


**San Pablo Avenue Specific Plan Pipeline Data As of 06/11/2018; Inclusionary Zoning Ordinance Effective 06/14/2018.*

Source: 2012-2012 American Community Survey (3-Year Estimate), El Cerrito Affordable Housing Strategy, 2017

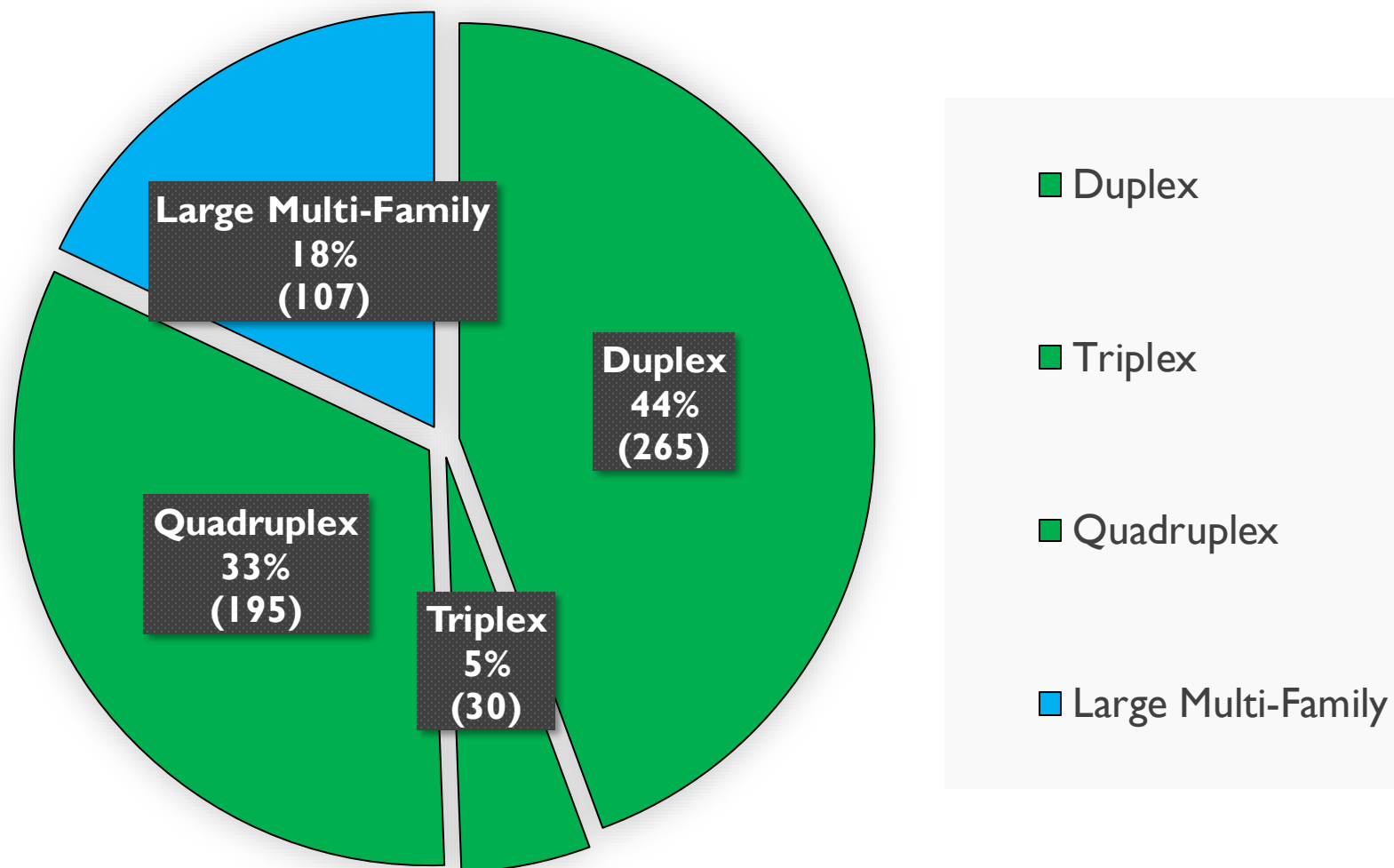
HOUSING TYPES

PROPERTY TYPES	DESCRIPTIONS
Costa-Hawkins	• Single-Family • Condominiums, Townhomes • Multi-family units built after Feb. 1995
Small Multi-Family (pre February 1995)	• Duplex • Triplex • Quadraplex
Large Multi-Family (pre February 1995)	• 5+ Units



HOUSING TYPES:
HOUSING
INVENTORY
ESTIMATES IN
EL CERRITO
(2014)

Multi-Family Buildings by Type

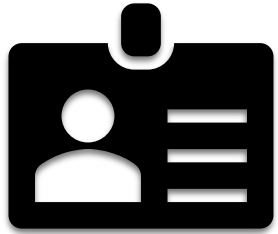


HOUSING TYPES: COMMON EXCEPTIONS

Exceptions:

- Single-family residence (even if rented)
- Condo, townhomes, etc.
- A multi-family rental unit with a Certificate of Occupancy issued after February 1995
- A room rental
- Accessory Dwelling Units (ADU)
- Hotels, motels, bed and breakfasts, etc.
- Tenancy that is condition of employment by a landlord
- Units whose rents are controlled by any government agency

BUSINESS LICENSES



896 Active Licenses

One license per building is required



2,618 UNITS REGISTERED

2,098 multi-family

533 single-family/condo

EXISTING STATE LAW

The Costa-Hawkins Rental Housing Act:

Limits local jurisdictions ability to impose rent stabilization ordinances.

Vacancy Decontrol allows landlord to set new rent for next tenant.

Rent stabilization measures may not apply to single-family homes, condos or any property built after February 1, 1995.

CA Civil Code Section 1946.1 - Termination of Tenancy

Termination of tenancy requires a 60-day notice or

30-day notice for less than one year

