



REVISED AGENDA
(REVISED CO-SPONSORSHIP INFORMATION FOR ITEM 9)
BERKELEY CITY COUNCIL MEETING
Tuesday, June 6, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1605182859>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 518 2859**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 6, 2023

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$1,061,394

Contact: Henry Oyekanmi, Finance, (510) 981-7300

2. Shelter Plus Care Program Renewal Grants

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,949,021 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2023 through May 31, 2024; b) \$2,327,914 for COACH Project (COACH) for the period of January 1, 2023 through December 31, 2023. 2. One federal Shelter Plus Care grant received via Alameda County in a not-to-exceed amount of \$881,045 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2023 through February 28, 2024.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 3. Request for Proposal for Martin Luther King, Junior (MLK) House**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1. Release a Request for Proposals (RFP) seeking a new owner/operator for Martin Luther King, Junior (MLK) House currently owned by Resources for Community Development (RCD); and 2. Consider the reallocation of \$1,178,974 in 2021 Housing Trust Fund (HTF) Rehabilitation Funding initially awarded to RCD to the new owner/operator of MLK House as part of the transfer of property to help support rehabilitation of the existing housing.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. Grant Application: The Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) Apply for and accept a grant in the amount of \$60,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments; and 3) Authorize a local match contribution of \$6,000.
Financial Implications: Grant - \$60,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 5. Contract Amendments for As-needed Trees Services with Bay Area Tree, Hamilton Tree, Professional Tree, and West Coast Arborist**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to amend contracts with Bay Area Tree Specialists (31900202), Hamilton Tree Service (31900193), Professional Tree Care (31900212), and West Coast Arborists (31900218), for as-needed tree services, increasing the amount by \$250,000 each.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 6. Donation from the Bessemer Trust for Tree Planting**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$7,105 for tree planting at Indian Rock Park and John Hinkel Park from the Bessemer Trust.
Financial Implications: \$7,105 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 7. Contract: Rebuilding Together East Bay North for Just Transition Pilot Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rebuilding Together East Bay North (RTEBN) in an amount not to exceed \$1,500,000 to develop and implement a Just Transition Pilot Program over a two-year period.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 8. Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc. to prepare an addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR) for the Southside Zoning Implementation Program, increasing the contract amount by \$61,000 to a new total not-to-exceed contract amount of \$2,061,000.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 9. Berkeley City Auditor Whistleblower Program**
From: Auditor, Mayor Arreguin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution to support and endorse the City Auditor's plan to implement a Whistleblower Program. Consistent with the implementation plan, the City Auditor is currently requesting authorization to hire one additional Audit Manager.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

10. **Referral to City Manager and City Attorney: Tenant Habitability Plan and Amendments to Relocation Ordinance** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*

From: Mayor Arreguin (Author)

Recommendation:

1. Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions.
2. Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

Policy Committee Recommendation: Forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated recommendations as follows:

1. *Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions. The committee further recommends that the City Manager establish an interdepartmental working group, including staff from Planning, HHCS, and the Rent Board.*
2. *Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.*

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

11. **Amendments to the COVID-19 Emergency Response Ordinance**

From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Robinson (Author)

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 12. Budget Referral: Additional Street Maintenance Funding to Improve Pavement Condition, Saving Tax Dollars and Our Streets** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Kesarwani (Author), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the FY 2023-25 biennial budget process to further increase the street paving budget by \$4.7 million General Fund in FY 2024-25 for a total street paving budget of approximately \$20 million in FY 2024-25.
Policy Committee Recommendation: To send the item to Council with a positive recommendation.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
- 13. Bench Donation: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$3500 from Vice Mayor Bartlett for creating a community bench in memory of the efforts of community members made in 2020 on the Black Lives Matter movement, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$3,500
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 14. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$1000 from Vice Mayor Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$1,000
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 15. Refer \$7,000 to the June 2023 Budget Process to Purchase Marking Equipment to Engrave Identification Numbers onto Catalytic Converters**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Referral to the June 2023 Budget Process for \$7,000 to purchase marking equipment to engrave identification numbers onto catalytic converters to deter theft and assist with investigations and recovery efforts.
Financial Implications: \$7,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

16. Referring \$15,000 to the June 2023 Budget Process for a City Recreational Vehicle Pump-Out Station

From: Councilmember Harrison (Author)

Recommendation: Refer \$15,000 to the June 2023 Budget Process in Measure P funds for City recreational vehicle pump-out station, including minimal staffing costs, liability, maintenance, and replacement costs to allow individuals to discharge effluent waste directly into the City's sewer system.

Financial Implications: \$15,000

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

17. Support for SB-233 (Skinner)

From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)

Recommendation: Approve a letter to Senator Skinner in support of SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment: bidirectional capability, and send copies to Assemblymember Wicks and Governor Newsom.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

- 18. Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an ordinance adding Berkeley Municipal Code Section 23.304.150 establishing Bird Safe Building requirements ("bird safe requirements") for projects that require a building permit.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

- 19. 2022 Police Equipment & Community Safety Ordinance Annual Report**
From: City Manager
Recommendation: Adopt a Resolution approving the 2022 Equipment Ordinance Annual Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Information Reports

- 20. Police Overtime Audit Report Wins National Recognition**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 26, 2023.***



Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item # 18: Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150**

1. Teresa Ely, on behalf of the Golden Gate National Parks Conservancy
2. Bonnie Lewkowicz
3. Lucy Kenyon
4. Jeannette Kortz
5. Marie Mika
6. Janet Johnson
7. Tom Kelly
8. Victor Ichioka
9. Cathy Condon
10. Marista Jarvis
11. Deborah Crooks
12. Amanda Noguera
13. Margo Schueler
14. Hilla Abel
15. Lucas Tobin
16. Emma Cox
17. Karen Rothblatt (2)
18. Birgit Graeve
19. Keith Johnson
20. O'Brien Thiele
21. Katrina Lundstedt
22. Mary Lynn Morales
23. Charlene Woodcock
24. Sheila Metcalf Tobin
25. Jan and Steven
26. Robert Keller
27. Kim Thompson

28. Isabelle Gaston
29. Miriam Fabbri
30. Kathleen Clancy
31. Wendy Bloom
32. Eric Friedman
33. Peggy Scott
34. Linda Burden
35. Patricia Long
36. Bobbi Sloan
37. Melina Howard-Herrarte, on behalf of the Sierra Club
38. Mary Frank
39. Janice Murota
40. Lois Cantor
41. Elizabeth McAnally
42. Merle Norman
43. Andrew Chan
44. Deborah Green
45. Basak Altan
46. Jenny White
47. Juli Dickey
48. Richard Peterson
49. Cheryl Fippen
50. Pamela Nudel
51. Russ Greene
52. Irene Rice
53. Alex Stec
54. Amy Dunn
55. Brenda Wallace
56. Nancy Yates
57. Michelle Squitieri
58. Kelsey Seymour
59. Alicia Telford
60. Andrea Aidells
61. Sherry Reson
62. Sheila Goldmacher
63. Sylvia Soriano
64. Donald Goldmacher
65. Miranda Ewell
66. Ariel Smith-iyer
67. Linda Zagula
68. Jeff White
69. Melissa Quilter
70. Natalie Nussbaum
71. Roberta Wyn, on behalf of Citizens for East Shore Parks
72. Allison Kidder
73. Scott Loss

74. Joshua Bradt
75. Analicia Hawkins
76. Noreen Weeden, Golden Gate Audubon Conservation Committee
77. Eva Shu
78. Beverly Tharp
79. Lovell Jarvis
80. Gianna Ranuzzi
81. Bonnie Borucki, on behalf of We Bee Gardner's
82. Kelly Hammargren
83. Linda Currie
84. Erin Diehm
85. Sally Nelson
86. Carla Woodworth
87. Pam Stello
88. Pierre Thiry
89. Selma Danskin
90. Glenn Phillips, on behalf of Golden Gate Audubon
91. Helen Morgan
92. Janet Carpinelli
93. Laura Watkins

#### **Unhoused Becoming Unhinged**

94. Jeff Morgan, on behalf of Covenant Wines
95. Farley Gwazda
96. Councilmember Kesarwani

#### **Berkeley Police Chief**

97. Karen Libby
98. Diana Andreeva
99. Josh Buswell-Charkow
100. Tom Attar
101. Janice Schroeder
102. Margot Smith

#### **Ambulance Service in North Berkeley**

103. Varya Simpson
104. Stefanie and William Gynn
105. Peggy Mendelson
106. Tom Burns
107. Rhyena Halpern
108. Hubert von Marschall
109. Susan Matisoff
110. Barbara Lanier

#### **Housing**

111. Melinda Howard-Herrarte, Chair, Northern Alameda County Sierra Club

**Commission Vacancies at Human Welfare and Community Action**

112. David Knight, CalCAPA

**3000 Shattuck Project**

113. Larisa Cummings

**Chess Club**

114. Jeffery Mitchell

**Decriminalize Psychedelics**

115. Esther Lerman

**Domestic Violence**

116. Linda Xyz

**African American Holistic Resource Center**

117. Walter Wood

118. Moni Law

**Mental Health Crisis**

119. Fred Dodsworth

**Sidewalk Safety**

120. John Cooke

**Keep California Public Transit Moving**

121. Dulanya Cooray

**Neighborhood Watch**

122. Vivian Warkentin

**2023 Dilemma**

123. Carolyn E. Moore

**Tax/Fee Freeze**

124. Barbara Gilbert (2)

**Senior Artists' Colony**

125. Joann Sullivan

**Crosswalk at 6<sup>th</sup> and Addison**

126. Rebecca Herman

**Police Accountability Board Budget Recommendations**

127. Hansel Aguilar

### **Invitation to Attend Police Accountability Board Meeting**

128. Hansel Aguilar

### **Hopkins Corridor**

129. Carol Hirth

130. Kathleen Davis

131. Josie Gerst

132. Kay Englund

133. Leni Siegel

134. Stephen Wood

135. Susan Taylor

136. Cindi Goldberg

137. Verna Winters

138. Howard Goldberg

139. Pamela Zelnik

140. Lee Bishop

141. John Parman

142. Dorothea Dorenz

143. Karen Gordon

144. Melinda Howard-Herrarte, on behalf of Sierra Club

### **Pavement Smoothness and Fuel Efficiency**

145. David Lerman

### **UA Theatre**

146. Arlene Owseichik

### **Cesar Chavez and Dolores Huerta Tribute Site**

147. Beatriz Leyva-Cutler

### **Offices to Housing**

148. Merry Selk

### **Bayer - Amended and Restated Development Agreement Year One Reporting**

149. Jennifer Cogley, Bayer Community Relations

### **Gas Leaf Blowers**

150. Gary VanderPol

### **Vietnam Era Veteran**

151. Will Elliott

### **Help Rachida To Find Housing**

152. Birgit Graeve

### **Lithium Ion Battery Information**

153. David Sprague, Berkeley Fire Chief

### **Asking Assistance with Criminal Justice and Accountability for Injury**

154. Benjamin Stein

### **Keep Masks in Health Care + COVID Safety**

155. Sophie

### **Wednesday Threat Alert at Urban Adamah**

156. Adam Weisberg

157. Councilmember Harrison

### **URL's Only**

158. Vivian Warkentin

159. Kevin Burke

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.





Office of the City Manager

CONSENT CALENDAR  
June 6, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 6, 2023

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is \$1,061,394.

| <u>PROJECT</u>                | <u>Fund</u> | <u>Source</u>              | <u>Amount</u>      |
|-------------------------------|-------------|----------------------------|--------------------|
| West Berkeley Services Center | 128<br>011  | CDBG<br>GS - DISCRETIONARY | \$1,061,394        |
| <b>Total:</b>                 |             |                            | <b>\$1,061,394</b> |

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager’s purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on June 6, 2023

CONSENT CALENDAR  
June 6, 2023

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 25, 2023
  - a. West Berkeley Services Center

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

DATE SUBMITTED: June 6, 2023

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                               | ESTIMATED COST     | BUDGET CODE TO BE CHARGED                                                                                              | DEPT. / DIVISION | CONTACT NAME & PHONE     |
|--------------------|-------------------------------------------------|----------------------|--------------------------|------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|
| 23-11604-C         | West Berkeley Services Center                   | 7/31/23              | 8/25/2023                | Roof, Electrical, Bathroom Remodel, and Other Improvements | \$ 1,061,394.00    | YES<br><br>\$936,360.00<br>128-54-623-677-0000-000-444-662110-<br><br>\$125,034<br>011-54-623-677-0000-000-444-662110- | PW/Engineering   | Elmar Kapfer<br>981-6435 |
| <b>DEPT. TOTAL</b> |                                                 |                      |                          |                                                            | <b>\$1,061,394</b> |                                                                                                                        |                  |                          |
| <b>TOTAL</b>       |                                                 |                      |                          |                                                            | <b>\$1,061,394</b> |                                                                                                                        |                  |                          |





Office of the City Manager

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Shelter Plus Care Program Renewal Grants

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to receive funds and execute any agreements and amendments resulting from the renewal of the following grants:

1. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD): a) \$3,949,021 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2023 through May 31, 2024; b) \$2,327,914 for COACH Project (COACH) for the period of January 1, 2023 through December 31, 2023.
2. One federal Shelter Plus Care grant received via Alameda County in a not-to-exceed amount of \$881,045 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2023 through February 28, 2024.

FISCAL IMPACTS OF RECOMMENDATION

The Department of Health, Housing, and Community Services' Housing and Community Services division (HHCS/HCS) has administered Shelter Plus Care grants for many years as part of the City's strategy to end homelessness. Each of the Shelter Plus Care grants and the grant from Alameda County provides funds for rental subsidies from the federal Department of Housing and Urban Development (HUD). Grant revenues are deposited and expensed out of Funds 347-Shelter+Care HUD, and 348-Shelter+Care County, respectively. With the exception of the required 25% service match, these grants fund 100% of the program costs. HUD allows up to 10% of each grant to be used to administer the rental subsidies, which supports HHCS/HCS's grant-related administrative activities.

CURRENT SITUATION AND ITS EFFECTS

Based on a national competition, HUD and Alameda County awarded funding to the City of Berkeley to renew three Shelter Plus Care grants that provide rental assistance to a minimum of 220 households. The City’s Shelter Plus Care Program provides federal rental subsidies that are matched by locally provided services to transition formerly homeless, disabled individuals and families into permanent, supportive housing. These grants currently provide tenant-based rental subsidies for approximately 300 households to rent from private property owners in Berkeley, Albany, Alameda, Oakland, and Emeryville.

Each of the participants in the program receives case management and other supportive services provided by one or more of the following agencies: Bay Area Community Services (BACS), Berkeley Food and Housing Project (BFHP); City of Berkeley Mental Health Division (BMH); City of Berkeley Aging Services Division (Aging); Bonita House, Inc.(Bonita); Building Opportunities for Self-Sufficiency (BOSS); East Bay AIDS Center (EBAC); Lifelong Medical Care (LLMC); and the Women’s Daytime Drop-In Center (WDDC).

BACKGROUND

Since 1995, the City of Berkeley Shelter Plus Care Program has been an important component of the continuum of housing available to disabled homeless families and individuals. The Shelter Plus Care Program is funded by HUD and the County of Alameda to provide housing subsidies for people who are homeless with a disability. The program combines a rental subsidy with ongoing supportive services to assist chronically homeless individuals and families to obtain and maintain housing.

Each of the participants in the program receives case management and other supportive services provided by one or more of the following agencies: Bay Area Community Services (BACS), Berkeley Food and Housing Project (BFHP); City of Berkeley Mental Health Division (BMH); City of Berkeley Aging Services Division (Aging); Bonita House, Inc.(Bonita); Building Opportunities for Self-Sufficiency (BOSS); East Bay AIDS Center (EBAC); Lifelong Medical Care (LLMC); and the Women’s Daytime Drop-In Center (WDDC).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Acceptance of the three Shelter Plus Care renewal grants will assure that 300 homeless and disabled individuals and families in Berkeley continue to benefit from receiving ongoing rental assistance and the supportive services necessary to retain stable housing.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were identified that would be consistent with the City's goal to house the most vulnerable members of the community.

CONTACT PERSON

Paul Chang, Community Services Specialist III HHCS, (510) 981-5446

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

SHELTER PLUS CARE PROGRAM RENEWAL GRANTS

WHEREAS, the U.S. Department of Housing and Urban Development and the County of Alameda have awarded the City of Berkeley Health, Housing & Community Services Department the following three Shelter Plus Care grants: 1) a) \$3,949,021 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2023 through May 31, 2024; b) \$2,327,914 for COACH Project (COACH) for the period of January 1, 2023 through December 31, 2023; and 2) One grant from the County of Alameda in a not to exceed amount of \$881,045 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2023 through February 28, 2024; and

WHEREAS, the combined total for the three grants is an estimated \$7,157,980 to provide direct rental assistance, and of this amount approximately 10% is available to support the Health, Housing, and Community Services Department's grant-related administrative activities (For the HUD grants budget, Fund 347-Shelter+Care. For the contract with Alameda County, Fund 348-Shelter+Care; and

WHEREAS, these Shelter Plus Care grants are an annual renewal of an existing program that provides rental subsidies and ongoing support services for more than 300 homeless and disabled individuals and families in Berkeley; and

WHEREAS, the rent subsidies provided through the City's Shelter Plus Care Program are matched by services provided by the City's Mental Health Division and Aging Services Division and seven community-based agencies that assist formerly homeless, disabled individuals and families to retain stable housing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to receive funds and execute any agreements and amendments resulting from the three grants awarded from the U.S. Department of Housing and Urban Development and the County of Alameda for the City's Shelter Plus Care Program as follows: 1) a) \$3,949,021 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2023 through May 31, 2024; b) \$2,327,914 for COACH Project (COACH) for the period of January 1, 2023 through December 31, 2023; and 2) One grant from the County of Alameda in a not to exceed amount of \$881,045 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2023 through February 28, 2024.

A signed copy of said documents, agreements and any amendments will be kept on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
June 6, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Request for Proposal for Martin Luther King, Junior (MLK) House

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to:

1. Release a Request for Proposals (RFP) seeking a new owner/operator for Martin Luther King, Junior (MLK) House currently owned by Resources for Community Development (RCD); and
2. Consider the reallocation of \$1,178,974 in 2021 Housing Trust Fund (HTF) Rehabilitation Funding initially awarded to RCD to the new owner/operator of MLK House as part of the transfer of property to help support rehabilitation of the existing housing.

SUMMARY

RCD intends to transfer MLK House to a new owner which requires approval by the City Council under an existing loan. After discussion with RCD, City staff recommends issuing an RFP to select a qualified owner/operator and further explore alternative supportive housing models for MLK House. Ultimately RCD would need to approve the recommended new owner, and has expressed willingness to work with the City as outlined in this report.

FISCAL IMPACTS OF RECOMMENDATION

This RFP may lead to the selection of a new owner/operator for MLK House. In December 2021, the City Council approved \$1,178,974 from Fund 302 (Operating Grants-State), for the project to complete identified rehabilitation needs, which RCD now wishes for the new owner to complete. The Department of Health, Housing, and Community Services (HHCS) may return to City Council with a specific recommendation related to the selection of a new owner/operator and possible reallocation of funds.

