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Planning Manager  
City of El Cerrito

RE: Draft Housing Element

Mr. Moss,

East Bay for Everyone is a membership organization advocating for housing, transit, tenant rights, and long-term planning in the East Bay. We write to provide comments on the City of El Cerrito's 6th Cycle Housing Element Public Review Draft ("Draft").

### **Summary**

- We have a number of comments on improving proposed Programs and Policies
- We request that El Cerrito identify low-income RHNA sites in high-resource areas outside of San Pablo Avenue in order to avoid concentrating low-income housing in low and moderate resource tracts in order to comply with El Cerrito's obligation to affirmatively further fair housing.

### **Programs and Policies**

- H-1.7 After January 31, 2026, the City shall allow developments with at least 20 percent affordable lower-income housing units by-right, consistent with objective development and design standards, on lower-income sites counted in previous housing cycles, consistent with Government Code Section 65583.2. \*NEW\*
  - Three years is far too long to re-zone for by-right approvals as required by AB1397. Consider reducing this timeline to January 31, 2024.
- Program H-1.E. Zoning for Innovative Housing Types - The City shall evaluate current zoning standards and consider potential zoning modifications and/or incentives to encourage innovative housing types, including tiny homes, efficiency units, and missing middle housing types
  - We are happy to see El Cerrito consider innovative housing types. As written, however, this program is vague and noncommittal. Moreover, it's unclear what El Cerrito would deliver in 2026. El Cerrito should update this program to provide

concrete, actionable commitments to rezoning and building code reforms to allow for innovative housing types.

- Program H-2.C. New Local Sources of Affordable Housing Funding - The City shall investigate potential local funding sources that could be used to leverage state or federal grant programs and develop affordable housing.
  - We support the use of real estate transfer taxes as a potential source of additional affordable housing. We advise El Cerrito to craft a progressive rate and a broad base to prioritize equity in this revenue source.
- Program H-2.J. Affordable Housing and Places of Assembly - The City shall explore the creation of an overlay zone or other zoning mechanism that would allow and provide incentives for affordable housing development on property owned or leased by a faith-based institution.
  - We support this program as a concept. We, however, urge El Cerrito to revise this program to commit to concrete, actionable steps towards this goal by January 2026.
- H-3.9 Ensure that sites being redeveloped for housing do not result in a net reduction in housing unit capacity, consistent with Government Code Section 66300(d).
  - SB330/SB8 create demolition protections for protected units (deed-restricted, rent-controlled and those occupied by low-income renters) when demolition is proposed. Development applicants must replace the protected units 1 to 1 and provide a right to return at deed-restricted or rent-control levels for displaced tenants.
  - El Cerrito should codify these protections into its municipal code.
  - El Cerrito should update its development application to inform potential applicants about SB330/SB8 tenant demolition protections and right to return. In addition, the development application should require a section requesting information about the existence of SB330/SB8 protected units that may be demolished as part of a project, plans for replacement and right to return of displaced tenants. Oakland and Los Angeles already do this for their development applications.

### **Site Inventory**

- Affirmatively Furthering Fair Housing
  - The site inventory concentrates low-income RHNA development along San Pablo Avenue – which is relatively low-resource compared to the rest of the city. El

Cerrito should add low-income RHNA sites in higher-resource neighborhoods. If re-zoning is necessary for this, that should be pursued as soon as possible.

We look forward to continuing to engage with the City of El Cerrito in this process.

John Minot  
Co-Executive  
East Bay for Everyone