CA Civil Code Section 827b - Rent Increase Notice

30-days if less than 10% ≤

60-days if greater than 10%

EXISTING STATE LAW

CA Civil Code Section 1942.5 – Retaliatory Eviction

It is illegal for a landlord
to retaliate against a
tenant for lawfully and
peaceably exercising his
or her rights

CA Government Code Chapter 12.75 - Ellis Act

Withdrawal of units
from rental market



TENANT PROTECTION TOOLBOX

JUST CAUSE FOR EVICTIONS: OVERVIEW

Purpose	• Restricts reasons for which landlord can evict • Tenants must be provided specific “for cause” • Typically includes Harassment Protections
Eligible Units	Generally includes 2+ or 3+, but may include all rental properties (incl. single family)
Program Administrator	City staff, 3 rd Party Program Administrator, Landlords, Tenants and generally Legal Aid
Rent Threshold	Does not apply to rent increases and typically paired with rent control/increase programs
Participation	Mandatory
Noticing Process	Landlord required to provide notice of tenant rights to all prospective/existing tenants
Enforcement	Complaint Based or Mandatory Participation; Civilly Enforced
Costs	Medium

Termination Process:

- 30, 60 or 90-day Notice of Termination of Tenancy
- Notice to Quit
- Unlawful Detainer Action

Reasons to Evict:

- Failure to Pay Rent
- Breach of Lease
- Nuisance or Criminal Activity
- Ellis Act (withdrawal from market)

Anti-Harassment
Protections

Prohibits Discrimination
from Protected Class

**JUST CAUSE FOR
EVICTIONS
EXISTING
STATE LAW**

JUST CAUSE FOR EVICTIONS: PROCESS & NOTICING REQUIREMENTS

Step 1: Landlord Requirements

- Must demonstrate the following:
- Current Business License with the City
 - Unit is Registered as Rental with the City