CURRENT SITUATION AND ITS EFFECTS

MLK House is a 12-room, Single-Room Occupancy (SRO) permanent housing development that serves up to eleven (11) formerly homeless individuals. The property is owned by Resources for Community Development (RCD) and managed by RCD's property management partner, the John Stewart Company (JSCo).

In recent years and more so in the last two years of the pandemic, RCD/JSCo have experienced challenges in operating the property. The residents, who are referred through Alameda County's Homestretch Coordinated Entry System (CES), are the highest need homeless individuals in the CES system, and many receive services from HHCS' Mental Health Division (HHCS/MH). The tenants have higher service needs than was intended for the existing service design at MLK house. The lack of adequate supportive services for the residents has led to problems that have adversely affected the physical condition and security of the property. Although RCD's property management partner JSCo is experienced in managing affordable rental housing, the level of oversight required by current MLK House residents no longer fits RCD and JSCo's operations.

In September 2021, RCD initiated conversations with HHCS, with a proposal to transfer ownership of the property to a qualified operator at the earliest date possible. Under the City's existing loan agreement executed on June 1, 2017, RCD is required to obtain City approval of any transfer or assignment of the City agreements related to the loan; including the DLA and Regulatory Agreement. Therefore, RCD proceeded with a search for a new owner with HHCS support.

After a year-long search, RCD presented a possible candidate that proposed a continuation of the existing program. While HHCS is in support of RCD's plan to transfer the property to a qualified operator, staff continues to have concerns about the current model under which MLK House operates. For instance, there are concerns about the ability of CES-referred residents to live independently at this site without adequate social services and the appropriate program structure. CES prioritizes placing the clients with the highest needs (often those with the most severe mental health diagnoses) in housing.

The current program at MLK House does not meet the kind of assistance required by this population of severely and persistently mentally ill individuals. In addition, an effective supportive housing program would require a constant stream of funding to support intensive social services, maintenance, and care of the physical environment; in addition to programming that supports group living. Continuing to safely and sustainably operate MLK House in its current configuration would require annual funding from the City and/or other sources for rental subsidy and covering operating costs.

Given these concerns, staff could not support RCD's recommendation without further exploring other options for the site, including consideration of other supportive housing/group living models. Through the proposed RFP, HHCS staff could vet new models that could potentially leverage other funding to support the services and programming that a high-needs population requires, or explore serving a different population more equipped for independent living with shared spaces.

Issuing an RFP to select a new owner/operator for MLK House meets a Strategic Plan Priority of providing and maintaining affordable housing and support services for our most vulnerable community members.

### BACKGROUND

MLK House is a two story, 12-room Single-Room Occupancy (SRO) rental property which was acquired and rehabilitated by RCD to provide housing for up to 11 formerly homeless adults. Residents have private bedrooms, but share bathroom and kitchen spaces.

The capital improvements that funding was approved for include roof repair, new gutter/downspout system, replacement of single-paned windows with double-paned windows, upgrades to common kitchen space and shared bathrooms, as well as some ADA and security features.

In February 2023, the City Council also approved allocation of \$107,890 in Mental Health Services Act (MHSA) funds to hire additional on-site staff to increase staff presence. While a new operator/owner is being sought, the additional staff support is needed to achieve stability and safety for the residents and the property. The MHSA funds could be made available to the new owner/operator for continued staffing support. The funding would need to be renewed annually and would need to be approved by the City Council through the MHSA Annual Action Plan process.

Currently, seven of the twelve rooms at MLK House are occupied by participants who receive rental subsidy from Shelter Plus Care and case management from Berkeley Mental Health. One room is being used as a field office for BMH case management staff at the recommendation of City staff. City Shelter Plus Care staff occasionally use the office space as well. The additional staff presence and oversight in recent months has helped to improve the security of the property and safety of the residents. Even with these improvements, the property continues to face vacancies as eligible applicants are able to find alternative housing more suited to their needs

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable direct environmental sustainability or climate impacts associated with the adoption of this recommendation. A future project would involve rehabilitating an existing, infill property.

### RATIONALE FOR RECOMMENDATION

As detailed above, MLK House, in its current configuration, is not working well to support the tenants. Staff recommend that HHCS work with RCD to issue an RFP to select a new owner/operator with a new model. Staff would return to City Council with a

selection of a new owner/operator and consideration of reallocating the \$1.8M 2021 HTF Rehabilitation Loan to support capital improvements and much-needed repairs.

ALTERNATIVE ACTIONS CONSIDERED

After a year-long search for a new owner, RCD presented a possible candidate for consideration. Staff continues to have concerns with the current model and could not support RCD's recommendation without further exploring other models suitable to the project's size and configuration.

Therefore, staff recommend issuing a Request for Proposal to select a new owner/operator and alternative supportive housing models for the MLK House.

CONTACT PERSON

Lourdes Chang, Community Development Project Coordinator, HHCS, 981-5263

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ISSUING A REQUEST FOR PROPOSALS FOR A NEW OWNER FOR MARTIN LUTHER KING JUNIOR (MLK) HOUSE

WHEREAS, Resources for Community Development (RCD) has operated MLK House since 1991, providing permanent housing for very low-income, formerly homeless individuals; and

WHEREAS, on June 1, 1991, the City entered into a loan agreement with RCD for a \$128,126 loan which was authorized by City Council Resolution No. 55,859-N.S. for acquisition and rehabilitation of the property, and the June 1991 loan was amended in December 1991 to increase the amount by \$150,000 for a total loan of \$278,126 (“1991 Rehab Loan”), to complete the rehabilitation of the property authorized by City Council Resolution No. 56,211-N.S.; and

WHEREAS, on June 1, 2017, the City entered into a new loan agreement replacing the 1991 Rehab Loan with a loan equal to the outstanding principal on the Rehab loan, forgiving the accrued interest on the Rehab Loan and changing the interest rate to 0% and an approximate 30-year term to make the new loan co-terminus with the original regulatory agreement (City Council Resolution No. 67,480-N.S.); and

WHEREAS, on December 14, 2021, by City Council Resolution No. 70,135-N.S., the City Council approved a funding reservation of \$1,178,974, for the renovation of MLK House, and the execution of the loan documents for this new rehabilitation loan is on pause pending the transfer of MLK House to a new owner; and

WHEREAS, because the current residents who reside in MLK House require a higher level of services and oversight that is no longer in line with RCD’s operations, RCD intends to transfer the property to a new owner and operator experienced in providing permanent supportive housing; and

WHEREAS, under the City’s existing development loan agreement, RCD must obtain approval of the transfer of property; and

WHEREAS, City staff are in support of RCD’s transferring the property and recommend issuing a Request for Proposal (RFP) to select a qualified owner/operator and further explore other options, including consideration of supportive housing and group living models that could potentially leverage other funding that supports the services and programming that a high needs population requires, or explore serving a different population more equipped for independent living with shared spaces; and

WHEREAS, RCD agrees with the City facilitating the selection of a new owner/operator and possible alternative housing models for MLK House through an RFP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to issue a Request for Proposal (RFP) for selection of a new owner/operate for MLK House; and

BE IT FURTHER RESOLVED that City Manager is hereby authorized to include in the RFP consideration of including a reallocation of \$1,178,974 in 2021 Housing Trust Fund Rehabilitation Funding initially awarded to RCD to the new owner/operator of MLK House as part of the transfer of property to help support rehabilitation of the existing housing.



Office of the City Manager

CONSENT CALENDAR  
June 6, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks, Recreation, and Waterfront  
Subject: Grant Application: The Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to 1) Apply for and accept a grant in the amount of \$60,000 from the California Division of Boating & Waterways (DBW) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments; and 3) Authorize a local match contribution of \$6,000.

FISCAL IMPACTS OF RECOMMENDATION

The cost to remove and dispose of abandoned and derelict vessels at the Berkeley Marina through FY2026 is estimated at \$66,000. The Parks, Recreation, and Waterfront Department will submit a grant application to the Division of Boating and Waterways SAVE grant program in the amount of \$60,000 for this work, and will allocate a required minimum 10% local match, equivalent to \$6,000. Funding for the match is subject to appropriation in the FY 2024 budget in the Marina Fund (Fund 608). If awarded, the grant will be deposited in the Boating and Waterways Fund (Fund 607).

CURRENT SITUATION AND ITS EFFECTS

Each year, approximately eight (8) vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation. This new round of funding will assist us as we work to keep our docks clear of derelict vessels in

Grant Application: The SAVE grant program from DBAW

CONSENT CALENDAR

June 6, 2023

the coming year, and build upon the progress we make in removing derelict vessels via previous SAVE Grants.

### BACKGROUND

Responsibility for derelict and abandoned vessels, unfortunately, often falls on public agencies. In 2020, the Berkeley Marina was awarded a SAVE grant for \$130,000 of which we used 86% and removed twenty-five derelict vessels. In late 2020 the Berkeley Marina was awarded another SAVE grant for \$42,000 of which 100% was used to remove 8 derelict vessels. In late 2021 the Berkeley Marina was awarded another SAVE grant for \$42,000, which is currently being utilized. In late 2022 the Berkeley Marina was awarded another SAVE grant for \$60,000. For the past 20 years, the Division of Boating and Waterways has provided grant funding assistance to public agencies throughout California, including the City of Berkeley, to properly remove, store, and dispose of abandoned, wrecked, or dismantled vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Derelict, abandoned, and sunken vessels pose a navigational and environmental hazard to the waters of the Bay (e.g., they can leak oil fuel, oil coolant, paints and solvents, sanitary waste, etc.) Removal and proper disposal of these vessels contributes to the improvement to the health of the Bay waters.

### RATIONALE FOR RECOMMENDATION

The Parks, Recreation, and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. SAVE grants, allow the City to substantially leverage our existing funding for these projects, and safely remove potential environmental and navigational hazards from our waters. The swift removal of derelict vessels from our Marina via SAVE Funds prevents the accumulation of such vessels on our docks improves the attractiveness of the Berkeley Marina to existing and prospective slip holders.

### CONTACT PERSON

Alexandra Endress, Waterfront Manager, 981-6737

Sean Crothers, Waterfront Supervisor, 981-6744

Attachments:

1. Resolution



RESOLUTION NO. ##,###-N.S.

GRANT APPLICATION: SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) GRANT PROGRAM OF THE STATE DIVISION OF BOATING AND WATERWAYS

WHEREAS, each year, approximately eight (8) vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. This number is expected to increase due to financial hardships of the Covid-19 pandemic. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation; and

WHEREAS, responsibility for abandoned vessels, unfortunately, often falls on public agencies. For the past 20 years, the Division of Boating and Waterways has provided grants to public agencies, including the City of Berkeley, to remove, store, and dispose of abandoned, wrecked, or dismantled water vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent; and

WHEREAS, the Parks, Recreation and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. By applying for SAVE grants, the City is able to substantially leverage our existing funding for these projects, and safely remove potential environmental and navigational hazards from our waters; and

WHEREAS, the cost to remove and dispose of eight (8) abandoned and derelict vessels at the Berkeley Marina in FY2024 is estimated at \$66,000. The Parks, Recreation and Waterfront Department will apply for \$60,000 from the DBW SAVE grant program to remove these vessels, and must provide a minimum match of 10% (equal to \$6,000). Funding for the match is subject to appropriation in the FY 2024 budget in the Marina Fund (Fund 608). If awarded, the grant will be deposited in the Boating and Waterways Fund (Fund 607).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to 1) submit a grant application to the California Division of Boating and Waterways 2022 SAVE grant program for \$60,000; 2) accept any grants; 3) execute any resulting grant agreements and any amendments; and the City Council authorizes the implementation of the projects and appropriation of funding for related expenses, including \$6,000 in local match from the Marina Fund, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract Amendments for As-needed Trees Services with Bay Area Tree, Hamilton Tree, Professional Tree, and West Coast Arborist

RECOMMENDATION

Adopt four Resolutions authorizing the City Manager to amend contracts with Bay Area Tree Specialists (31900202), Hamilton Tree Service (31900193), Professional Tree Care (31900212), and West Coast Arborists (31900218), for as-needed tree services, increasing the amount by \$250,000 each.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment of \$250,000 each for a total of \$1,000,000 is available in the Fiscal Year (FY) 2023 and FY 2024 budget in the Parks Tax Fund (138-52-542-566-0000-000-461-612990) and the Fire Fuel Abatement Fund (011-52-542-566-1001-000-461-612990). The addition of \$250,000 to each of the four contracts will increase the not-to-exceed total contract amount for each contract as follows: Bay Area Tree Specialists (NTE \$1,050,000); Hamilton (NTE \$750,000); Professional Tree (NTE \$450,000); and West Coast Arborist (NTE \$950,000).

CURRENT SITUATION AND ITS EFFECTS

The City currently has contracts with four tree service providers (Bay Area Tree Specialists, Hamilton Tree, Professional Tree, and West Coast Arborists) to perform various as-needed tree services, primarily consisting of tree and stump removals, tree pruning, and emergency response to storm damage throughout the city on the public right of way, street medians, pathways, and in public parks. To date, staff has identified trees that need to be removed and pruned to reduce fire fuel and improve public safety.

BACKGROUND

In April 2019, a Request for Qualifications (RFQ) was issued seeking qualified firms to provide tree services on an as-needed basis. The City determined that four tree service providers met the criteria described in the RFQ and issued contracts to the following: Bay Area Tree Specialists, Hamilton Tree, Professional Tree Care, and West Coast Arborists.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The maintenance of the urban forest and the prevention of destructive urban fires are essential in meeting the City's Climate Action Goals over the long term.

RATIONALE FOR RECOMMENDATION

Staff has identified trees to be removed and pruned at various parks, on City paths, and along the public right of way which will reduce the fire fuel load and improve public safety. The City does not have the in-house labor or equipment resources to complete these jobs in an efficient manner.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 981-6632  
Dan Gallagher, Senior Forestry Supervisor, 981-6687

Attachments:

- 1: Resolution - Bay Area Tree Specialists
- 2: Resolution - Hamilton Tree
- 3: Resolution - Professional Tree
- 4: Resolution - West Coast Arborist

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 31900202 AMENDMENT: BAY AREA TREE SPECIALISTS FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that Bay Area Tree Specialists met the criteria described in the RFQ and executed contract no. 31900202; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$250,000 is available in the Fiscal Year (FY) 2023 and FY 2024 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager execute an amendment to Contract No. 31900193 with Bay Area Tree Specialists for as-needed tree services, increasing the amount by \$250,000 for a not-to-exceed total contract amount \$1,050,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 31900193 AMENDMENT: HAMILTON TREE FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that Hamilton Tree met the criteria described in the RFQ and executed contract no. 31900193; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$250,000 is available in the Fiscal Year (FY) 2023 and FY 2024 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager execute an amendment to Contract No. 31900193 with Hamilton Tree for as-needed tree services, increasing the amount by \$250,000 for a not-to-exceed total contract amount \$750,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 31900212 AMENDMENT: PROFESSIONAL TREE FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that Professional Tree met the criteria described in the RFQ and executed contract no. 31900212; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$250,000 is available in the Fiscal Year (FY) 2023 and FY 2024 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager execute an amendment to Contract No. 31900212 with Professional Tree for as-needed tree services, increasing the amount by \$250,000 for a not-to-exceed total contract amount \$450,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 31900218 AMENDMENT: WEST COAST ARBORISTS, INC FOR  
AS-NEEDED TREE SERVICES

WHEREAS, in April 2019, a Request for Qualifications (RFQ) was issued seeking firms to provide tree services on an as-needed basis; and

WHEREAS, on May 28, 2019, the City determined that West Coast Arborists met the criteria described in the RFQ and executed contract no. 31900218; and

WHEREAS, to-date, staff has identified trees to be removed and pruned to reduce the fire fuel load and other trees to be pruned to improve the health and safety of the urban forest; and

WHEREAS, funding for this contract amendment of \$250,000 is available in the Fiscal Year (FY) 2023 and FY 2024 budget from the Parks Tax Fund (138) and the Fire Fuel Abatement Fund (011).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager execute an amendment to Contract No. 31900218 with West Coast Arborist for as-needed tree services, increasing the amount by \$250,000 for a not-to-exceed total contract amount \$950,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Donation from the Bessemer Trust for Tree Planting

RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$7,105 for tree planting at Indian Rock Park and John Hinkel Park from the Bessemer Trust.

FISCAL IMPACTS OF RECOMMENDATION

The total value of purchasing approximately 40 new trees and associated supplies for Indian Rock Park and John Hinkel Park is \$7,105. City staff will do the installation. The cash donation will be deposited into the Parks Tax Fund (Fund 138) donation revenue budget code 138-52-542-568-0000-000-000-481110 and is subject to appropriation in the FY 2024 Parks Tax Fund.

CURRENT SITUATION AND ITS EFFECTS

In 2022, the Bessemer Trust approached the Parks, Recreation and Waterfront (PRW) Department about a donation to help replant new trees after a mature oak tree failure in Monkey Island Park. After this successful community tree planting, the Bessemer Trust inquired about future projects. City staff provided options to help fund materials for tree planting at Indian Rock and John Hinkel Parks.

On February 22<sup>nd</sup>, approximately 10 trees were planted at Indian Rock Park with Urban Forestry staff and a group of community volunteers. On March 8<sup>th</sup>, approximately 20 trees were planted at John Hinkel Park with Urban Forestry staff and a group of community volunteers. Approximately 10 additional trees were planted at John Hinkel Park over the spring.

BACKGROUND

Per the City's Expanded City Parks Donation Policy, individuals may donate to the City's parks in selected locations subject to the approval of the Director of the PRW Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Expanded City Parks Donation Policy as described in Resolution No. 66,831–N.S. and has approved the donation, subject to Council

approval. The City's Open Governance Ordinance requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This donation covers the cost of planting 40 new trees in City parks, which helps the City advance Strategic Goal No. 7 to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

RATIONALE FOR RECOMMENDATION

The donation allows the City to install approximately 40 new trees at Indian Rock Park and John Hinkel Park, which will benefit the general public.

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6632.

Attachments: 1: Resolution

RESOLUTION NO. -N.S.

DONATION FROM THE RORICK FAMILY TRUST FOR STRAWBERRY CREEK

WHEREAS, on December 17, 2013, Council adopted the Expanded City Parks Donation Policy (Resolution No. 66,831–N.S.); and

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, the Bessemer Trust, wishes to donate for tree planting at Indian Rock Park and John Hinkel Park with a cash donation of \$7,105; and

WHEREAS, per the City's Expanded City Parks Donation Policy, individuals may donate to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Expanded City Parks Donation Policy as described in Resolution No. 66,831–N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$7,105 for tree planting at Indian Rock Park and John Hinkel Park from the Bessemer Trust is hereby accepted.





Office of the City Manager

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Department of Planning and Development

Subject: Contract: Rebuilding Together East Bay North for Just Transition Pilot Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rebuilding Together East Bay North (RTEBN) in an amount not to exceed \$1,500,000 to develop and implement a Just Transition Pilot Program over a two-year period.