Step 2: Notice of Tenants Rights

- Landlord must provide each tenant a Notice of Tenant rights upon:
- Adoption of ordinance
 - Execution of New Lease Agreement
 - Renewal of Lease Agreement
 - Notice of Termination

Step 3: Notice of Termination

If issued, landlord must provide notice that contains the reason(s) for termination of tenancy

Step 4: Civil Remedies

- Disputes are resolved in the following manner:
- Pursued through civil action
 - City not involved

JUST CAUSE FOR EVICTIONS: FOR-CAUSE & NO-FAULT REASONS

For-Cause Typically Includes:

- Failure to Pay Rent
- Breach of Rental Agreement
- Tenant Illegal Activities
- Tenant Violations of Health & Safety Code
- Failure to Allow Landlord Access
- Tenant Rejected Written Lease Extension
- Tenant Violated Occupancy Restriction
- Landlord Returning from Deployment

No-Fault (landlord caused):

- Ellis Act
- Owner Move-in or Owner Relative
- Major Rehabilitation/Renovation/Demolition
- Condominium Conversion
- Substantial Rehab for Health & Safety Governmental Order

JUST CAUSE FOR EVICTIONS: ENHANCED HARRASSMENT PROTECTIONS

- Interrupt or fail to provide housing services
- Abuse of right to access the property
- Influence or offer payment in return for the tenant vacating
- Threaten the tenant by word or harm
- Refuse to cash or accept a rent check
- Violations of the tenants right to privacy
- Other repeated acts to substantially interfere with or disturb tenant

JUST CAUSE FOR EVICTIONS: APPLICABILITY BY UNIT TYPE

PROPERTY TYPES	DESCRIPTIONS
Costa-Hawkins	Single-Family, Condominiums, Townhomes, Multi-family units built after Feb. 1995
Small Multi-Family (pre February 1995)	Duplex Triplex Quadraplex
Large Multi-Family (pre February 1995)	5+ Units

JUST CAUSE FOR EVICTIONS: EXCEPTIONS

- **In general may exclude:**
 - A room or any other portion of any property occupied by landlord who rents or leases two or fewer bedrooms to one or more tenants
 - Accessory Dwelling Units (ADU)
 - Hotels, motels, bed and breakfasts, etc.
 - Housing accommodations in extend care facility, etc.
 - Tenancy that is condition of employment by a landlord (i.e. on-site manager's living unit)
 - Units whose rents are controlled by any government agency

JUST CAUSE FOR EVICTIONS: PROS & CONS

PROS

Local regulations for which
tenancy may be terminated

Transparent reason for
termination

Stability for tenants

CONS

Costly

Lengthy proceedings

Added Pre-Screening

JUST CAUSE FOR EVICTIONS: PROGRAM COSTS



Program Administration (ongoing)

City Staff

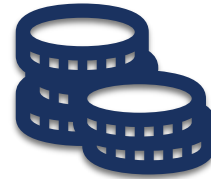
***0.25 FTE, Administrative Assistant**

Tenant Counseling

Landlord Counseling

Legal Aid (city subsidy)

Program Materials



Annual Costs

City Staff

City Attorney

Technology

Service Provider

Supplies



Start-up Costs

Workshops

Technology

Forms, Website

City Staff

City Attorney

Service Provider

***Added City Staff**

***Newly identified staff resources**

JUST CAUSE: SCENARIOS

Scenario

- Landlord wants to occupy the rental unit
- Tenant asks landlord to make a repair and as a result landlord terminates tenancy
- Tenant violated the guest policy of the lease agreement by having an occupant reside in the property who is not named on lease
- Landlord accuses tenant of operating a business out of the rental unit

Outcome

- Allowed: Just Cause (no-fault)
- Not Allowed: Terminating a tenancy for this reason does not constitute a just cause
- Allowed: Just Cause (with proof)
- Unknown: Possible just cause, burden of proof must be provided by the landlord

JUST CAUSE FOR EVICTIONS: PROGRAMS IN OTHER CITIES

City	Adopted	Rent Increase	Eviction Protections	Population	Budget	Fee Charged per Rental Unit	Full-Time Employee (FTE)	Funding Source
Emeryville	2016	None	Eviction & Harassment Protections	11,758	\$65,000	\$0.00	2	Local & County Housing Bond
Union City	2017	Tenant/Landlord Mediation: Non-Binding	Eviction & Harassment Protections	73,010	\$100,000	\$21.50 \$10.00	2	Cost-Recovery, County Housing Bond
Richmond	2016	Fair Rent Program	Just Cause for Eviction	111,785	\$2.4M	Range: \$207, \$100 or \$50	8	Cost-Recovery, General Fund
Berkeley	1980	Rent Stabilization	Eviction for Good Cause	121,238	\$4.5M	\$250	20.6	Local & County Housing Bond, Cost-Recovery

JUST CAUSE FOR EVICTIONS: CITY COUNCIL CONSIDERATIONS

-
- Types of Units?
 - Regulate Notice of Termination?
 - Collect Termination of Tenancy Data?
 - Fund Legal Aid?

RENT REGISTRY: OVERVIEW

Purpose	To track and monitor rents as well as rent increases in El Cerrito
Eligible Units	Generally includes 2+ or 3+, but may include all rental properties (incl. single family)
Program Administrator	City staff (Housing Analyst, Finance), Database Administrator and Landlords
Rent Threshold	Does not apply to rent increases
Participation	Mandatory
Noticing Process	City will notify landlords on an annual basis simultaneously with business license renewals
Enforcement	City staff, Fines (i.e. Housing Analyst, Code Enforcement, City Attorney)
Costs	Medium-High

RENT REGISTRY



Data collection mechanism
for landlord to report rents



Online database source of
entry



Provides the City with
authority to collect annual
rents



Enforcement for landlords
not compliant with the
ordinance

RENT REGISTRY: DATA POINTS

OWNER INFORMATION	PROPERTY/UNIT INFORMATION	RENT HISTORY	OCCUPANCY STATUS
• Name • Contact Information • Address • # of Units Owned in El Cerrito	• Address • Number of Units • Unit Number • Square Footage • Number of Bedrooms • Number of Bathrooms	• Previous Rent • Current Rent (auto calculation for % of rent increase) • Date of Rent Increase • Date of Move-In • Date of Move-Out	• Vacant • Occupied

RENT REGISTRY: HOUSING UNIT TYPES

PROPERTY TYPES	DESCRIPTIONS
Costa-Hawkins	Single-Family, Condominiums, Townhomes, Multi-family units built after Feb. 1995
Small Multi-Family (pre February 1995)	Duplex Triplex Quadraplex
Large Multi-Family (pre February 1995)	5+ Units