FISCAL IMPACTS OF RECOMMENDATION

The \$1,500,000 in project funds for this contract was allocated in FY 2023 in budget code 011-53-583-611-0000-000-441-612990. The amount requested for the contract is a not-to-exceed (NTE) amount.

CURRENT SITUATION AND ITS EFFECTS

On January 31, 2023, the City of Berkeley released a Request for Proposals (RFP) Specification Number 23-11586-C to develop and implement a Just Transition Residential Electrification Pilot Program (Just Transition Pilot).

The City received valid proposals from three organizations for this solicitation. Staff reviewed and assessed the proposals according to the selection criteria in the RFP, including the organizations' references, cost proposals, qualifications, project approaches, abilities to meet program goals, and overall qualities of the responses.

Based on a thorough review, staff recommends awarding a contract to Rebuilding Together East Bay North (RTEBN) for a total amount of not to exceed \$1,500,000. RTEBN's proposal included a partnership with the Construction Trades Workforce Initiative (CTWI) to bolster its connection to workforce training and recruiting, and placing traditionally underrepresented people in the construction trades and union careers. The team was selected for its long history and successful track record in serving low-income Berkeley residents, ability to leverage additional funds, connections to construction trades, apprenticeship and pre-apprenticeship programs, and an existing pipeline of potential clients and buildings that could be served as part of this program.

The Just Transition Pilot is a Strategic Plan Priority Project, advancing the City's goals to foster a dynamic, sustainable, and locally-based economy; create a resilient, safe, connected, and prepared city; and be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

This action also fulfills the goals set forth in two previous City Council referrals regarding building electrification generally and a Just Transition Pilot specifically (described in more detail below), and upon adoption of the attached resolution staff will deem those referrals completed.

### BACKGROUND

On June 14, 2022, City Council approved a budget referral and Resolution No. 70,414-N.S. (Attachment 2) establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program (Just Transition Pilot). On November 30, 2021, Berkeley City Council approved a budget referral for \$1,500,000 for the Just Transition Pilot, of which \$400,000 is allocated for administrative costs to run the program. The program was funded with a transfer of funds from the American Rescue Plan Fund as part of the FY 2022 Annual Appropriations Ordinance (AAO).

The establishment of both the Pilot Climate Equity Fund (approved by City Council on July 27, 2021) and the Just Transition Pilot are consistent with actions outlined in the Berkeley Existing Building Electrification Strategy (BEBES), approved by Council on November 30, 2021. A central principle of the strategy was the development of pilot programs that address the following Equity Guardrails that were developed for BEBES in collaboration with the community:

- **Maximize Access to Health, Safety & Mobility Benefits:** Proposed projects should prioritize the benefits of building and transportation electrification including health, safety, and comfort to those most impacted by climate change.
- **Maximize Access to Economic Benefits:** Proposed projects should leverage incentives and financing, reduce costs when possible, and support high-road job opportunities prioritizing disadvantaged communities.
- **Maximize Ease of Participation:** Proposed projects should be easy for community members to access, and should be integrated with other programs and services when possible.
- **Promote Housing Affordability & Anti-Displacement:** Proposed programs should support housing preservation and tenant protections, and not displace renters or homeowners.

The Just Transition Pilot Program will provide the direct installation of building electrification measures in existing affordable housing buildings and/or for low-to-moderate income households (at or below 120% of the Area Median Income, or AMI). Electrification measures include replacing gas water heating, HVAC, electrical upgrades and cooking equipment with systems that run on clean electricity. The Just Transition

Pilot requires that electrification upgrades be completed by pre-qualified contractor(s) who meet minimum labor standards, as a way to ensure that residential electrification construction work also provides equitable benefits to workers. The objective of labor standards is to advance high-road, family-sustaining jobs that pay living wages, with comprehensive benefits and opportunities for career advancement for a diverse workforce.

The goals of the Just Transition Pilot include:

- Expand high-road workforce opportunities in the low-rise residential building sector by aggregating projects and/or buildings;
- Advance economic opportunities for residential building electrification contractors and workers, particularly Black, Indigenous, and people of color (BIPOC) and women contractors and BIPOC and women workers, by creating high-road job labor standards, trainings, and inclusive recruitment pathways;
- Improve occupant health, comfort and energy affordability for low-to-moderate income (at or below 120% AMI) Berkeley residents with high quality installations of efficient electrification measures in homes; and
- Reduce community-wide greenhouse gas emissions by converting residential gas systems to clean electricity.

Staff conducted extensive research to inform program design through interviews with key stakeholders and through active participation in the Bay Area regional High Road Training Partnership (H RTP)<sup>1</sup>. Staff also presented to and received valuable input from the Berkeley Environment and Climate Commission (ECC) on September 28, 2022, the City Council Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee on November 3, 2022, and the Commission on Labor on November 30, 2022. Other City Departments and Divisions also gave input, as did external partners including construction trades unions, energy retrofit contractors, workforce development nonprofits and pre-apprenticeship programs, and community organizations serving low-income people and disadvantaged communities.

On November 27, 2018, City Council submitted a Short-Term Referral to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits (Attachment 3). While this referral proposed funding for building electrification for new home buyers, the Just Transition Pilot, along with the Climate Equity Resilient Homes Retrofit Program approved by Council on April 26, 2022, provide building electrification benefits to disadvantaged communities, thereby achieving the aims of this referral in a way that meets the equity guardrails adopted by Council as part of Berkeley's Existing Building Electrification Strategy.

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<sup>1</sup> <https://cwdb.ca.gov/initiatives/high-road-training-partnerships/>

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This funding focuses on making energy upgrades to the homes of low-income community members who are often hit first and worst by climate change and its impacts, and providing benefits to the construction workers and contractors who make those upgrades. This contract will further advance the City’s climate and resilience goals and demonstrate the City’s commitment to a Just Transition framework. Specifically, it will foster greenhouse gas emission reductions and health benefits by helping our community transition its buildings away from fossil fuels to clean electricity, and strengthen community resilience to adapt to the impacts of climate change all while building a diverse high-road workforce focused on clean energy solutions.

RATIONALE FOR RECOMMENDATION

The contract directly responds to the goals set forth in the Council-adopted Existing Buildings Electrification Strategy, Council Referral from November 2018 (Attachment 3), Council Referral from November 30, 2021 (Attachment 4), and Council-adopted Resolution No. 70,414-N.S. (Attachment 2). Funding this project will help the City of Berkeley implement the Climate Action Plan and the Resilience Strategy, advance the work of the Berkeley Equitable Building Electrification Strategy, be responsive to the Declaration of a Climate Emergency and Just Transition framework, and help Berkeley to become a fossil fuel-free community.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534  
Billi Romain, Manager, Office of Energy & Sustainable Development, Planning Department, 510-981-7432

Attachments:

- 1: Resolution: Contract - Rebuilding Together East Bay North
- 2: Resolution No. 70,414-N.S. Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program (adopted June 14, 2022)
- 3: November 27, 2018, City Council Agenda – Item 24: Short-Term Referral to City Manager and Office of Energy and Sustainable Development to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits
- 4: November 30, 2021 City Council Agenda – Item 21: Referral to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents



RESOLUTION NO. ##,###-N.S.

CONTRACT: REBUILDING TOGETHER EAST BAY NORTH FOR JUST TRANSITION  
PILOT PROGRAM

WHEREAS, the City of Berkeley has determined that supporting building electrification programs and providing climate and resilience benefits to low-income Berkeley residents along with advancing high-road jobs for a diverse workforce is a priority; and

WHEREAS, the City of Berkeley released a Request for Proposals on January 31, 2023 (Specification No. 23-11586-C); and

WHEREAS, a selection committee reviewed the proposals and determined that Rebuilding Together East Bay North, in partnership with the Construction Trades Workforce Initiative (CTWI), was the best qualified team to provide the services needed for developing and implementing a Just Transition Pilot Program for a cumulative amount not-to-exceed \$1,500,000; and

WHEREAS, the cost of the contracted service of an amount not-to-exceed \$1,500,000 is covered by budget code 011-53-583-611-0000-000-441-612990; and

WHEREAS, on June 2, 2009, the Berkeley City Council adopted the Berkeley Climate Action Plan to reduce greenhouse gas emissions by 80% of Berkeley's 2000 emissions level; and

WHEREAS, on April 1, 2016, the City of Berkeley released its Resilience Strategy; and

WHEREAS, on June 12, 2018, the Berkeley City Council declared a Climate Emergency and proposed a goal of becoming Fossil Fuel-Free City; and

WHEREAS, on July 23, 2019, Berkeley City Council adopted a Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80); and

WHEREAS, on July 27, 2021, Berkeley City Council adopted a resolution establishing a Climate Equity Action Fund as a repository of city, regional, state, and federal funds related to climate equity for income-qualified households with a preference for households at or below 50% of Area Median Income; and

WHEREAS, on November 30, 2021, Berkeley City Council adopted the Berkeley Existing Buildings Electrification Strategy; and

WHEREAS, on November 30, 2021, Berkeley City Council adopted a resolution establishing a Pilot Existing Building Electrification program, including installation

incentives and just transition program to assist with the transition to zero-carbon buildings;  
and

WHEREAS, on December 14, 2021, the Berkeley City Council adopted the commitment to a Just Transition from the Fossil Fuel Economy to ensure that all Berkeleyans have access to good paying jobs and equitable living standards free from the fossil fuel economy; and

WHEREAS, on June 14, 2022, Berkeley City Council adopted Resolution No. 70,414-N.S. establishing the Pilot Existing Building Electrification Installation Incentives and Just Transition Pilot Program; and

WHEREAS, Berkeley's Strategic Plan sets the goals of fostering a dynamic, sustainable, and locally-based economy; creating a resilient, safe, connected, and prepared city; and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to award a contract and execute any amendments, extensions, or change orders with Rebuilding Together East Bay North for an amount not to exceed \$1,500,000, for a two-year period from contract execution.

BE IT FURTHER RESOLVED that a record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.

RESOLUTION NO. 70,414-N.S.

RESOLUTION ESTABLISHING A PILOT EXISTING BUILDING ELECTRIFICATION  
INSTALLATION INCENTIVES AND JUST TRANSITION PILOT PROGRAM

WHEREAS, the world is facing a grave climate emergency, requiring municipalities to rapidly and justly transition towards a zero-carbon economy by 2030; and

WHEREAS, transitioning Berkeley's economy will require significant investment on the part of both government and residents as converting Berkeley's approximately 46,000 residential housing units will likely cost hundreds of millions of dollars; and

WHEREAS, low-carbon technology and infrastructure can often be out of reach for many households and, without direct assistance, many will be left behind; and

WHEREAS, moderate and lower-income communities are most impacted by global climate change and have the least financial ability to address it; and

WHEREAS, the City's Draft Existing Building Electrification Strategy cites the importance of ensuring equity in access to carbon-free technology; and

WHEREAS, by partnering with labor, the City of Berkeley can cost-effectively meet its goals of reducing greenhouse gas emissions while supporting elements of a just transition ensuring that people who live and work in Berkeley—especially those from historically disadvantaged populations—have access to high-road, family-sustaining careers in union construction associated with existing building electrification; and

WHEREAS, the program would help support Pipefitters and other tradespeople who may be acutely impacted by Berkeley's building electrification policies; and

WHEREAS, direct install programs using pre-qualified contractors meeting quality and labor standards eliminate the need for households to find and manage their own contractors, and therefore can achieve significant cost savings and socioeconomic benefits; and

WHEREAS, it is in the public interest to establish a two-year Existing Building Electrification Direct Install and Just Transition Incentive Program to assist residents with transitioning from a carbon-based city; and

WHEREAS, in adopting this building electrification Pilot Program, the City of Berkeley simultaneously supports local and statewide electrification at an emergency pace (2030) and continued safe, affordable, and reliable natural gas service for Berkeley and California customers who remain on gas service in the interim; and

WHEREAS, despite offering opportunities for certain trades, absent state leadership and a statewide just transition framework, electrification can adversely impact the livelihoods of gas utility infrastructure and extraction workers and low-income gas customers; and

WHEREAS, the City of Berkeley urges the State of California, through the California Public Utilities Commission and the California Energy Commission, to adopt a statewide approach to contract the natural gas distribution system in safe and economical way that provides a just transition for gas utility and extraction workers.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager establish an Existing Building Electrification Installation Incentives and Just Transition Program to invest in zero-carbon plumbing, HVAC, cooking, and related electrical system retrofits as follows, to be further defined by staff:

1. a preference first for assisting existing affordable housing buildings and assisting households at or below 120% of the Area Median Income such as:
  - a. transferees of residential property to include appliance retrofits and electrical upgrades as appropriate;
  - b. existing residential property owners and renters, especially tenants in income-restricted units, pursuing electrification retrofits or replacing broken or outdated appliances, to include electrical upgrades as appropriate.
2. a nexus with high-road jobs, including:
  - a. use of pre-qualified residential construction contractors to reliably perform high-quality work and provide high-road careers that meet minimum labor standards;
  - b. leveraging other local, regional, state or federal climate or energy efficiency incentives, such as building efficiency, to maximize climate benefits and to include other crafts, including but not limited to Sheet Metal, Electricians, Carpenters, Plumbers and Pipefitters;
  - c. linking Berkeley residents who are disadvantaged or disproportionately impacted by climate and environmental injustices to training programs (including apprenticeships) that prepare them to enter and succeed in union construction careers by working with local Multi-Craft Core Curriculum (MC3) workforce partners, school districts/community colleges and CBOs to develop and sustain a long-term pipeline of work in the residential building retrofit market with high-road labor standards.

BE IT FURTHER RESOLVED that the Berkeley Energy Commission, or successor, and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee, in consultation with community groups, provide input to staff and Council on at least an annual basis about eligible categories of fund expenditures to maximize equitable emissions reductions and impacts for eligible households.

BE IT FURTHER RESOLVED that any unexpended funds shall carry over from year to year consistent with the biannual budget process.

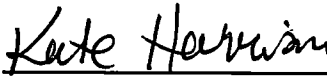
BE IT FURTHER AND FINALLY RESOLVED that copies of this Resolution and letters will be sent to members of the California Public Utilities and Energy Commissions, Governor Newsom, State Senator Skinner, and Assemblymember Wicks.

The foregoing Resolution was adopted by the Berkeley City Council on June 14, 2022 by the following vote:

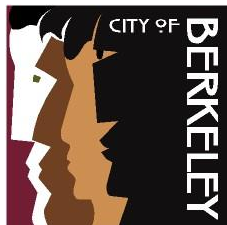
Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Kate Harrison, Mayor Pro Tempore

Attest:   
\_\_\_\_\_  
Rose Thomsen, Deputy City Clerk



Kate Harrison  
Councilmember, District 4

## **REVISED AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** November 27, 2018

**Item Number:** 24

**Item Description:** Short-Term Referral to City Manager and Office of Energy and Sustainable Development to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits

**Submitted by:** Councilmember Harrison

Added Councilmember Hahn as a cosponsor.



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
November 27, 2018

To: Honorable Mayor and Members of the City Council

From: Councilmembers Harrison, ~~and Davila~~ and Hahn

Subject: Short-Term Referral to City Manager and Office of Energy and Sustainable Development to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits

RECOMMENDATION

Short-term referral to the City Manager and the Office of Energy and Sustainable Development to draft an ordinance amending Berkeley Municipal Code (BMC) Chapter 7.52, reducing tax imposed for qualifying electrification, energy efficiency, and water conservation retrofits.

BACKGROUND

The City of Berkeley faces climate change and water usage emergencies. A recent UN Intergovernmental Panel on Climate Change report highlighted the immediacy of the climate emergency, suggesting that in order to keep warming under 1.5 degrees Celsius, carbon emissions would need to be cut 45% by 2030.<sup>1</sup> Though California is no longer in extreme drought, Berkeley is still categorized as abnormally dry, almost 50% of the state is in moderate drought or worse, and we can expect to face major droughts in the future.<sup>2</sup>

The City is already leading the state and nation in pursuing stricter green building standards through the adoption of stretch and reach codes (codes beyond the minimum imposed by the state) favoring sustainable buildings and time of sale energy audits, but progress is still hindered by a significant lack of financial incentives to encourage the replacing and phasing-out of energy inefficient, carbon and water-intensive infrastructure in new and existing buildings. For example, even though electric heat pump water heaters can prevent significant carbon emissions and save money on heating bills, the relatively higher purchase and installation costs associated with heat pumps as compared to gas-fired heaters remains a major disincentive.

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<sup>1</sup> IPCC Press Release, Summary for Policymakers of IPCC Special Report on Global Warming of 1.5°C approved by Governments, 8 October 2018, [http://www.ipcc.ch/pdf/session48/pr\\_181008\\_P48\\_spm\\_en.pdf](http://www.ipcc.ch/pdf/session48/pr_181008_P48_spm_en.pdf)

<sup>2</sup> National Integrated Drought Information System, Drought in California, <https://www.drought.gov/drought/states/california>.

The City has identified building retrofits as a key part of reducing emissions and energy and water usage. To achieve the ambitious sustainability goals set by the Council, the City cannot rely solely upon the market, state, federal and utility level incentives. It would do well to explore offering significant financial incentives to subsidize the transition towards sustainable building, including expanding the existing transfer tax subsidy for seismic retrofits to include qualifying sustainability retrofits.

Following the devastating 1989 Loma Prieta earthquake, the Council passed Ordinance 6072-NS in 1991 to reduce up to one-third of the transfer tax imposed on property owners who seismically retrofit any structure which is used exclusively for residential purposes, or any mixed use structure which contains two or more dwelling units. In passing the ordinance, forward-looking leaders acted independently of the state and federal government to subsidize critical building improvements in anticipation of relatively infrequent but exceedingly devastating earthquake emergencies. The seismic retrofit subsidy program offers a model for accelerating opportunities to address the major emergencies of our time.

This referral asks the City Manager and Office of Energy & Sustainable Development (OESD) to develop amendments to BMC Chapter 7.52 that expand the existing seismic retrofit subsidy in order to include appropriate reductions in transfer tax imposed on sales of property for qualifying electrification, energy efficiency, and water conservation retrofits. According to a 2018 City Manager report, 737 Berkeley residences were transferred in 2017.<sup>3</sup>

In drafting the ordinance, staff should consider existing City sustainability goals such as the 2009 Berkeley Climate Action Plan, and the framework for a just and equitable transition as set out in the Climate Emergency Declaration. Staff should tailor the subsidy to be commensurate with the emergency at hand and should design it to result in quantifiable reductions in emissions as well as energy and water waste.