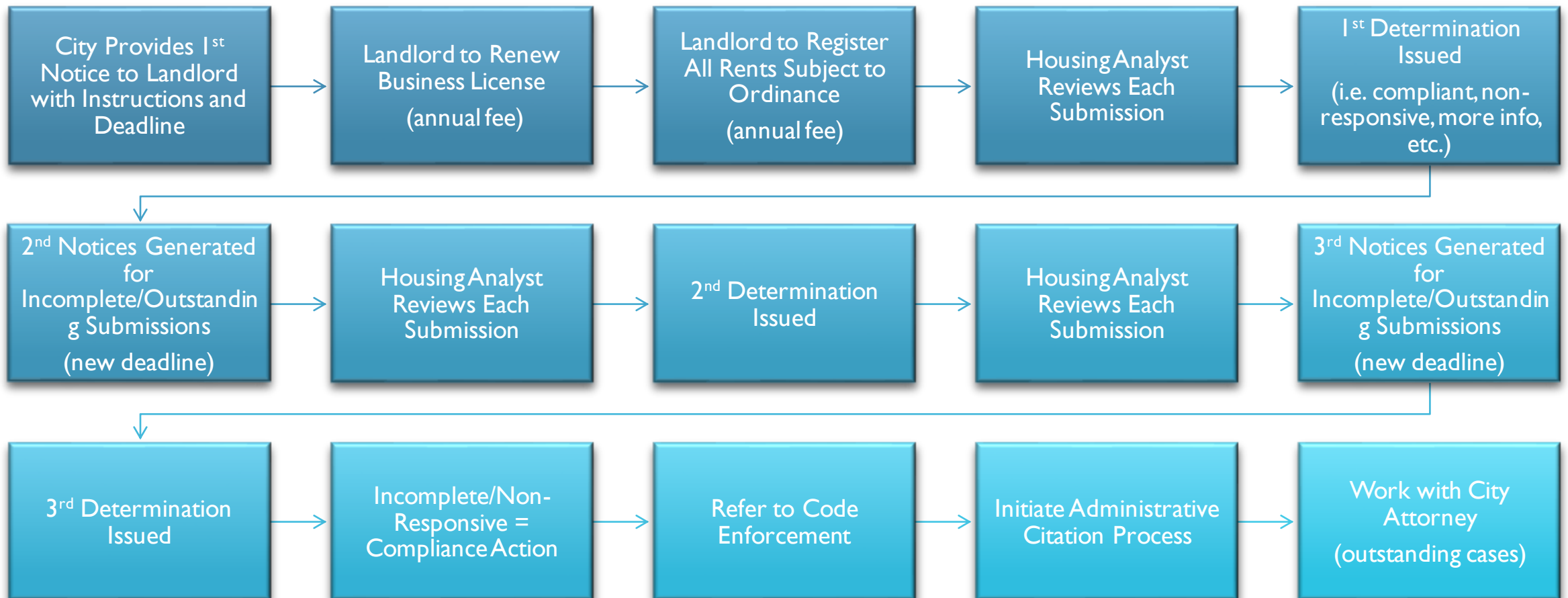
RENT REGISTRY: EXCEPTIONS

- **In general exclude:**
 - A room rental
 - Accessory Dwelling Units (ADU)
 - Hotels, motels, bed and breakfasts, etc.
 - Housing accommodations in extend care facility, etc.
 - Tenancy that is condition of employment by a landlord
 - Units whose rents are controlled by any government agency
 - Units acquired by the city intended to be used for public purposes



RENT REGISTRY: OVERVIEW

RENT REGISTRY: PROCESS



RENT REGISTRY: PROGRAM COSTS



Program Administration (ongoing)

Housing Analyst

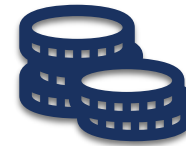
**0.25 FTE, Administrative Assistant*

**0.25 FTE, Code Enforcement*

New Database

Program Materials

**Newly identified staff resources*



Annual Costs

City Staff

Database (integrated with
business license software)



Start-up Costs

Workshops

Database

Internal & External IT
Training

Forms, Website

Supplies

City Attorney

**Added City Staff*

RENT REGISTRY: PROS & CONS

PROS

Local dataset to track and understand rents and rent increases

Reporting Ability

Data may be used to shape City's housing policies

CONS

Generally paired with other programs (not standalone)

Ability to implement with existing administrative staff is limited

Additional IT, Code Enforcement and Administrative Staff expenses

RENT REGISTRY: OTHER CITIES

City	Adopted	Rent Increase	Population	Fee Charged per Rental Unit
County of Marin	2019	Tenant/Landlord Mediation: Binding/ Non-Binding	67,000	\$0
Los Angeles	2016	Rent Stabilization	4,000,000	\$24.51
Richmond	2016	Fair Rent Program	111,785	Range: \$207, \$100 or \$50 (cost recovery)

RENT REGISTRY: CITY COUNCIL CONSIDERATIONS

- Unit Types?
- Data points?
- Mandatory or Voluntary?
- Cost Recovery?

TENANT RELOCATION ASSISTANCE/RENT INCREASE: OVERVIEW

Purpose	• Program that requires landlords to provide relocation payments to displaced tenants earning less than 120% of Area Median Income • Triggered when tenant receives a single or cumulative rent increase that exceeds 20% over two-year period which results in displacement
Eligible Units	Generally includes 2+ or 3 multi-family properties built before 1995
Program Administrator	City staff, 3 rd Party Program Administrator, Landlords and Tenants
Rent Threshold	Rent increases >20% over two-year period
Participation	Mandatory
Noticing Process	Landlords to provide tenant notice of relocation benefits
Enforcement	City, Civilly between tenant and landlord
Costs	Medium-High

State Law

30-day notice for increases $<10\%$
60-day notice for increase $>10\%$

Some Exceptions

Generally rents cannot be raised
during a lease term

TENANT RELOCATION ASSISTANCE, RENT INCREASE:
STATE LAW NOTICING REQUIREMENTS

TENANT RELOCATION ASSISTANCE, RENT INCREASE: ELIGIBILITY



- **Eligible Household:** Tenant(s) whose annual household income does not exceed 120% of the Area Median Income (AMI)
- Cash equivalent of 3 months rent will be paid to the eligible household based on HUD's Fair Market Rent for a rental unit with the same number of bedrooms
- Special-circumstances households will be paid 2 additional months of rent for a maximum of 5 months' rent

TENANT RELOCATION ASSISTANCE, RENT INCREASE

- 2018 Area Median Income

Household Size	Moderate Income 120% of AMI
1	\$87,700
2	\$100,250
3	\$112,750
4	\$125,300
5	\$135,300
6	\$145,350
7	\$155,350
8	\$165,400

Source:

State Income Limits for 2018, Contra Costa County,

The California Department of Housing and Community Development (HCD), Effective April 26, 2018

TENANT RELOCATION ASSISTANCE, RENT INCREASE

- FY 2019 Fair Market Rent (FMR)

Bedroom Size	Fair Market Rent
Efficiency	\$1,397
1-Bedroom	\$1,693
2-Bedroom	\$2,109
3-Bedroom	\$2,902
4-Bedroom	\$3,558

Source:

HUD FY 2019 Fair Market Rent Documentation System for 2018, Contra Costa County

TENANT RELOCATION ASSISTANCE, RENT INCREASE: SAMPLE RELOCATION CALCULATION

- Household Size One: 1
- Annual Income: \$75,000
- Unit Size: 1-bedroom
- Current Rent: \$1,500 (January 2019)
- Proposed Rent Increase: \$375
- % Rent Increase: 25%
- New Rent: \$1,875 (March 2019)

Sample Calculation	
Bedroom Size	1-bedroom
Fair Market Rent	\$1,693
Household Type	Eligible (3-months)
Total Relocation Payment	\$5,079

TENANT RELOCATION ASSISTANCE, RENT INCREASE: SAMPLE RELOCATION CALCULATION

- Household Size One: 1
- Annual Income: \$100,000
- Unit Size: 1-bedroom
- Current Rent: \$1,500 (January 2019)
- Proposed Rent Increase: \$375
- % Rent Increase: 25%
- New Rent: \$1,875

Sample Calculation	
Bedroom Size	1-bedroom
Fair Market Rent	\$1,693
Household Type	Ineligible – over-income
Total Relocation Payment	\$0