OESD staff recently issued a request for proposals (RFP) for expert analysis identifying a set of measureable policies and programs to transition Berkeley's building stock to efficient and 100% clean energy.<sup>4</sup> The resulting analysis report should help inform staff in determining which types of greenhouse gas reduction measures transfer tax reductions could fund. Additionally, within the context of the City's sustainability goals

<sup>3</sup> Placing a Measure on the November 6, 2018 Ballot to Increase the Transfer Tax on Property Sales to Pay for General Municipal Services Including Funding Homeless Services, City Manager, July 31, 2018, [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/07\\_Jul/Documents/2018-07-31\\_Item\\_05\\_Placing\\_a\\_Measure\\_on\\_the\\_November\\_6.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/07_Jul/Documents/2018-07-31_Item_05_Placing_a_Measure_on_the_November_6.aspx)

<sup>4</sup> Request for Proposals (RFP) Specification No. 19-11256-C for Pathway to Clean Energy Buildings Report: Existing Building Program Evaluation and Recommendations, OESD, October, 10, 2018, [https://www.cityofberkeley.info/uploadedFiles/Finance/Level\\_3\\_-\\_General/19-11256-C%20-%20RFP%20Pathway%20to%20Clean%20Energy%20Building%20Report\\_rev%201017.pdf](https://www.cityofberkeley.info/uploadedFiles/Finance/Level_3_-_General/19-11256-C%20-%20RFP%20Pathway%20to%20Clean%20Energy%20Building%20Report_rev%201017.pdf).



and the RFP analysis, staff should specifically consider developing and codifying definitions of qualifying improvements, including but not limited to:

- Electric service panel upgrades for the purpose of transitioning to electric appliances
- Transitioning home appliances to efficient electric versions, e.g. replacing gas burning appliances and systems such as fossil fuel HVACs, cooktops and ovens, washers and dryers, and water heaters.
- Solar or other clean energy generation installations
- Electric vehicle charging stations
- Building weatherization upgrades in coordination with the Building Energy Saving Ordinance (BESO)
- Graywater recapture systems
- Water efficient fixtures and irrigation systems

The seismic retrofit program was limited to residential and mixed use buildings, but staff should consider the appropriateness and effectiveness of extending the subsidy program to commercial and/or industrial properties for the purpose of achieving city-wide sustainability goals. It should also review whether the existing requirement for completing seismic retrofits following property transfers is appropriate for the sustainability retrofits outlined in this referral.

Finally, staff should attempt to estimate the carbon, electrical, and water savings that are likely to result from adoption of their proposal, and determine whether alternatives exist which, at a similar cost the city, would result in greater reductions.

This referral is compatible with OESD's 2017 Climate Action Report update suggesting that the Council take bold steps to meet Berkeley's 2050 emission reduction goals. The report highlighted the urgency of identifying resources for incentivizing electrification measures, building efficiency, generation of renewable electricity, and transitioning buildings and vehicles away from fossil fuel.<sup>5</sup>

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<sup>5</sup> Berkeley Climate Action Plan Update, Office of Energy and Sustainable Development, December 7, 2017, [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/2017-12-07%20WS%20Item%2001%20Climate%20Action%20Plan%20Update.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/2017-12-07%20WS%20Item%2001%20Climate%20Action%20Plan%20Update.pdf)

Short-Term Referral to City Manager and Office of Energy and Sustainable Development to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits

CONSENT CALENDAR  
November 27, 2018

**FINANCIAL IMPLICATIONS**

Possible reduction in tax revenue, the magnitude of which is dependent on which retrofits are found to be qualifying.

**ENVIRONMENTAL SUSTAINABILITY**

Incentivizing electrification, energy efficiency, and water savings is directly in line with the City's climate and environmental goals.

**CONTACT PERSON**

Councilmember Kate Harrison, Council District 4, (510) 981-7140

**Attachments:**

1. BMC Section 7.52.060

**7.52.060 Exceptions.**

A. Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt.

B. Any deed, instrument or writing to which the United States, or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title.

C. Any tax imposed pursuant to this chapter shall not apply to the making, delivery, or filing of conveyances to make effective any plan of reorganization or adjustment:

1. Confirmed under the Federal Bankruptcy Act, as amended;
2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;
3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or
4. Whereby a mere change in identity, form or place of organization is effected.

Subdivisions 1 to 4, inclusive, of this section shall only apply if the making, delivering or filing of instruments of transfer of conveyance occurs within five years from the date of such confirmation, approval or change.

D. Any tax imposed pursuant to this chapter shall not apply to the making or delivering of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

1. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;
2. Such order specifies the property which is ordered to be conveyed;
3. Such conveyance is made in obedience to such order.

E.

1. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in a partnership or otherwise, if:

a. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

b. Such continuing partnership continues to hold the realty concerned.

2. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

3. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subdivision 2, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

F.

1. Any tax imposed pursuant to this chapter shall not apply to any transfer of property from one spouse or domestic partner to the other in order to create a joint tenancy or tenancy in common of their common residence.

2. Any tax imposed pursuant to this chapter shall not apply to any transfer of property from one spouse to the other in accordance with the terms of a decree of dissolution or in fulfillment of a property settlement incident thereto; provided, however, that such property was acquired by the husband and wife or husband or wife prior to the final decree of dissolution. Any tax imposed pursuant to this chapter also shall not apply to any transfer from one domestic partner, as that term is used in the City of Berkeley's policy establishing domestic partnership registration, to another, where (1) prior to such transfer an affidavit of domestic partnership has been filed with the City Clerk pursuant to Section IV of the City of Berkeley's policy establishing domestic partnership registration; (2) subsequent to the filing of such affidavit of domestic partnership, either or both domestic partner(s) files a statement of termination with the City Clerk pursuant to Section V of the domestic partnership policy; (3) such transfer of real property is made pursuant to a written agreement between the domestic partners upon the termination of their domestic partnership; and (4) the real property was acquired by either or both domestic partner(s) prior to the filing of the statement of termination.

G. Any tax imposed pursuant to this chapter shall not apply to transfers, conveyance, lease or sub-lease without consideration which confirm or correct a deed previously recorded or filed.

H. Any tax imposed pursuant to this chapter shall not apply to transfers recorded prior to the effective date of the ordinance codified in this chapter.

I. The tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost foreclosure. Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgagee shall be noted on said deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes.

J. Reserved.

K.

1. Up to one-third of the tax imposed by this chapter shall be reduced, on a dollar for dollar basis, for all expenses incurred on or after October 17, 1989 to "seismically retrofit" either any structure which is used exclusively for residential purposes, or any mixed use structure which contains two or more dwelling units.

2. The term "seismically retrofit" within the meaning of this chapter means any of the following:

a. That work which is needed and directly related to make the structure capable of withstanding lateral loads equivalent to the force levels defined by Chapter 23 of the 1976 Uniform Building Code;

b. Replacement or repair of foundations; replacement or repair of rotted mud sills; bracing of basement or pony walls; bolting of mud sills to standard foundations; installation of shear walls; anchoring of water heaters; and/or securing of chimneys, stacks or water heaters;

c. Corrective work on buildings which fit the criteria in subsection K.1, which are listed on the City of Berkeley inventory of potentially hazardous, unreinforced masonry buildings when such work is necessary to meet City standards or requirements applicable to such buildings;

d. Any other work found by the building official to substantially increase the capability of those structures, specified in subsection K.1, to withstand destruction or damage in the event of an earthquake.

3. The work to seismically retrofit structures as provided herein shall be completed either prior to the transfer of property or as provided in subsection K.4.

4. If the work to seismically retrofit the structures provided for herein is to be performed after the transfer of property which is subject to the tax imposed by this chapter, upon completion of such work and certification by the building official as to the amount of the expenses of such work the City Manager or his/her designee may refund such expenses not to exceed one-third of the tax imposed to the parties to the sale in accordance with the terms of such sale. Any remaining tax shall be retained by the City.

5. From the date of the recordation of the transfer document, the applicant shall have one year to complete all seismic retrofit work and submit a seismic retrofit verification application to the codes and inspection division of the City of Berkeley. If the work is not completed at the end of one year, that portion which has been completed may be credited to the applicant upon submission of a seismic retrofit verification application and substantiating documentation, as required by the codes and inspections division of the City of Berkeley, showing the dollar amount of work completed up to that date. All other monies remaining in escrow will be returned to the City of Berkeley upon written request by the Finance Department.

6. Within the one-year period established by paragraph 5, an applicant may request, and the City Manager may approve, an extension of up to one year. The City Manager or his/her designee may grant such an extension only for good cause. The decision of the City Manager or his/her designee shall be entirely within his or her discretion and shall be final.

a. "Good cause" includes (i) the inability of the applicant, after a prompt and diligent search to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary for the seismic retrofit work; (ii) unforeseen and unforeseeable circumstances such as a significant change in the scope of the seismic retrofit work due to circumstances in the field which could not reasonably have been known earlier; and (iii) serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the seismic retrofit work.

b. "Good cause" does not include (i) ignorance of the applicable City ordinances or regulations concerning the seismic retrofit rebate provided in this chapter or state or local laws relating to the standards with which seismic retrofit work must comply; or (ii) any delays which were within the control or responsibility of the applicant.



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
November 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)

Subject: Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

RECOMMENDATION

1. Adopt a Resolution establishing:
  - a. a referral to Office of Energy and Sustainable Development (OESD) staff to design and launch a two-year Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program, using pre-qualified contractors meeting minimum labor standards to assist new property owners, renters and existing property owners with transition to zero-carbon plumbing, HVAC, cooking, and related electrical systems, with a preference first for assisting existing affordable housing buildings and assisting households at or below 120% of the Area Median Income; and
  - b. an annual process for the Energy (or successor) Commission and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES), in consultation with community and labor groups, to provide input to staff and Council about eligible *categories* of fund expenditures to maximize equitable emissions reductions and impacts for eligible households while leaving the mechanisms for doing so to staff discretion.
2. Send copies of the Resolution and letters to members of the California Public Utilities and Energy Commissions, Governor Newsom, State Senator Skinner, and Assemblymember Wicks conveying urgent support for a statewide approach to rapidly contract the natural gas distribution system in a way that is safe, economical for remaining customers, and that provides a just transition for affected workers, including gas utility and extraction workers.

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

3. Refer to the November, 2021 AAO budget process:
  - a. \$1,500,000 of general fund monies from the American Rescue Plan Act allocation and other sources as appropriate as seed funding for the two-year pilot, inclusive of staff costs, for FY 2022.

#### POLICY COMMITTEE RECCOMENDATION

Action: 15 speakers. M/S/C (Arreguín/Harrison) to send the item to Council with a qualified positive recommendation including the following amendments:

Recommendation 2. That part of the recommended funding source is American Rescue Plan dollars and;

Recommendation 1a. Modifying the end of the last sentence to “with a preference first for affordable housing projects and assisting households at or below 120% the area median income.”

Vote: Ayes – Harrison, Arreguín; Noes – None; Abstain – Droste; Absent - None.

#### CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The world is facing a grave climate emergency, requiring municipalities to rapidly transition towards zero carbon economy by 2030. Transitioning Berkeley’s economy will require significant investment on the part of both government and residents. It is in the public interest to establish a direct install financial incentive and “just transition” program using pre-qualified contractors meeting minimum labor standards to assist new property owners, renters and existing property owners with the transition to zero-carbon buildings. This item establishes the general scope of a two-year Existing Building Electrification Incentive Program Pilot and refers to staff to design an equitable program with \$1,500,000 for FY22, inclusive of staffing costs, and contingent on the availability of excess equity, from the General Fund. It also asks the Energy (or successor) Commission and FITES Committee, in consultation with community groups, to provide input to staff and Council on at least an annual basis about categories of fund expenditures that would provide the most benefit for lower-income households, maximize equitable emissions reduction impacts, and support residential construction contractors who will reliably perform high-quality work and provide high-road careers for workers. The establishment of this program is consistent with staff and Council goals and budgetary priorities.

#### BACKGROUND

According to the best available science, a 50% reduction in emissions must happen worldwide by 2030 or earlier in order to delay extremely catastrophic warming. To meet the U.N.’s global 2050 target to keep emissions as close as possible to 1.5 degrees Celsius,



Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

wealthy nations and cities must approach zero by 2030.<sup>1</sup>

As a result of the scientific and economic realities of climate change, and despite the people of Berkeley’s average relative wealth, it is not realistic to expect the owners and renters of the city’s approximately 46,000 residential housing units to electrify their buildings in a decade without significant government co-investment. Low-carbon technology can often be out of reach of many lower-income households and, without direct assistance, many will be left behind. Transitioning Berkeley’s economy will require significant investment on the part of both residents and the government. Following Berkeley’s 2019 landmark prohibition on natural gas infrastructure, staff have released a Draft Berkeley Existing Buildings Electrification Strategy that is currently unfunded. Although the City recently invested \$600,000 to seed the Climate Equity Action Fund, the funding is extremely limited and may not be enough for certain electrification retrofit projects.

Additional investments would significantly lower Berkeley’s carbon emissions, at least 37% of which are from buildings, and provide residents with a plethora of health and safety benefits that will likely outweigh upfront costs. The program can be crafted in a way that supports good paying jobs, for example including unionized contractors, workforce development and local hire requirements. The transition to a zero-carbon city thus has the potential to uplift both workers and residents.

### **Existing Buildings Electrification Strategy**

In January 2021, the City’s Office of Energy and Sustainable Development reported to the Energy Commission that the cost of electrifying the City’s entire low-rise building stock (approximately 36,000 units, or 90% of all Berkeley buildings and 65% of floor area) would be between \$700 and \$880 million. An additional \$120 million is needed for efficiency improvements and solar.

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<sup>1</sup> IPCC, 2018: Summary for Policymakers. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. *World Meteorological Organization, Geneva, Switzerland, 32 pp.* <https://www.ipcc.ch/sr15/chapter/spm/>.

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

Item 9 - Communications  
Energy Commission  
January 27, 2021  
1/27/2021

**Draft Total Costs**

Approximate total modeled costs for converting Berkeley's low-rise housing stock today:

- Covers 36,000 1-3 floor homes (90% of all Berkeley buildings and 65% of floor area)
- \$280-430 Million more than business-as-usual gas replacements (no solar or envelope improvements)
- Additional \$220-660 Million for envelope efficiency and solar PV

|                                  | No Solar      | Minimum Solar (Offset) | Maximum Solar (Net Zero Energy) |
|----------------------------------|---------------|------------------------|---------------------------------|
| Economy Appliances               | \$700 Million | \$930 Million          | \$1.2 Billion                   |
| Mid-Tier Appliances              | \$880 Million | \$1 Billion            | \$1.2 Billion                   |
| Mid-Tier + Envelope Improvements | \$1 Billion   | \$1.2 Billion          | \$1.4 Billion                   |

Table 3-4. Average Results for All Measure Packages

| #   | Electrification Package                       | Energy Bill Savings (\$/yr) | Energy Bill Savings (%) | Gross Cost (\$) | Incremental Cost (\$) | Incremental Cost with Current Incentives (\$) | Incremental Cost with Incentives + Financing (\$) |
|-----|-----------------------------------------------|-----------------------------|-------------------------|-----------------|-----------------------|-----------------------------------------------|---------------------------------------------------|
| 1.1 | Economy Appliances                            | -\$540                      | -33%                    | \$19,870        | \$7,930               | \$7,930                                       | \$12,290                                          |
| 1.2 | Economy Appliances + Offset Solar             | \$540                       | 33%                     | \$26,160        | \$14,220              | \$14,220                                      | \$5,610                                           |
| 1.3 | Economy Appliances + NZE Solar                | \$1,480                     | 89%                     | \$32,270        | \$20,330              | \$20,330                                      | \$1,470                                           |
| 2.1 | Mid-Tier Appliances                           | \$5                         | 0%                      | \$24,750        | \$12,110              | \$9,910                                       | \$9,880                                           |
| 2.2 | Mid-Tier Appliances + Offset Solar            | \$590                       | 35%                     | \$28,200        | \$15,560              | \$13,360                                      | \$6,090                                           |
| 2.3 | Mid-Tier Appliances + NZE Solar               | \$1,510                     | 91%                     | \$34,270        | \$21,630              | \$19,430                                      | \$1,700                                           |
| 3.1 | Mid-Tier Appliances + Envelope                | \$90                        | 5%                      | \$29,320        | \$16,690              | \$13,240                                      | \$12,540                                          |
| 3.2 | Mid-Tier Appliances + Envelope + Offset Solar | \$600                       | 36%                     | \$32,350        | \$19,720              | \$16,720                                      | \$9,470                                           |
| 3.3 | Mid-Tier Appliances + Envelope + NZE Solar    | \$1,510                     | 91%                     | \$38,410        | \$25,780              | \$22,320                                      | \$4,520                                           |

Note: Modeled costs are averages and electrification costs may be higher or lower depending on individual building characteristics

Clearly, this relatively modest pilot program paired with the Climate Equity Action Fund would only make a small dent in the City’s retrofit challenge, perhaps facilitating 400-500 retrofits per year. However, the success of this pilot program will likely spur the Council and residents to seek additional federal, state and local funds to expand the program in subsequent years. The expertise and lessons learned through this pilot will help guide future efforts aimed at closing the 46,000 gas-powered residential unit challenge.

Since 2018, the Council has explored opportunities to increase public investment in building electrification retrofits. Councilmember Harrison’s November 27, 2018 referral, following the passage of the Climate Emergency Declaration, requested that the City Manager draft an ordinance expanding eligibility for the existing Seismic Transfer Tax Rebate Program to include electrification and other resiliency measures. Staff

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

subsequently presented the draft ordinance to Council in July of 2020 at the outset of the COVID-19 pandemic with a recommendation to take no action for a year due to COVID-19-related fiscal uncertainty, and the item was held over at the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES).

At the same time, staff also presented to FITES a related referral to design a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents. FITES and Council agreed to move the Resilient Homes Equity Pilot Program design and research process forward in November, 2020. The program remains underfunded.

In early 2021, Councilmember Harrison’s office and the FITES Committee worked with City staff to explore opportunities to fund retrofits through general fund transfer tax revenues and establishing a cap on total and per beneficiary allocations. In working with the City Manager, Councilmember Harrison concluded that while the existing transfer tax rebate system is a good vehicle for allocating at point of sale, it does not necessarily provide funding for existing property owners who may need to replace a broken appliance or who want to make voluntary retrofits. A better vehicle is a two-year direct install pilot; this requires fewer staff resources to administer and builds on significant staff experience and expertise administering incentive programs.

This item is a companion to the Seismic Transfer Tax Rebate model in the form of a budget referral and resolution establishing two-year pilot incentive program funded via general fund allocations, which are currently partially funded by transfer tax revenue.

### **Existing Building Electrification Direct Install Incentive and Just Transition Program Pilot**

This item proposes a direct install incentive and Just Transition pilot program that is consistent with recent workforce-focused building decarbonization developments initiatives at the state, regional and local levels that benefit labor, minimize cost, and maximize climate benefits.

On February 22, 2021 the California Workforce Development Board announced a \$8.9 million grant as part of the High Road Training Partnership (H RTP) for “sector-based workforce development projects in several industries and areas that are critical to the state’s strategy for a just recovery from the COVID-19 pandemic and economic crisis while addressing climate change and community resilience.”<sup>2</sup> According to the

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<sup>2</sup> California Workforce Development Board, “CWDB Announces Grants to Invest in Building Back Better with Equity, Climate and Jobs, February 22, 2021, [https://cwdb.ca.gov/wp-content/uploads/sites/43/2021/03/CWDB-PressRelease-H RTP-Open-FINAL-021821\\_ACCESSIBLE.pdf](https://cwdb.ca.gov/wp-content/uploads/sites/43/2021/03/CWDB-PressRelease-H RTP-Open-FINAL-021821_ACCESSIBLE.pdf)

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

California Workforce Development Board, “high road” employers include those firms “that compete based on quality of product and service achieved through innovation and investment in human capital, and can thus generate family-supporting jobs where workers have agency and voice.”<sup>3</sup>

Bay Area-based Rising Sun Center for Opportunity received \$600,000 from the grant to launch a “High Road to Residential Building Decarbonization” project to convene more than 20 Bay Area cities, government agencies, unions, employers, and advisors.<sup>4</sup> The City of Berkeley along with the Construction Trades Workforce Initiative (CTWI), the non-profit arm of the Building & Construction Trades Councils of Alameda and Contra Costa Counties, were invited to participate in ongoing discussions about ensuring equitable access to high-road jobs in the building decarbonization industry.

To date, these and other ongoing collaborative efforts have been extremely productive—in May 2021 CTWI and the Alameda County Building Trades Council provided helpful feedback and recommendations to the City’s OESD staff regarding the City’s Existing Buildings Electrification Strategy. However, the state grant did not include funding to do the physical work of electrification retrofits. Significantly, CTWI and Trades Council committed to:

“...supporting the City of Berkeley in its goals of reducing greenhouse gas emissions while ensuring that people who live and work in Berkeley—especially those from historically disadvantaged populations—have access to high-road, family-sustaining careers in union construction associated with existing building electrification and decarbonization.”<sup>5</sup>

In addition, their key recommendations to the City of Berkeley’s building electrification strategy include:

1. Address decarbonization overall—building electrification as well as energy efficiency measures—when planning strategies for a “Just Transition” in consultation with all crafts affected, including but not limited to Sheet Metal, Electricians, Carpenters, Plumbers and Pipefitters.
2. Create programs and identify funding sources to incentivize Berkeley property owners to replace, upgrade and install systems that will achieve energy efficiency goals.

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<sup>3</sup> California Workforce Development Board, “High Road Training Partnerships,” Rising Sun Center for Opportunity, “Rising Sun Convenes Partnership to Promote Equitable Job Access in the Bay Area’s Post-Carbon Economy,” March 29, 2021, <https://cwdb.ca.gov/initiatives/high-road-training-partnerships/>.

<sup>4</sup> <https://risingsunopp.org/wp-content/uploads/Rising-Sun-HRTP-Press-Release.pdf>.

<sup>5</sup> CTWI Policy Recommendations City of Berkeley Existing Buildings Electrification Strategy.

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

3. Require the use of pre-qualified residential construction contractors who will reliably perform high-quality work and provide high-road careers for workers.
4. Link disadvantaged Berkeley residents to training programs that prepare them to enter and succeed in union construction careers by working with and budgeting for ongoing City funding for local Multi-Craft Core Curriculum (MC3) workforce partners, school districts/community colleges and CBOs to develop and sustain a long-term pipeline of work in the residential building retrofit market that carries high-road labor standards.
5. Develop public education campaigns and resources to promote new City programs and the benefits of energy efficient systems and appliances; provide information on systems and requirements; and link property owners to a list of pre-qualified contractors.

Since this item was deferred to the November AAO following the June 2021 budget process, Councilmember Harrison’s office has engaged with the CTWI and the Trades to expand the item to incorporate specific recommendations to further refine the proposed incentive program and to enhance benefits to workers and residents.

This Budget Referral and Resolution now support each of the above CTWI and Trades recommendations.

With respect to recommendations 1-3, the \$1.5 million budget allocation would create a “direct install” incentive program. Direct install programs eliminate the need for households to find and manage their own contractors, and therefore can achieve significant cost savings. They also equitably eliminate or reduce the amount of upfront money needed by property owners to conduct retrofits, and eliminate the need to retroactively apply or wait for rebates (e.g., at tax time etc.). For example, the Sacramento Municipal Utility District (SMUD) recently reported the following significant advantages of direct install strategies to the California Energy Commission:

“SMUD has achieved significant societal cost savings by using direct installation in low-income single-family homes. For example, SMUD’s average low-income direct installation cost for a heat pump water heater is \$2,200 whereas for our market rate program, in which SMUD incentivizes \$2,500 and the customer is responsible for hiring a contractor, the average total cost is close to \$3,800. The cost savings may be even greater if the direct-install contractor is able to go door-to-door and convert multiple adjacent homes. Direct installation has only been used for low-income programs to date but could be equally beneficial when applied to any home or neighborhood. While labor costs associated with direct installation can be greater given prevailing wage

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

considerations, direct installation can nevertheless be cost-competitive for the utility in sufficient volume.”<sup>6</sup>

Further, OESD’s draft electrification strategy recommends direct install programs because they streamline permitting and lower barriers to residents:

“One of the major hurdles many community members face is lack of knowledge regarding incentives and rebates for electric equipment. When an appliance like a hot water heater breaks, there is rarely time to conduct extensive research on the programs available. This action would tie these resources directly to the permit for the appliance. When a permit is pulled for a heat pump hot water heater, that incentive would be given directly to the installer. This would lower the upfront costs for consumers and further incentivize electrification. Furthermore, this action would help remove the procedural inequities currently experienced by marginalized communities who may not have the time to conduct research or resources to pay the full price of the equipment while they wait for rebates to arrive.”<sup>7</sup>

Such a direct install program could also include energy efficiency upgrades if paired with utility-based and regional incentives for insulation and other building envelope improvement programs potentially employing the labor of additional trades.

Importantly for workers, the direct install program would incorporate pre-qualified contractors meeting minimum quality and labor standards, similar to the City’s existing project labor agreements. The City would also achieve economies of scale on permitting and inspection processes and ensure workers are properly trained and licensed/certified. Staff should consider the following pre-qualification requirements:

1. Certification that the contractor is in compliance with all applicable licensing, bonding, and insurance requirements;
2. Certification that the Contractor participates in, makes training fund contributions to, and sponsors apprenticeships from a state-approved apprenticeship program that partners with an MC3 pre-apprenticeship program;
3. Certification that the contractor provides family health benefits and pension benefits to its workers;
4. Certification that the contractor has not been convicted of, fined, or penalized for any violation of wage, labor, safety, or building standard requirements within the last five years;

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<sup>6</sup> Sacramento Municipal Utility District, “SMUD Comments on Building Decarbonization and Energy Efficiency,” 21-IEPR-06 and Building Decarbonization, July 27, 2021, <https://efiling.energy.ca.gov/GetDocument.aspx?tn=239016&DocumentContentId=72448>

<sup>7</sup> OESD, Draft Existing Buildings Electrification Strategy, April, 2021, [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/Draft\\_Berkeley\\_Existing\\_Bldg\\_Electrification\\_Strategy\\_20210415.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Draft_Berkeley_Existing_Bldg_Electrification_Strategy_20210415.pdf)

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

5. Certification that no surety firm has had to complete a contract or pay for completion of a contract on behalf of the contractor or subcontractor within the last five years;
6. Certification that the contractor has not had any licenses revoked within the past five years;
7. Certification that the contractor is not ineligible to bid, be awarded or subcontract on a public works project pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7;
8. Certification that the contractor has not been cited for any serious, willful or repeat OSHA violations within the last five years as defined under Title 8 of the California Code of Regulations.
9. Certification that the contractor has a Better Business Bureau rating of “B” or higher.

With respect to recommendation 4, the Resolution also refers to staff to design the program in consultation with labor partners to facilitate apprenticeship opportunities for Berkeley residents, including historically disadvantaged populations. The program would be integrated into the City’s website and existing communications channels pursuant to recommendation 5.

The item also supports the concept of “just transition” off fossil fuels and towards a zero-carbon economy. According to a report by the Climate Equity Network, a just transition includes moving away from fossil fuels “in a manner that protects workers and communities economically dependent on the fossil fuel industry” and involves “those who have historically been excluded from the jobs and economic benefits of the extractive economy and expand the populations who have access to future jobs and economic opportunities.”<sup>8</sup>

While the City of Berkeley and Alameda County are not known for their petroleum extraction industries, the Alameda County Building Trades include Pipefitters, who stand to lose natural gas infrastructure installation and maintenance jobs over time as part of the City’s implementation of the natural gas prohibition (BMC 12.80) ordinance and other electrification initiatives. A 2019 UCLA Luskin Institute study found that 3,100-3,600 jobs statewide could be lost as a result of new construction electrification policies alone. Meanwhile, the study estimated a statewide increase of 64,232-104,060 building

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<sup>8</sup> The Climate Equity Network, “A Roadmap to an Equitable Low-carbon Future: Four Pillars for a Just Transition, April, 2019, [https://dornsife.usc.edu/assets/sites/242/docs/Just\\_Transition\\_Final\\_Report\\_2019.pdf](https://dornsife.usc.edu/assets/sites/242/docs/Just_Transition_Final_Report_2019.pdf)

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

electrification jobs, including retrofits.<sup>9</sup> By partnering with organized labor through this pilot program, the City can help support impacted workers new work opportunities and workforce development opportunities, including the electrification of existing buildings.

At the same time, the City acknowledges that absent state leadership and a statewide just transition framework, electrification can adversely impact the livelihoods of gas utility infrastructure and extraction workers and low-income gas customers. Therefore, this item sends copies of the Resolution and letters to members of the California Public Utilities and Energy Commissions, Governor Newsom, State Senator Skinner, and Assemblymember Wicks conveying urgent support for a statewide approach to rapidly contract the natural gas distribution system in a way that is safe, economical for remaining customers, and that provides a just transition for affected workers, including gas utility and extraction workers.

In addition, this item supports expanding opportunities to historically excluded populations in Berkeley through labor apprenticeship programs that recruit directly from impacted populations. It also would provide electrification benefits to lower and moderate-income residents with a preference for those at or below 120% of the Area Median Income.

### **Budgetary Opportunities**

Many economic and public health indicators suggest that the City is entering a more optimistic phase in the pandemic, to include the influx of substantial—but temporary—federal stimulus monies through the 2021 American Rescue Plan Act and the anticipation of a fairly rapid rebound in revenues to pre-pandemic levels. Transfer tax revenues for FY21 are estimated at \$20 million (compared with \$20 million in FY 19) and the city expects to receive a one-time two-year allocation of approximately \$66 million from the 2021 American Rescue Plan Act.

As a result, it is in the public interest to revisit the July 2020 item to see how the City can best move forward with providing residents with critical greenhouse gas reduction incentives in order to address our larger and longer-term crisis: climate change.

According to recent 2020 transfer tax data from OESD, on average between 2014-2019, 845 residential units were transferred per year, generating approximately an average of \$4.6 million total per year in eligible rebates for the Seismic Transfer Tax Program. The

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<sup>9</sup> UCLA Luskin Center, “California Building Decarbonization: Workforce Needs and Recommendations,” November, 2019, [https://innovation.luskin.ucla.edu/wp-content/uploads/2019/11/California\\_Building\\_Decarbonization.pdf](https://innovation.luskin.ucla.edu/wp-content/uploads/2019/11/California_Building_Decarbonization.pdf).



Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

city has approximately 46,000 occupied housing units, with the vast majority being gas-powered.

Currently, the Council approved amount in transfer tax revenues is allocated to the General Fund (as in the past, at \$12.5 million) and some portion is typically set aside for capital projects (generally at \$2 million). For the first year of this pilot program this item proposes to allocate a total of \$1.5 million in excess Transfer Tax equity which would be inclusive of staff’s administrative costs.<sup>10</sup> On adoption of this proposal, total transfer tax expenditures would amount to approximately \$17 million, including the \$12.5 million typically allocated to the General Fund programs and the \$2 million to capital programs.

While the program will ultimately be designed by OESD staff through administrative regulation, this item also includes a resolution officially establishing the program and providing general parameters for how staff should allocate the proposed \$1.5 million retrofit fund. This program and the \$1.5 million allocation were originally included as a line item in the Planning & Development Department’s Fiscal Year 2022 proposed budget.

New property owners are most likely to remodel their units shortly completing the purchase. Thus, the Draft Berkeley Existing Buildings Electrification Strategy recommends allocating some portion of the fund for transferees of residential properties within two years of point of sale. The City is also exploring opportunities to adopt certain mandatory electrification requirements for transferees of new buildings through its BESO program.

Equitably supporting existing property owners and renters whose appliances, e.g., their water heater, break down suddenly, and those who wish to embark upon voluntary electrification projects to include new appliances, electrical work (e.g., panel upgrades) are also elements of the Building Electrification strategy. This part of the program would be similar to Marin County’s Electrify Marin program which provides residents with income-qualified incentives for building electrification and panel upgrades. Since 2019, Marin has disbursed over \$100,000 in rebates.

### Electrify Marin

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<sup>10</sup> This amount would be in addition to the separate \$600,000 Climate Equity Action incentive fund proposed by Councilmember Harrison, Mayor Arreguín, and Councilmembers Taplin and Robinson.

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

| Appliance Type                | Standard Rebate | Income Qualified Rebate |
|-------------------------------|-----------------|-------------------------|
| <b>Heat Pump Water Heater</b> | \$1,000         | \$2,000                 |
| <b>Heat Pump Space Heater</b> |                 |                         |
| Central Heat Pump             | \$1,000         | \$4,500                 |
| Mini-Split Heat Pump          | \$800           | \$3,000                 |
| <b>Induction Cooking</b>      |                 |                         |
| Range (Cooktop & Oven)        | \$500           | \$500                   |
| Cooktop only                  | \$250           | \$250                   |
| <b>Service Panel Upgrade</b>  | \$500           | \$1,200                 |

These incentives would be paired with rebates available through BayRen and EBCE, which are helpful but fall far short of the actual cost. For example, BayRen and EBCE offer \$2,000 for water heaters, which typically cost approximately \$5,000-\$10,000 when one includes the cost of potential electrical and panel upgrades. Berkeley’s incentive program is also needed to pay for space heating electrification, and needed panel and other electrical upgrades for which there are currently no incentives. Electrical, panel and space heating upgrades are typically the most expensive part of any electrification project.

Staff have indicated that they believe an additional incentive of approximately \$2,500 per property owner would be significant to persuade many property owners to electrify.

**Alternatives Considered**

FITES discussed whether to expand this program beyond building electrification to include fire safety and resilience upgrades. However, at this time, fire programs have separate revenue sources and greenhouse gas reduction is a top priority given the need to reduce emissions to near zero by 2030 per the 2018 IPCC report. For example, fire safety measures have received generous support from the voters through Measure FF, whereas climate is still severely underfunded. In addition, global warming is one of the chief causes of increased fire threats.

**FINANCIAL IMPLICATIONS**

This item would result in a one-time investment of \$1,500,000 from excess equity to provide initial funding for a two-year Existing Building Electrification Incentive Program Pilot to assist property owners and renters with the transition to a zero-carbon economy. This investment includes staff costs to run the program and to provide support for implementation of the Berkeley Existing Building Electrification Strategy (BEBES): a temporary 2-year FTE, estimated at \$200,000 per year, for a total of \$400,000.

**ENVIRONMENTAL SUSTAINABILITY**

Supporting incentives for building decarbonization will complement and accelerate

Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and “Just Transition” Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings

CONSENT CALENDAR  
November 30, 2021

Berkeley’s ongoing efforts to reduce carbon emissions at an emergency and equitable pace in line with the Climate Action Plan, Climate Emergency Declaration, and Existing Building Electrification Strategy.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

ATTACHMENTS

1. Resolution

RESOLUTION NO. ##,###-N.S.

RESOLUTION ESTABLISHING A PILOT EXISTING BUILDING ELECTRIFICATION  
INSTALLATION INCENTIVES AND JUST TRANSITION PILOT PROGRAM

WHEREAS, the world is facing a grave climate emergency, requiring municipalities to rapidly and justly transition towards a zero-carbon economy by 2030; and

WHEREAS, transitioning Berkeley's economy will require significant investment on the part of both government and residents as staff have estimated that converting Berkeley's approximately 46,000 residential housing units will likely cost hundreds of millions of dollars; and

WHEREAS, low-carbon technology and infrastructure can often be out of reach for many households and, without direct assistance, many will be left behind; and

WHEREAS, moderate and lower-income communities are most impacted by global climate change and have the least financial ability to address it; and

WHEREAS, City's Draft Existing Building Electrification Strategy cites the importance of ensuring equity in access to carbon-free technology; and

WHEREAS, by partnering with labor the City of Berkeley can cost effectively meet its goals of reducing greenhouse gas emissions while supporting elements of a just transition such as ensuring that people who live and work in Berkeley—especially those from historically disadvantaged populations—have access to high-road, family-sustaining careers in union construction associated with existing building electrification; and

WHEREAS, the program would help support Pipefitters and other tradespeople who may be acutely impacted by Berkeley's building electrification policies; and

WHEREAS, direct install programs using pre-qualified contractors meeting quality and labor standards eliminate the need for households to find and manage their own contractors, and therefore can achieve significant cost savings and socioeconomic benefits; and

WHEREAS, it is in the public interest to establish a two-year Existing Building Electrification Direct Install and Just Transition Incentive Program to assist residents with transitioning from a carbon-based city; and

WHEREAS, in adopting this building electrification Pilot Program, the City of Berkeley simultaneously supports local and statewide electrification at an emergency pace (2030) and continued safe, affordable, and reliable natural gas service for Berkeley and California customers who remain on gas service in the interim; and

WHEREAS, despite offering opportunities for certain trades, absent state leadership and a statewide just transition framework, electrification can adversely impact the livelihoods of gas utility infrastructure and extraction workers and low-income gas customers; and

WHEREAS, the City of Berkeley urges the State of California, through the California Public Utilities Commission and the California Energy Commission, to adopt a statewide approach to rapidly contract the natural gas distribution system in a way that is safe, economical for remaining customers, and that provides a just transition for gas utility and extraction workers.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager establish an Existing Building Electrification Installation Incentives and Just Transition Program to invest in zero-carbon plumbing, HVAC, cooking, and related electrical system retrofits as follows, to be further defined by staff:

1. a preference first for assisting existing affordable housing buildings and assisting households at or below 120% of the Area Median Income such as:
  - a. transferees of residential property to include appliance retrofits and electrical upgrades as appropriate;
  - b. existing residential property owners and renters, including rent-controlled tenants, pursuing electrification retrofits or replacing broken or outdated appliances, to include electrical upgrades as appropriate.
  
2. a nexus with high-road jobs, including:
  - a. use of pre-qualified residential construction contractors that will reliably perform high-quality work and provide high-road careers for workers and meet minimum labor standards;
  - b. consideration of leveraging other local, regional, state or federal climate or energy efficiency incentives, such as building efficiency, to maximize climate benefits and to include other crafts, including but not limited to Sheet Metal, Electricians, Carpenters, Plumbers and Pipefitters;
  - c. linking Berkeley residents who are disadvantaged or disproportionately impacted by climate and environmental injustices to training programs (including apprenticeships) that prepare them to enter and succeed in union construction careers by working with and budgeting for ongoing City funding for local Multi-Craft Core Curriculum (MC3) workforce partners, school districts/community colleges and CBOs to develop and sustain a long-term pipeline of work in the residential building retrofit market that carries high-road labor standards.