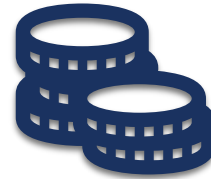
TENANT RELOCATION ASSISTANCE/RENT INCREASE: PROGRAM COSTS



Program Administration (ongoing) City Staff

***0.25 FTE, Administrative Assistant**

Tenant Counseling
Landlord Counseling
Legal Aid (city subsidy)
Program Materials



Annual Costs

City Staff
Technology
Service Provider
Supplies



Start-up Costs

Workshops
Technology
Forms, Website
City Staff
City Attorney
Service Provider

***Added City Staff**

***Newly identified staff resources**

TENANT RELOCATION ASSISTANCE RENT INCREASE: PROS & CONS

PROS

Alleviates some of the financial burden with moving expenses

Rent Increase Threshold

Special Circumstances
Households added benefits

CONS

May result in additional pre-screening

May result in units being withdrawn from rental market

TENANT RELOCATION ASSISTANCE/RENT INCREASE: UNIT TYPES

PROPERTY TYPES	DESCRIPTIONS
Small Multi-Family (pre February 1995)	Duplex Triplex Quadraplex
Large Multi-Family (pre February 1995)	5+ Units

TENANT RELOCATION ASSISTANCE: PROCESS & NOTICING REQUIREMENTS

Step 1: Landlord Requirements

Provide tenant Notice of Relocation Assistance

Step 2: Tenant Relocation Claim

Tenants seeking relocation assistance must contact the City/Program Administrator to file a claim and supply the required documents

Step 3: Notice of Determination

City/Program Administrator will notify tenant and landlord of income determination (eligible/ineligible)

Step 4: Payment To Eligible Households

Landlord shall make relocation payments to eligible household as follows:

1. Half of the relocation benefits to be paid within a specified number of days upon eligibility determination
2. Remainder due within a specified number days upon vacating the unit

Step 5: Civil Remedies

Disputes are resolved in the following manner:

- Pursued through civil action
- City not involved

TENANT RELOCATION ASSISTANCE, RENT INCREASE: CITY COUNCIL CONSIDERATIONS

- Threshold?
- Means testing?
- Unit Types?

TENANT RELOCATION ASSISTANCE: OTHER CITIES

City	Adopted	Tenant Relocation Triggers	Eviction Protections	Population	FTE
San Leandro	2017	1. Rent Increase 2. No-Fault Eviction	None	87,882	2.5
Menlo Park	Pending	1. Rent Increase 2. No-Fault Eviction	None	34,357	1 - Analyst 1 - Pending Position
Santa Cruz	February 2019	1. Rent Increase 2. Illegal Use of Structure 3. Unsafe or Hazardous Conditions	Under Consideration	65,021	Unknown



POLICY CONSIDERATIONS

ORDINANCES PREVIOUSLY CONSIDERED ON DEC. 18, 2018

PROGRAM	DESCRIPTION
Rent Review Program (Not Approved)	• Program that <u>requires</u> both landlords and tenants to participate in conciliation and may include mediation to increase rent above 5%
Minimum Lease Term (Approved)	• Program that provides minimum lease term requirements to prospective and current tenants with mandatory one-year minimum term
Termination of Tenancy (Approved)	• Requires landlord to notify the City anytime a tenancy is terminated
Tenant Relocation (Approved with amendments)	• Program that requires landlord to provide relocation payments to displaced tenants earning less than 120% of Area Median Income • Triggered when an application is submitted to the City to approve a land use change or improvement of real property that will result in displacement • Some exceptions and special circumstances

PROGRAM IMPLEMENTATION: ESTIMATED COSTS



Annual General Fund Approval:

\$100,000, 1 FTE, fully loaded (added staff – approximately)
\$25,000 - \$50,000 Legal Aid (not eligible for cost-recovery)
Increase to City Attorney time

Upfront Costs:

\$30,000 Start-up (database, service providers)

Estimated Annual Fees:

\$80 - \$100 per unit (cost-recovery)