BE IT FURTHER RESOLVED that the Berkeley Energy Commission, or successor, and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee, in consultation with community groups, provide input to staff and Council on at least an annual basis about eligible categories of fund expenditures to maximize equitable emissions reductions and impacts for eligible households.

BE IT FURTHER RESOLVED that any unexpended funds shall carry over from year to year.

BE IT FURTHER AND FINALLY RESOLVED that copies of this Resolution and letters will be sent to members of the California Public Utilities and Energy Commissions, Governor Newsom, State Senator Skinner, and Assemblymember Wicks.

California Public Utilities Commission  
San Francisco Headquarters  
505 Van Ness Avenue  
San Francisco, CA 94102

**Re: Urgent Need for Statewide Just Transition for Gas Utility and Extraction Workers and Berkeley's Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Pilot Program**

Dear Honorable Commissioners:

As the Berkeley City Council adopts and implements policies phasing out natural gas from new buildings and incentivizing electrification in existing buildings occupied by lower-income residents, it writes to convey its urgent support for a statewide approach to rapidly contract the natural gas distribution system in a way that is safe, economical for remaining customers, and that provides a just transition for affected workers, including gas utility and extraction workers.

The world is facing a grave climate emergency, with the latest science warning that California and municipalities must rapidly and justly transition towards a zero-carbon economy by 2030. California's existing decarbonization policies such as executive order B-55-18 and AB-3232 operate within a 2045 timeline, and are therefore dangerously out of sync with the latest science. It is therefore critical that the Commission and state leaders consider moving up these timelines while also providing funding and plans to facilitate a timely transition that supports all affected workers.

Despite the issuance of critical grants through the California Labor and Workforce Development Agency to support ongoing discussions between labor and municipalities with regard to electrification and other ongoing state-led initiatives, California currently lacks robust plans, funding, and just transition frameworks for workers who are directly impacted by electrification policies. These issues are directly within the jurisdiction of the California Public Utilities and California Energy Commissions.

As a municipality, the City of Berkeley is in the process of decarbonizing its building stock and supporting just transition elements for affected trades as feasible, but is ultimately limited in its ability to adequately support all affected workers, including gas utility and extraction workers. Berkeley looks to the State for its leadership on this critical issue.

For example, the City of Berkeley is in the process of implementing an Existing Building Electrification Strategy and a \$1.5 million two-year pilot program to incentivize direct install electrification projects in lower-income households using minimum labor standards and prequalified contractors. In adopting this pilot, the City simultaneously supports local and statewide electrification at an emergency pace (2030) and continued safe and reliable natural gas service for Berkeley and California customers who remain

on gas service in the interim. While this pilot program has the potential to benefit and support many regional tradespeople who may be acutely impacted by Berkeley's building electrification policies, without state leadership gas utility and extraction workers may be adversely impacted over time.

To this end, Berkeley believes that the State must quickly adopt statewide policies supporting gas utility workers and interim gas ratepayers, including but not limited to:

- establishing programs to retain highly skilled gas utility workers through the transition period;
- incentivizing senior workers to retire at the right time and retrain junior workers;
- establishing a fund for gas worker retention and transition including bridges to retirement for older workers with wage replacement, retraining, and job placement assistance for younger workers;
- targeting subsidies and direct install electrification programs for vulnerable, historically disadvantaged, and low-income gas ratepayers;
- adopting policies that stabilize utility bills for customers who remain on gas service in the interim;
- engaging stakeholders such as ratepayer advocates, labor, the utilities, and other experts in long-term planning to rapidly decommission and contract the natural gas distribution system in California with an emphasis for including all remaining gas customers, especially those low-income and disadvantaged gas customers.

Thank you for your consideration and leadership on this important issue.

Sincerely,

The Berkeley City Council

CC:

Governor Gavin Newsom  
Senator Nancy Skinner  
Assemblymember Buffy Wicks



California Energy Commission  
715 P Street  
Sacramento, CA 95814

**Re: Urgent Need for Statewide Just Transition for Gas Utility and Extraction Workers and Berkeley's Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Pilot Program**

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- engaging stakeholders such as ratepayer advocates, labor, the utilities, and other experts in long-term planning to rapidly decommission and contract the natural gas distribution system in California with an emphasis for including all remaining gas customers, especially those low-income and disadvantaged gas customers.

Thank you for your consideration and leadership on this important issue.

Sincerely,

The Berkeley City Council

CC:  
Governor Gavin Newsom  
Senator Nancy Skinner  
Assemblymember Buffy Wicks



Office of the City Manager

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc. to prepare an addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR) for the Southside Zoning Implementation Program, increasing the contract amount by \$61,000 to a new total not-to-exceed contract amount of \$2,061,000.

FISCAL IMPACTS OF RECOMMENDATION

This contract provides for on-call planning and environmental review services, including environmental analysis in accordance with the California Environmental Quality Act (CEQA). Funding for the proposed amendment to this contract is available in the FY 2023 budget, from the General Fund (011). No other funding is required.

CURRENT SITUATION AND ITS EFFECTS

Staff propose increasing the amount of the contract to enable Rincon Consultants, Inc. to prepare an addendum to the 2023-2031 Housing Element Update EIR for the Southside Zoning Implementation Program, pursuant to CEQA Guidelines Section 15164. This work is necessary to evaluate the potential environmental effects of the zoning modifications proposed under Program 27 of the Housing Element – Priority Development Areas (PDAs), Commercial and Transit Corridors, Southside Plan Area.

BACKGROUND

The City has worked with planning and environmental consultants since 2005 to provide expedited processing of land use applications and environmental analysis. The City issued a Request for Proposals in September 2018 and selected Rincon Consultants as one of 12 on-call consultants. On June 25, 2019, the City Manager entered into a contract with Rincon Consultants, Inc. to provide these services for a contract period of three years in amount not to exceed \$1,000,000 (Resolution No. 69,005-N.S.).

On May 18, 2022, the City extended the contract for a period of three years to complete the Scope of Services, for a new termination date of June 30, 2025.

On January 31, 2023 the City Council approved an amendment to the contract with Rincon Consultants to add additional authority for general planning and environmental review services of \$1,000,000, to a new not-to-exceed total amount of \$2,000,000 (Resolution 70,681-N.S.).

The Housing Element Update EIR evaluated the potential environmental effects of an additional 1,000 units compared to existing zoning capacity in the Southside Plan Area. Staff has refined that assumption based on additional community outreach and input received from the Planning Commission since certification of the EIR, and anticipates that the proposed zoning amendments could facilitate more than 1,000 additional units, requiring additional environmental review under CEQA.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

The City is satisfied with the services provided by Rincon Consultants to date under this contract, and the proposed amendment will provide the consultant with additional capacity to provide needed services to complete the Southside Zoning Implementation Program.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534  
Steven Buckley, Manager, Land Use Division, 510-981-7411

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32000020 AMENDMENT: RINCON CONSULTANTS FOR ON-CALL  
PLANNING AND ENVIRONMENTAL SERVICES

WHEREAS, the Planning Department issued a Request for Proposals in September 2018 (Spec No. 18-11251-C) for land use and environmental planning consultants; and

WHEREAS, based on written proposals received, staff selected Rincon Consultants to provide such services; and

WHEREAS, on June 25, 2019 the City Council adopted Resolution 69,005-N.S., authorizing the City manager to enter a contract in an amount not-to-exceed \$1,000,000 with Rincon Consultants to provide such services; and

WHEREAS, the City extended the contract for a period of three years, for a new termination date of June 30, 2025; and

WHEREAS, on January 31, 2023 the City Council adopted Resolution 70,681-N.S., further amending the contract with Rincon Consultants to add additional spending authority of \$1,000,000, to a new not-to-exceed total amount of \$2,000,000; and

WHEREAS, an Addendum to the 2023-2031 Housing Element Update EIR (State Clearinghouse No. 2022010331) must be prepared to evaluate the potential environmental effects with implementation of the Southside Zoning amendments project (Program 27 of the Housing Element Update), pursuant to CEQA Guidelines Section 15164; and

WHEREAS, this scope and budget will require work from Rincon Consultants which exceeds its current contract funding; and

WHEREAS, additional funding in the amount of \$61,000 is current available in the General Fund (011) for this work.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32000020 with Rincon Consultants to prepare an Addendum to the 2023-2031 Housing Element Update EIR for an additional amount of \$61,000, to a new total contract not-to-exceed amount of \$2,061,000, for the period extending through June 30, 2025.

BE IT FURTHER RESOLVED, that a record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.



CONSENT CALENDAR

June 6, 2023

**To:** Honorable Mayor and Members of the City Council

**From:** Auditor Jenny Wong (Author), Mayor Jesse Arreguin (Co-Sponsor), Councilmember Rashi Kesarwani (Co-Sponsor), Councilmember Kate Harrison (Co-Sponsor), Councilmember Susan Wengraf (Co-Sponsor)

**Subject:** Berkeley City Auditor Whistleblower Program

RECOMMENDATION

Adopt a resolution to support and endorse the City Auditor's plan to implement a Whistleblower Program. Consistent with the implementation plan, the City Auditor is currently requesting authorization to hire one additional Audit Manager.

FISCAL IMPACTS OF RECOMMENDATION

The fully burden costs for a full time Audit Manager is between \$219,629 and \$287,525. Initial costs associated with hiring an Audit Manager are offset by salary savings within the Auditor's budget, resulting in no net increase to the Fiscal Years 2023 and 2024 Adopted Budget. The ongoing costs of increased personnel, as well as other resources required to effectively implement a Whistleblower Program, will be presented to Council as part of the Fiscal Year 2025-2026 budget.

A whistleblower program could reduce the financial impacts associated with undetected fraud in the City. The City Auditor shall explore options for expanding the general fund budget to support start-up and ongoing costs, which will vary based on the City's desired level of service. Budget expansions would come from the general fund, as hotline operations will be overseen by the City Auditor.

CURRENT SITUATION AND ITS EFFECTS

Currently, there is no formal avenue available to Berkeley residents to report concerns regarding City fraud, waste, and/or abuse. While City employees can file claims of fraud, waste, and/or abuse to a hotline or Ethics Committee managed by Human Resources, the current structure lacks independence. Without an independent body to oversee this process, employees may be hesitant to come forward.

BACKGROUND

State legislation encourages cities to specifically focus on fraud, waste, and/or misuse of city resources through whistleblower programs led by City Auditors. In 2009, California Government Code Section 53087.6 went into effect, which enabled local government auditors to establish whistleblower programs and to provide whistleblower protections. Local auditors are authorized under Section 53087.6 to create whistleblower programs with the approval of their respective legislative bodies, and have discretion in how to operate their programs. The code

does not authorize an Ethics Committee or Human Resources to manage whistleblower complaints.

California cities have established whistleblower programs including Oakland, San Francisco, Sacramento, San Diego, and Long Beach, with information publicly available. Each city has a webpage where people can find information such as how to submit a complaint, and what happens to a complaint once submitted.

A whistleblower program could significantly reduce costs associated with fraud and increase the City's accountability for taxpayer money. The Association of Certified Fraud Examiners' (ACFE) 2020 Report to the Nations on Occupational Fraud and Abuse maintains that a typical organization is estimated to lose 5 percent of its annual revenues to fraud.<sup>1</sup> If City losses due to fraud align with these estimates, fraud may have cost the City as much as \$21.4 million in revenue per year from 2012 to 2021. The City's actual loss due to fraud is unknown; however, the longer fraud remains undetected, the greater the financial losses.

#### ENVIRONMENTAL SUSTAINABILITY

Opportunities to lessen environmental impacts could result from detection of fraud, waste, or misuse in Berkeley government.

#### RATIONALE FOR RECOMMENDATION

The Auditor's Office is uniquely positioned to manage a whistleblower program. The Berkeley City Auditor maintains a level of structural independence well-suited for a whistleblower program, as they are elected by the public and do not report to the City Manager or Council. The City Auditor is well-positioned due to their role in providing objective information on the operations of government programs, assisting managers in carrying out their responsibilities, and helping ensure full accountability to the public, among other reasons.

The addition of an Audit Manager position within the City Auditor's Office would allow the Auditor to devote resources to begin implementing a Whistleblower Program.

#### CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

#### Attachments:

1: Resolution

2: City Auditor's Whistleblower Program Implementation Plan

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<sup>1</sup><https://acfepublic.s3-us-west-2.amazonaws.com/2020-Report-to-the-Nations.pdf>, pages 4 and 14



RESOLUTION NO. ##,###-N.S.

BERKELEY CITY AUDITOR WHISTLEBLOWER PROGRAM

WHEREAS, it is critical for the City of Berkeley to implement a Whistleblower Program to aid in identifying, reducing, and preventing fraud, waste, and abuse of City resources.

WHEREAS, The Auditor's Office is uniquely positioned to manage a whistleblower program due to the independence of the office.

WHEREAS, California Government Code Section 53087.6 enables local government auditors to establish whistleblower programs and to provide whistleblower protections with the approval of their respective legislative bodies.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to adopt a resolution to support and endorse the City Auditor's plan to implement a Whistleblower Program, which will establish an independent mechanism for employees and the public to report complaints of fraud, waste, and abuse of city resources and resources for the Auditor to respond to alleged complaints.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorized the City Auditor to hire one Audit Manager to oversee the Whistleblower Program.

# Berkeley City Auditor Whistleblower Program Implementation Plan

|                 |                                                                                                | Phase 1                                                                                                       | Phase 2                                                                         | Phase 3                                                                                                        | Phase 4                                                                                                                                                            | Phase 5 |
|-----------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>Activity</b> | <b>Resources</b>                                                                               | <b>Reporting Mechanism</b>                                                                                    | <b>Response Mechanism</b>                                                       | <b>Education and Awareness</b>                                                                                 | <b>Program Launch</b>                                                                                                                                              |         |
|                 | Hire Whistleblower Program Manager                                                             | Determine appropriate methods and platforms for whistleblower reporting                                       | Design a process for responding to and referring complaints                     | Develop written procedures and educational material                                                            | Receive and respond to complaints according to established procedures                                                                                              |         |
|                 | Determine funding needed for remaining steps of the implementation plan and ongoing operations | Design intake forms and procedures                                                                            | Obtain necessary access rights to data systems for investigations               | Disseminate educational materials                                                                              | Develop mechanisms for ongoing assessments of program effectiveness including the development of metrics to benchmark across time or against similar organizations |         |
| <b>Outcome</b>  | <b>Resources</b>                                                                               | <b>Reporting Mechanism</b>                                                                                    | <b>Response Mechanism</b>                                                       | <b>Education and Awareness</b>                                                                                 | <b>Program Launch</b>                                                                                                                                              |         |
|                 | Staff and funding secured to successfully manage program                                       | Multiple channels for employees and outside parties to report complaints 24 hours a day, 365 days of the year | Ability to prioritize, investigate, refer, and follow up on complaints received | Potential whistleblowers understand how the program works, why it is important, and how they will be supported | A more accountable Berkeley government through the prevention and investigation of suspected fraud, waste, and abuse.                                              |         |



Office of the Mayor

CONSENT CALENDAR  
June 6, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Referral to City Manager and City Attorney: Tenant Habitability Plan and Amendments to Relocation Ordinance

RECOMMENDATION

- 1) Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions.
- 2) Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

POLICY COMMITTEE RECOMMENDATION

On May 1, 2023, the Land Use, Housing, & Economic Development Committee adopted the following action: M/S/C (Robinson/Humbert) to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated recommendations as follows:

- 1) Refer to the City Manager and City Attorney to review and develop proposed amendments to the Berkeley Municipal Code to require a Tenant Habitability Plan for major construction or renovation at tenant occupied properties. Proposed language modeled after the City of Los Angeles' Tenant Habitability Plan requirements is attached for consideration. The City Manager should also return with information on the costs and staffing needs for implementation for future budget discussions. The committee further recommends that the City Manager establish an interdepartmental working group, including staff from Planning, HHCS, and the Rent Board.
- 2) Refer to the City Manager and City Attorney recommendations from the 4x4 City Council/Rent Board Joint Committee on Housing for amendments to the City's Relocation Ordinance, BMC Chapter 13.84 to strengthen and improve enforcement of the ordinance.

Vote: All Ayes.

## BACKGROUND

### **Relocation Ordinance**

The Relocation Ordinance, Berkeley Municipal Code Chapter 13.84, which was adopted in 1986, is the primary tool for tenants who are displaced from their home due to mandated or voluntary code-compliance repairs that requires the tenant to temporarily vacate their home. After a lengthy review process which included input from community stakeholders and City commissions, the Ordinance was substantially amended in 2011. Since its inception, the purpose of the Ordinance has always been "...to provide relocation services and require property owners to make certain payments to ..tenant households temporarily relocated as a result of code enforcement...or voluntary code compliance..." (B.M.C. 13.84.010). The Ordinance applies to all residential households and provides few exceptions when work is mandated (B.M.C. 13.84.020B [definition of household and unit], 13.84.020C, 13.84.030B [definition of natural disaster which exempts property owners from complying with the Ordinance]).<sup>1</sup>

The following section describes how the Ordinance operates in theory and in practice as well as difficulties and concerns that have arisen since it's most recent 2011 implementation.

#### 1. Eligibility

##### **\*Application:**

Initially, the City's Relocation Ordinance is only available to parties if either the City determines the unit cannot be safely occupied while City-mandated code compliance work is being undertaken or if it is determined that voluntary code compliance work or fumigation work initiated by the owner necessitates the tenant temporarily vacating their unit (B.M.C. 13.84.030A; 13.84.060A, C).

##### **\* Practice:**

In practice, the triggering aspect of the Ordinance is one of its greatest blind spots. It is understood throughout the City that there will hardly ever be a circumstance that, when asked, the Building Official will opine that the tenant **must** vacate in order for code compliance work to be done. This aspect of the Ordinance's administration is relevant since the scenario that usually occurs is when either the owner wishes to have the tenant vacate and the tenant doesn't want to, or the tenant wants to vacate and the owner doesn't believe the work requires the tenant to vacate. It is noted that parties are sometimes able to work out these differences and voluntarily comply with the

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<sup>1</sup> It is noted that there has been some misunderstanding of the Ordinance's applicability within the City. It is important to note that the Ordinance applies to all residential tenancies and not just those covered by the City's Rent Stabilization and Good Cause for Eviction Ordinance and that fires that are not a "natural event" such as a "forest fire" do implicate and trigger the Ordinance.

Ordinance's requirements or agree to other terms that are mutually acceptable. This is often done however after substantial counseling, guidance and direction from City staff.<sup>2</sup>

## 2. Property Owner Responsibilities

### **\*Application:**

Once the Ordinance is triggered and there is no dispute between the owner and tenant regarding the applicability of the Ordinance, the owner is responsible for providing relocation payments directly to the tenant household (13.84.040). Under the Ordinance, payments fall into one of two categories; work that is to be completed in less than thirty days and work that will take thirty days or more.

For work to be done in less than thirty days all tenant households are to receive a per diem rate currently set at anywhere from \$120 to \$166 per day depending on size of household with increases of \$15 per day for additional household members above three (13.84.070). The rate can increase per Council resolution.

For work that is anticipated to take longer than thirty days the household receives a flat \$400 dislocation allowance, moving and storage costs as well as rent differential if the tenant finds a comparable unit with a higher rent. The rent differential however may not exceed a ceiling established annually by the Rent Board and is based on the number of bedrooms in the unit (13.74.070B). In lieu of either the per diem payments or rent differential payments, the owner may offer an alternative unit to the tenant household that is comparable to the unit being vacated. The rent, when offered, cannot exceed the tenant's rent from the unit being vacated and the vacating tenant always has the right to return (13.84.070G). The landlord is not obligated to offer the tenant alternative housing and the burden in finding alternative housing lies with the tenant.

### **\*Practice:**

The primary disconnect that has surfaced regarding the distinction between the two categories of eligibility (thirty days or less versus thirty days or more) is the difficulty tenants have in actually finding short-term housing when the repairs are anticipated to take longer than thirty days. Staff has repeatedly been informed by tenants seeking short-term, temporary housing that it is scarce and hard to find. While sublets can be found, temporary housing for only a month or two is most often found within the student community and usually only for the summer months.

Another concern raised by tenants when entering the short-term housing market is the that the rental price often exceeds the rent differential ceilings established by the City. This results in the tenant paying the excess difference out of pocket. Finally, given the

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<sup>2</sup> It is noted that properties that are damaged due to fire are the exception to these scenarios since fire-damaged buildings will often be yellow or red tagged by the Fire Marshall, thus, in theory, automatically triggering the Ordinance since by the very nature of the City's actions, the unit and/or property is not currently habitable.

vagaries of the work being done at the tenants' unit, it is often difficult, if not impossible, for the tenant seeking housing to truthfully inform the new landlord just how long their tenancy is going to be. While there is no legal obligation on the part of a tenant to divulge such information prior to renting, many tenants have shared with staff the dilemma this issue often presents.

When the work is anticipated to be less than thirty days, tenants experience different difficulties. Initially, tenants state that the current per diem rates are lagging behind actual hotel rates. Staff has not been able to confirm this and a more recent survey has not been done.

Also of note is the fact that most hotel rooms do not have adequate cooking facilities thus the tenant household must rely on food that does not require full cooking facilities such as oven/stove. This results in a higher per diem expense from the household which already does not include a separate per diem for food cost. As a result of the inherent problems with tenants staying in hotels, many have turned towards short-term rentals such as Airbnb and VRBO. These however often exceed the City's per diem rate and, by their very nature, are limited to stays of fourteen days or less.<sup>3</sup>

Finally, we believe that the voluntariness of an owner offering a vacant unit to a tenant being relocated should be amended and made compulsory. Given the difficulties in finding alternative housing if an owner has a vacant unit elsewhere in the City it should be offered to the tenant as part of the Ordinance.

### 3. Challenges/Appeals

#### **\*Application:**

When the code enforcement work is mandated by the City and the City has deemed the unit uninhabitable while the work is being done, the tenant or owner may dispute this determination by seeking a hearing with the Housing Advisory Commission ("HAC") (B.M.C. 13.84.050). To the best of our knowledge appeals of this nature are extremely rare since most commonly the determination by the City in these instances often are the result of a fire at the property resulting in the building being either yellow or red tagged.

When the work is of a voluntary nature to bring the unit/property into code compliance the appeal process is more problematic.

If the tenant disagrees with a landlord contention that the tenant must vacate, or if either party disputes the amount of the relocation benefits to be paid or any other terms of the Ordinance, the parties must first engage in some form of conflict resolution/mediation. As part of its services, the Rent Board offers mediations to try and resolve Relocation Ordinance disputes (B.M.C. 13.84.100).

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<sup>3</sup> While the City's Short-term Rental Ordinance allows stays of up to 90 days, any stay longer than fourteen days converts the occupancy to a potential rent-controlled tenancy, thus many owners limit stays to fourteen days or less (B.M.C. 23C.22 et seq.)

Only after such efforts have been made with no result, an owner can seek a hearing with the Housing Advisory Commission. Such request must be filed within five days after conflict resolution has occurred (B.M.C. 13.84.100A2).

If a tenant disagrees with the owner's demand that the tenant vacates, a request is to be filed with the Building Official also within five days of completion of conflict resolution. Upon receipt, the Building Official is then empowered to determine whether relocation is necessary. That decision is final (B.M.C. 13.84.100A3).

**\*Practice:**

In practice, one of the problems lies with the fact that owner challenges to a tenant's right to relocation benefits must first flow through the HAC. Depending on when the HAC is meeting, an inordinate amount of time may pass prior to such hearing. Given the immediacy of the situation, with a tenant moving out, either into a hotel or longer-term temporary housing and seeking immediate relocation payments to cover the move, this built-in delay creates extreme burdens on the tenant household if the owner is, in fact, challenging the tenants' right to the benefits.

The central concern however with the appeal process lies in the fact that, in most cases, if a tenant wishes to move but the owner feels such a move is not necessary, there is no mechanism for a tenant to seek that type of determination. The actual issue of relocation only rises to the forefront when the owner claims it is necessary when obtaining permits to do the work.<sup>4</sup>

When the Ordinance was last discussed in detail at this committee, former Rent Board commissioner Igor Tregub raised a number of salient points on this issue. Mr. Tregub voiced concerns, which are shared by us, that there are many scenarios wherein a tenant would need to vacate even though the work contemplated could, technically, be done with the tenant remaining in the unit. Mr. Tregub offered compelling hypotheticals such as a tenant who is suffering from illness or severe allergies to dust or mold but is still forced to remain in the unit; a tenant who works from home but now cannot since the repair work would severely disrupt the tenant's use during the day; a senior or disabled tenant whose daily life would be severely impacted if they had to remain in the unit while such substantial repair work was done.

We have heard from staff working on the Ordinance that these are real-life situations which have occurred over the years and is one of the central driving forces behind this effort to revamp and reimagine how the Ordinance operates.

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<sup>4</sup> One of the flaws of the Ordinance and the City's processes is that while certain permits have a small box for owners to check stating relocation is required, this box is hardly ever checked and owners then unilaterally proceed to demand the tenant move. In addition, City staff has made clear that they do not have the resources to review permits in order to ascertain whether relocation would be required. Thus, the entire Ordinance and its administration appears to be hamstrung right at the offset since owners rarely trigger it at the time required, the City doesn't review the permits in real time to determine relocation and the tenant has no recourse under the Ordinance to seek relocation if the owner isn't requesting it.

4. City Involvement in Relocation Payments**\*Application:**

While the Ordinance anticipates City involvement for issues such as actual determination of the need to vacate, setting the relocation rates and building in an appeal process, enforcement of the Ordinance largely remains up to the parties.

In cases where an owner fails to make required relocation benefits to the tenant, the City may provide such payment and then seek reimbursement from the owner (B.M.C. 13.84.080). Should this occur, the City is then able to assess a lien on the owner's property in order to recover the costs incurred (B.M.C. 13.84.080A).

**\*Practice:**

In practice this have never happened. We are aware of at least one case where the owner acknowledged the application of the Ordinance, made some initial payments but then refused to continue as required. Tenants in this building asked the City to provide payment as allowed under the Ordinance but the City balked claiming there was no money in the City's budget to allow for such disbursement. This is problematic and is also one of the points raised when the Ordinance was last discussed in detail. We believe that, at a minimum, this should change and the City should be either be mandated to make payments or the funds need to be provided to make payments when determined. The City, through its assessments and liens is in a much better place to recover these funds than a tenant who is in the midst of relocating, not having the bare resources to pay for such moving expenses and is thus compelled to file a lawsuit which can take years to collect what is legally owed them.

**Overview**

A review of the Relocation Ordinance shows an Ordinance that was improved back in 2011 but through design and administration has several crucial flaws that need addressing. The actual benefits need to be increased, offering another vacant unit to a displaced tenant should be compulsory, the City should provide payments when the owner refuses, tenants should have a mechanism to trigger the ordinance as opposed to just owners and the requirements for a tenant vacating need to be drastically expanded to cover scenarios other than the technical nature of the work being contemplated.

In response a staff proposal making fixes to the Relocation Ordinance, in December 2019, the 4x4 Joint Committee on Housing made the following recommendation:

**Amendments to Relocation Ordinance:  
(Tregub/Alpert) Carried: 6-0-0-2. Absent: Robinson, Harrison.  
Refer to Council the following recommendations:**



- a. **Amend the Relocation Ordinance to specify and broaden the parties who can trigger the Ordinance, including tenants in question.**
- b. **Increase the per diem reimbursement rates to current market rate and index regular increases to cost of living increases.**
- c. **Institute a new, or strengthen an existing, appeals body to adjudicate appeals related to the Relocation Ordinance.**
- d. **Maintain City involvement by establishing a revolving fund, possible with U1 funds, with which the City can pay tenants' relocation costs and seek reimbursement from owners who will not pay tenants directly.**
- e. **Amend the Relocation Ordinance to consider tenants' health conditions and chemical sensitivities, and the needs of differently abled tenants in determining whether the Ordinance is triggered.**
- f. **Explore how Los Angeles created and implemented their Habitability Plan to learn about best practices that could be incorporated into Berkeley's Relocation Ordinance.**
- g. **Specify a City Department that will lead the administration, enforcement, and outreach efforts related to the Relocation Ordinance.**
- h. **Explore whether a permit form can be created or existing forms can be amended to help determine if a project triggers the Relocation Ordinance at the time project permits are applied for.**
- i. **Cross-check the Relocation Ordinance with the Demolition Ordinance to identify gaps and ensure compatibility between the two in an effort to make tenants whole.**

Despite the 4x4's vote in December 2019, the proposal never made it to Council due to the pandemic which halted pending legislation in order to focus on the City's response to COVID-19. Now that the Emergency Operations Center has disbanded and City employees have returned to their normal duties, these recommendations are being presented to Council with the goal of referring it to City staff for additional review.

### **Tenant Habitability Plan**

As mentioned in the 4x4's recommendations for amendments to the Relocation Ordinance, recommendation (f) calls for learning how to incorporate a Tenant Habitability Plan (THP). This will help resolve concerns about disputes on when a tenant needs to temporarily vacate a unit by establishing objective standards and processes for such an action. This can also be used as a tool to mitigate impacts on adjacent residences in infill developments, which are becoming more commonplace.

A THP would be required for construction and substantial repairs, such as the replacement of any structural, electrical, plumbing or mechanical system that requires a permit under the Berkeley Municipal Code. It also includes abatement of hazardous materials, such as lead paint and asbestos, and repairs required by a Building Official in Notice of Violation. This work is most likely to restrict use, access, and peaceful enjoyment of the property.

A THP would provide general identification information for the property owner, general contractor, and affected tenants to maintain proper communication. It will provide a description of the scope of work to be undertaken, including an estimate timeline of the project and its impacts on each unit, and how it would impact each unit (including impacts on personal property, such as the removal of furniture to complete the project). It will identify mitigation measures that would be adopted. If tenants are to remain in place, the landlord shall voluntarily reduce the tenants' rent to compensate for any disruption. If a tenant is not satisfied with the outcome, they can file a petition to the City.

There are several Departments that could administer the THP requirements, including the Permit Service Center, Housing Code Enforcement/Rental Housing Safety Program Staff, HHCS, and the Rent Board. The City Manager should review what Department is best suited to be the main point of reference as a part of this referral. The responsible agency would review the THP within five days. If there are deficiencies in the plan, they will provide the property owner written indications of what needs to be planned, in which the property owner would be able to make amendments. Both the property owner and tenant would have an opportunity to appeal the determining agency's determination regarding the THP. A draft of a THP, which is based off the program created by the City of Los Angeles in 2005, can be found in Attachment 1.

#### FINANCIAL IMPLICATIONS

Staff time involved in reviewing the Tenant Habitability Plan proposal and amendments to the Relocation Ordinance. If adopted additional funding and increased staffing would be needed as well as coordination with other departments to implement proposals.

#### ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects

#### CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

#### Attachments:

- 1: Draft language of Tenant Habitability Plan
- 2: Memo Provided to 4x4 Committee on Tenant Habitability Plan (THP) Proposal
3. PowerPoint Presentation to 4x4 Committee on THP
- 4: City of Los Angeles Tenant Habitability Program, Section 152.00 of LA Municipal Code
- 5: Current Copy of the Relocation Ordinance, BMC Chapter 13.84



## DRAFT

### 19.40.125 Tenant Habitability Plan

#### 1251 – Purpose and Intent

In its adoption of Section 19.40.125 *et seq.* of this Code, the City recognizes that construction and repairs on Rental Units or adjacent to such Rental units can create hardships on tenants; especially those who are senior citizens, persons on fixed incomes and low and moderate-income households. The City also recognizes that there is a shortage of decent, safe, and sanitary affordable housing in Berkeley. The City further declares, in its adoption of section 19.40.125 *et seq.* of this Code, that it is in the public interest of the people of Berkeley to protect and promote the existence of sound and wholesome residential buildings, dwelling units, and neighborhoods by the adoption and enforcement of such standards, regulations, and procedures as will remedy the existence or prevent the development or creation of dangerous, substandard, or unsanitary and deficient residential buildings and dwelling units.

However, both preventative maintenance as well as code enforcement related maintenance sometimes involves the replacement or substantial modification of major building systems or the abatement of hazardous materials and, by its very nature, such work generally makes rental units untenable, as defined by California Civil Code Section 1941.1, on a temporary basis.

Additionally, through the passage of AB 68, AB 670, AB 881, SB 13, and SB 9 \_\_\_\_\_ the State of California has passed several laws which have streamlined the ability to build on lots and in and next to residential units that are already occupied by residential housing. These provisions have recently been extended to include not only units built in owner-occupied lots but also investment properties owned by developers who are not local to the area.

This article is adopted to facilitate landlord investment in renovations and the construction of new housing without subjecting tenants to either untenable housing conditions during such renovation work or forced permanent displacement. The tenant habitability program requires landlords to mitigate such temporary untenable conditions, either through actions to ensure that tenants can safely remain in place during construction, or through the temporary relocation of tenants to alternative housing accommodations. These two options should not be regarded as mutually exclusive but rather as complementary approaches that might be appropriate to different stages of the renovation process.

#### 1252 – Definitions

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Section 13.76.040 of this Code if defined in that section.

**Construction** means construction on tenant occupied buildings, lots, or adjacent units. This includes elective upgrades that do not arise to Substantial Repairs but require permits,

construction of entirely new units or division or creation of additional units from already existing residential units.

**Emergency Repairs.** Repairs that must be completed in less than 48 hours shall be exempt from the habitability plan process.

**Repairs in Response to Notice of Violation** means repairs that must be completed to correct a notice of violation.

### **Notice of Construction on Occupied Buildings**

**Notice of Substantial Repairs or Construction** means a written notice, served by the landlord upon a tenant or tenant household at least 60 days prior to the commencement of any substantial repairs or Construction that uses a form established by the [responsible agency], and advises the tenant of forthcoming Substantial Repairs or Construction, the impact of such work on the tenant, and measures the landlord will take to mitigate the impact on the tenant.

**Substantial Repairs** means work performed either on a rental unit or on the building containing the rental unit that brings the unit into compliance with the Housing Code by making substantial repairs and that cannot be made while the tenant lives there improves the property by prolonging its useful life or adding value, and involves either or both of the following:

1. Replacement or substantial modification of any structural, electrical, plumbing or mechanical system that requires a permit under the Berkeley Municipal Code.
2. Abatement of hazardous materials, such as lead-based paint and asbestos, in accordance with applicable federal, state and local laws.
3. Repairs required by Building Official in Notice of Violation pursuant to 19.40.100

**Temporary Relocation** means the payment of relocation costs or the providing of a comparable rental unit in accordance with a Tenant Habitability Plan and Berkeley's Relocation Services and Pavements For Residential Tenant Households Ordinance (Berkeley Mun. Code § 13.84.010 *et seq.*) The temporary relocation of a tenant from his/her permanent place of residence shall not constitute the voluntary vacation of the unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the same unit, upon the completion of the Primary Renovation Work and any Related Work.

## **1253 – Procedure for Undertaking Substantial Repairs and Construction on Occupied Properties**

### **1253.1 Building Permits**

A. No landlord shall undertake Substantial Repairs or commence Construction on Property without first obtaining all necessary permits, pursuant to this Code.

B. The Planning Department shall only clear a landlord's application for a permit for Substantial Repairs or Construction on Occupied Properties if all of the following conditions have been met:

1. The landlord has submitted a Tenant Habitability Plan to the [responsible agency], in accordance with sections 1253.2 and 1253.3, which the [responsible agency] finds to adequately mitigate the impact of the Substantial Repairs or Construction upon affected tenants; and
2. The landlord has submitted a declaration documenting service to affected tenants of both a Notice of Substantial Repairs and a copy of the non-confidential portions of the Tenant Habitability Plan in accordance with section 1254.
3. The landlord has paid any plan submission fee established by regulation under Berkeley Municipal Code section 13.76.060(F).

### **1253.2 Tenant Habitability Plan**

A. At a minimum, a Tenant Habitability Plan shall provide the following information, together with any other information Berkeley's [responsible agency] deems necessary to ensure that the impact of Substantial Repairs and Construction or any related work upon affected tenants is adequately mitigated:

1. Identification of the landlord, the general contractor responsible for the Substantial Repairs or Construction, and any specialized contractor responsible for hazardous material abatement, including but not limited to lead-based paint and asbestos.
2. Identification of all affected tenants including the current rent each tenant pays and the date of each tenant's last rent increase. In accordance with California Civil Code Sec. 1798 et seq., information regarding tenants shall be considered confidential.
3. Description of the scope of work covering the Substantial Repairs or Construction. Such description shall address the overall work to be undertaken on all affected units and common areas, the specific work to be undertaken on each affected unit, an estimate of the total project cost and time, and an estimate of the cost and time of renovation for each affected unit.
4. Identification of the impact of the Substantial Repairs or Construction on the habitability of affected rental units, including a discussion of impact severity and duration with regard to noise, utility interruption, exposure to hazardous materials, interruption of fire safety systems, inaccessibility of all or portions of each affected rental unit, and disruption of other tenant services.

5. Identification of the mitigation measures that will be adopted to ensure that tenants are not required to occupy an untenable dwelling, as defined in California Civil Code Section 1941.1. Such measures may include the adoption of work procedures that allow a tenant to remain on-site and/or the temporary relocation of tenants. If due to a declared state of emergency, childcare, eldercare, documented disabilities or work schedule or place of work that makes 8:00 - 5:00 pm Monday through Friday a grave burden, then a reasonableness standard shall be used reflecting the tenant's specific situation.
6. Identification of the impact of the Substantial Repairs or Construction on the personal property affected tenants, including work areas which must be cleared of furnishings and other tenant property, and the exposure of tenant property to theft or damage from hazards related to work or storage.
7. Identification of the mitigation measures that will be adopted to secure and protect tenant property from reasonably foreseeable damage or loss.
8. Identification of a phone number and email address of a responsible party who will be responsive to tenant complaints regarding the execution of the Substantial Repairs.
9. If tenants are to remain in place, the landlord shall voluntarily reduce the tenants' rent to compensate the tenant for any disruption to their tenancy. If a tenant feels the landlord's rent reduction is inadequate, the tenant may file a petition with Berkeley's Rent Program under section 11.100.070(c) or pursue any other legal remedy.