	JUST CAUSE FOR EVICITON	RENT REGISTRY	TENANT RELOCATION	TOTAL
City Staff (annually)	HousingAnalyst @ .25 FTE (\$40,000) Administrative Support (.25 FTE, \$25,000) City Attorney (\$6,667)	HousingAnalyst @ .25 FTE (\$40,000) Account Specialist City Attorney (\$6,667) Admin. Support (.25 FTE, \$25K) Code Enforcement (.25 FTE, \$25K)	HousingAnalyst @ .25 FTE (\$40,000) Administrative Support (.25 FTE @ \$25,000) City Attorney (\$6,667)	1 - FTE
Program Administration	City, Designated Service Provider (DSP), Legal Aid, Landlords	City, Database Service Provider, Landlords	City, Designated Service Provider, Legal Aid, Landlords, Tenants	
Start-Up Costs (one-time)	\$4,500 - City-wide Mailing <u>\$5,000 - Program Set-up (DSP)</u> \$9,500	<u>\$13,000 - Software (DSP)</u> \$13,000	<u>\$12,000 - Program Set-up (DSP)</u> \$12,000	\$34,500
Annual Costs	\$10,000 – Service Provider <u>\$71,667 – City staff</u> \$81,667 (100% cost-recovery)	\$3,000 – Software <u>\$106,667 – City staff</u> \$99,667 (100% cost-recovery)	\$9,000 – Service Provider <u>\$71,667 – City staff</u> \$80,667 (100% cost-recovery)	\$262,000
Cost-Recovery: Fee Per Unit	\$40	\$38	\$40	\$118.00
Legal Aid (annually) (non cost-recovery)	\$25,000 - \$50,000 (General Fund - Combined)	Not Applicable	\$25,000 - \$50,000 (General Fund - Combined)	\$25,000 - \$50,000

ESTIMATED PROGRAM COSTS

PACKAGE OF ORDINANCES FOR CONSIDERATION

PREVIOUS (12/18/2018)	CURRENT (02/12/2019)	PAIRING OPTIONS
Rent Review Program		Option 1: Rent Review w-Just Cause Option 2: Rent Review w-Just Cause and Minimum Lease Term Option 3: No Rent Review
Minimum Lease Term		Option 1: Tenant Relocation w-Just Cause and Minimum Lease Term Option 2: Remove Minimum Lease Term
Termination of Tenancy	*Just Cause for Eviction	Option 1: Termination of Tenancy OR Option 2: Just Cause for Eviction
	Rent Registry	Option 1: <i>Standalone</i> Rent Registry Option 2: Tenant Relocation & Business Licensure renewal may be alternate methods of collecting rent data
Tenant Relocation (demolition)		Option 1: <i>Standalone</i> Tenant Relocation (demolition)
	Tenant Relocation (rent increase)	Option 1: Tenant Relocation w-Just Cause <i>*Just Cause for Eviction generally paired with rent increase ordinance</i>

POLICY CONSIDERATIONS: EXISTING RENTAL PROGRAM FEES

PROGRAM	FEE & FREQUENCY	SAMPLE RENTAL UNIT FEE
*Residential Rental Inspection Program	\$241 - single-family \$211 - 1 st multi-family \$120 - each additional multi-family unit <i>*Rental inspections to occur every 2 years</i>	<i>Duplex (2-units)</i> \$211 <u>\$120</u> \$331
Business License Fee	\$75 - Enrollment \$24 - Renewal	\$24
Business License Tax – Per Unit	\$111 - per unit	\$222
Total:		\$577 current \$695 proposed programs

NEXT STEPS/DISCUSSION

- 1. City Council: Clarifying questions for staff?
- 2. Public Comment

NEXT STEPS/DISCUSSION

- Tonight's Discussion
 - Rent Registry
 - Just Cause for Eviction
 - Tenant Relocation
 - Pairing Options
 - Program Costs
- Next Steps
 - Timelines
 - Draft Ordinances
 - 1st Reading



THANK YOU!