### **1253.3 Plan Acceptance**

- A. The [responsible agency] shall make a determination regarding the adequacy of a landlord's Tenant Habitability Plan within five working days of the [responsible agency]'s receipt of the plan for review. The [responsible agency] shall accept those plans which meet the requirements of section 1251.2 of this section and which it determines, with reference to the standards set forth in California Civil Code Section 1941.1, and in accordance with any applicable regulations or guidelines adopted under section 13.76.060(F)., will adequately mitigate the impacts of Substantial Repairs upon tenants. The Tenant Habitability Plan may allow for the temporary disruption of major systems during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. While brief periods of scheduled untenability between 8:00 and 5:00 am may be acceptable, a tenant's tenancy shall not be substantially disrupted for extended periods or in a manner that would be unreasonably disruptive to the tenant. In determining whether a disruption is reasonable, the [responsible agency] shall consider any relevant issue raised by the tenant, such as the tenant working from home, sleeping during the day, etc. At no point shall tenants

be exposed to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.

- B. The [responsible agency]'s acceptance of a Tenant Habitability Plan shall be subject to the landlord having no outstanding balances due for rent registration or code enforcement fees.
- C. The [responsible agency] shall provide landlords with written indications of deficiencies which must be addressed whenever a Tenant Habitability Plan is determined to be inadequate. A landlord may submit an amended plan in order to correct identified deficiencies.
- D. Landlords and tenants may appeal the [responsible agency]'s determination regarding a Tenant Habitability Plan to a hearing officer. The appeal shall be made in writing, upon appropriate forms provided by the [responsible agency], and shall specify the grounds for appeal, such as the plan being overly disruptive or that a temporary relocation should or should not be provided. The appeal shall be filed within 15 calendar days of the service of the Building Division's determination. The requested hearing shall be held within 30 calendar days of the filing of the appeal following the procedures adopted under. The hearing officer shall issue a written decision within ten calendar days of the hearing on the appeal, with a copy of the decision served on the landlord and the tenants by first class mail, postage prepaid, or in person.

#### **1253.4 Notice of Substantial Repairs or Construction**

- A. Notice of Substantial Repairs or Construction shall be written in the language in which the original lease was negotiated and shall provide the following information:
  - 1. The estimated start and completion dates of any Substantial Repairs associated with the accepted Tenant Habitability Plan.
  - 2. A description of the Substantial Repairs to be performed and how it will impact that particular tenant or household.
  - 3. Whether temporary relocation will be required, and if so, a notice concerning tenants' rights under Berkeley's Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance (section 13.100 et seq.) and Berkeley's Relocation Ordinance (section 11.102 et seq.)
  - 4. Instructions that tenants with questions should consult the landlord or the Rent Board.
  - 5. Notice of a tenant's right to reoccupy the units under the existing terms of tenancy upon completion of Notice of Substantial Repairs



6. Notice that the tenant may appeal the [responsible agency]’s acceptance of a Tenant Habitability Plan provided such request is submitted within 15 days of the tenant's receipt of the Notice of Substantial Repairs
7. Notice that a tenant can make complaints to the responsible party identified in section 1253.2 (A)(1).
8. A disclaimer in at least 24 point bold font on the first page of the notice stating “THIS IS NOT AN EVICTION NOTICE. IF YOU IF YOU HAVE QUESTIONS CONCERNING YOUR RIGHTS AS A TENANT CALL 510-981-\_\_\_\_\_.

### **1254 – Notice and Service Requirements**

After the [responsible agency] accepts the Tenant Habitability Plan, a landlord shall serve a copy of the Tenant Habitability Plan, Notice of Substantial Repairs or Construction, and a summary of the provisions of this article on the tenant. Service of these items shall be provided in the manner prescribed by Section 1162 of the California Code of Civil Procedure and at least 60 days prior to the date on which the Substantial Repairs or Construction are scheduled to begin.

### **1255 - Notices of Violation**

- A. Habitability Plan submittal requirement upon finding of substandard housing pursuant to 19.40.090
  1. Building Officials shall include in Notice of Violation pursuant to 19.40.1002 whether Habitability Plan must be submitted;
  2. Building Official shall require submittal of Habitability Plan anytime owner or agent of owner has failed to apply for permits or submit a Habitability Plan when it would have been required and all Construction or repairs shall be halted until compliance is obtained.

If such pause in construction leaves the rental unit substandard, temporary relocation may be triggered.

### **1256 - Remedies**

- A. A landlord who fails to abide by the terms of an accepted Tenant Habitability Plan shall be denied individual rent adjustments under Section 13.76.120 of this Code, absent extenuating circumstances.
- B. In any action by a landlord to recover possession of a rental unit under section 13.76.130(A)(7), the tenant may raise as an affirmative defense the failure of the landlord to comply with any provisions contained in this article. It shall be a complete defense to an unlawful detainer that a tenant’s appeal under section 1253.3(D) is pending at the time

of filing the unlawful detainer complaint, or was decided less than fourteen days before the filing of the Unlawful Detainer unlawful detainer complaint.

- C. Any person who willfully or knowingly with the intent to deceive, makes a false statement or representation, or knowingly fails to disclose a material fact in any plan or notice required under this article, or in any declaration, application, hearing or appeal permitted under this article, including oral or written evidence presented in support thereof, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months or both.
- D. Nothing in this article shall be construed to deprive a person of due process rights guaranteed by law, including, but not limited to, a right to appeal the [responsible agency]'s determination regarding a Tenant Habitability Plan to a hearing officer.
- E. The remedies provided by this article are in addition to any other legal or equitable remedies and are not intended to be exclusive. In addition to potentially other violations, a landlord's failure to provide, or bad faith deviation from a Tenant Habitability Plan shall be actionable as a failure to "exercise due diligence in completing repairs" pursuant to section 13.79.060(C)(7).

3.



**Jesse Arreguin**  
Mayor

**Leah Simon-Weisberg**  
Chair, Berkeley Rent Board

### Tenant Habitability Plan for City of Berkeley Proposal Discussion

#### What is the purpose of Tenant Habitability Plan:

1. Prevent permanent displacement when **substantial repairs** are needed;
2. Allow and facilitate substantial repairs while requiring mitigation of the possible negative impact on tenants of said repairs
3. Prevention of unsafe and harassing approaches to construction whether for the purposes of new construction or substantial repairs while tenants remain at property.
4. Create objective standards and processes to best prevent unsafe and harassing approaches to construction.
5. Respond to the recent phenomena of infill projects where tenants are in occupancy. (Harper Street)

#### When does a landlord need to fill out a tenant habitability plan?

##### Situations of work inside, outside or adjacent to occupied unit:

1. Planned Repair by landlord
2. Planned Construction by landlord
3. Requested Repairs by tenant
4. Emergency Repairs
5. Tenant complains about unsafe or nuisance construction

##### Timeframes for notification can be different for the different kinds of work

Option 1) An approved tenant habitability plan is required before **any work** is done to a property with a building that has one or more residential dwelling units. (Simple check-box if no buildings are tenant occupied).

Option 2) RHSP definition: An approved tenant habitability plan is required before **any work** to any dwelling which is rented, leased, let or hired out to be occupied for consideration.

**What “work” should trigger the requirement that the landlord must fill out form and provide mitigation?**

**Menu of Options:**

1. Any work requiring a permit.
2. Substantial repair and mediation: seismic retrofits, elevator repairs, and when hazardous materials such as lead paint or asbestos are being remediated.
3. Any work in the following section:

**Berkeley Code Sections Referenced:**

Berkeley Code sections that could be referenced: Title 19 – Buildings and Construction.

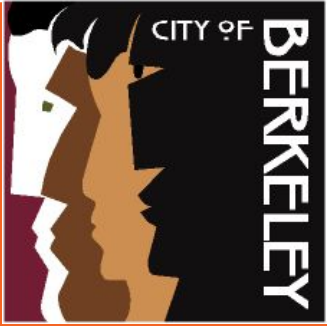
- Berkeley Building Code BMC Chapter 19.29
  - Berkeley Residential Code BMC Chapter 19.30
  - Berkeley Electrical Code BMC Chapter 19.32
  - Berkeley Mechanical Code BMC Chapter 19.34
  - Berkeley Plumbing Code BMC Chapter 19.36
  - BMC Chapter 19.38: Seismic Hazard Mitigation Program for Unreinforced Masonry Buildings
  - BMC Chapter 19.39: Potentially Hazardous Buildings Containing Soft, Weak, or Open Front Stories
  - BMC Chapter 19.50: Elevators-buildings with ten or more units and two or more stories
4. Requiring habitability plan submittal when a property with a tenant occupied structure receives a **notice of violation for code violations** including unpermitted work and other housing code violations. In Berkeley work without permit can be cited by either a building inspector or a housing inspector, both of which are in the Planning Department.
  5. Requiring mitigations when work is being done **adjacent to a tenant’s unit** for a sustained period of time.
  6. Requiring a habitability plan for work on properties that have a structure with a **dwelling unit will cover the ADU situations** we heard about where a tenant could not access their unit or tenant parking spaces were temporarily or

permanently removed due to ADU construction. Building permits are required for all ADUs so no specific requirement for ADUs needs to be included to cover this situation.

### Who should Administer the program?

Berkeley Departments that could administer habitability plan requirements:

- Permit Service Center (within Planning Department)
- Housing Code Enforcement and Rental Housing Safety Staff (both are also within Planning Department)
- HHCS (as long as they are involved in Relocation Ordinance)
- Rent Board, Rent Board Hearings unit best to assist with hearing/complaint process



# UPDATE ON TENANT HABITABILITY AND PLAN IMPLEMENTATION

**Jesse Arreguin**  
Mayor

**Leah Simon-Weisberg**  
Chair  
Berkeley Rent  
Stabilization

Revise Berkeley B.M.C. Chapter 13.84 (“Relocation Ordinance”) to better protect tenants during construction due to necessary repairs, new construction of ADUs and other additional housing units.

4x4 Housing Task Force, July 12, 2022

# REVIEW

1. We reviewed memo accessing the gaps in our relocation ordinance when tenants are facing repairs in their units and construction
  2. Reviewed Recommendations
-

# Goals for next meeting

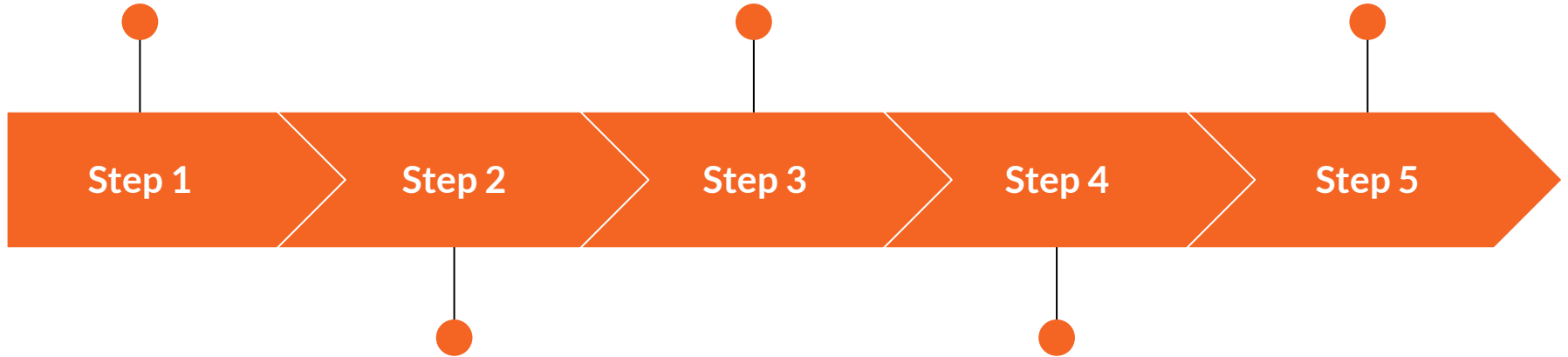


# Reminder of what a Tenant Habitability Plan

Provide THP to  
permitting agency

Landlord may apply for  
permit

Construction begins!



5 days for agency to  
approve or deny based  
on objective standards

Approved THP served on tenant 60 days before  
work can commence with Notice of Primary  
Renovation Work;  
THP plan, summary of plan and relocation option  
if work will last more than 30 days.

# Tenant Habitability Plan City of Berkeley Proposal

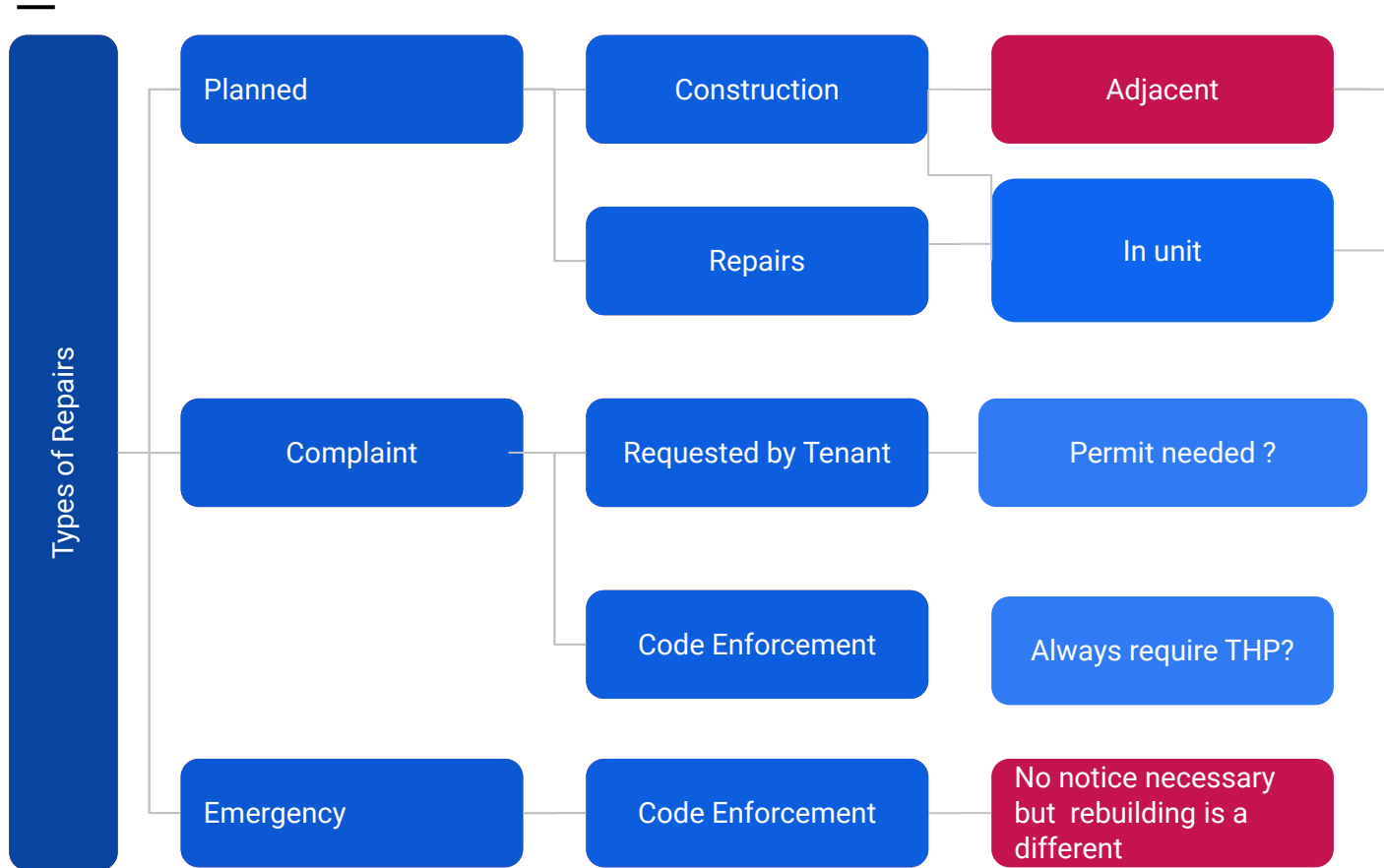
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5. Respond to the recent phenomena of \_\_\_\_\_ infill projects where tenants are in occupancy. (Harper Street)

## **Context and consideration:**

**Situations of work inside, outside or adjacent to occupied unit:**

- 1. Planned Repair by landlord**
  - 2. Planned Construction by landlord**
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  - 4. Emergency Repairs**
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-



## When does a landlord need to fill out a tenant habitability plan?

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**What “work” should trigger the requirement that the landlord must fill out form and provide mitigation?**



## Menu of Work

1. Any work requiring a permit
2. Substantial repair and mediation: seismic retrofits, elevator repairs, and when hazardous materials such as lead paint or asbestos are being remediated

### 3. Any work in the following section:

## Menu of Work

#### **Berkeley Code Sections Referenced:**

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- BMC Chapter 19.39: Potentially Hazardous Buildings Containing Soft, Weak, or Open Front Stories
- BMC Chapter 19.50: Elevators-buildings with ten or more units and two or more stories

# Menu

4. Requiring habitability plan submittal when a property with a tenant occupied structure receives a **notice of violation for code** violations including unpermitted work and other housing code violations. In Berkeley work without permit can be cited by either a building inspector or a housing inspector, both of which are in the Planning Department.
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# Who should Administer the program?

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- Permit Service Center (within Planning Department)
- Housing Code Enforcement and Rental Housing Safety Staff (both are also within Planning Department)
- HHCS (as long as they are involved in Relocation Ordinance)
- Rent Board, Rent Board Hearings unit best to assist with hearing/complaint process

—

# Direction for next steps?

## ARTICLE 2

# TENANT HABITABILITY PROGRAM

(Added by Ord. No. 176,544, Eff. 5/2/05.)

### Section

- 152.00 Title.
- 152.01 Declaration of Purpose.
- 152.02 Definitions.
- 152.03 Procedure for Undertaking Primary Renovation Work.
- 152.04 Notice and Service Requirements.
- 152.05 Permanent Relocation Assistance.
- 152.06 Temporary Relocation and Temporary Replacement Housing.
- 152.07 Remedies.
- 152.08 Authority of Commission to Regulate.

### SEC. 152.00. TITLE.

(Added by Ord. No. 176,544, Eff. 5/2/05.)

This article shall be known as the Tenant Habitability Program.

### SEC. 152.01. DECLARATION OF PURPOSE.

(Added by Ord. No. 176,544, Eff. 5/2/05.)

In its adoption of Section 151.00*et seq.* of this Code, the City recognized that displacement from rental housing creates hardships on renters who are senior citizens, persons on fixed incomes and low and moderate income households, particularly when there is a shortage of decent, safe and sanitary housing at affordable rent levels in the City. The City has also declared, in its adoption of Section 161.101*et seq.* of this Code, that it is in the public interest of the people of Los Angeles to protect and promote the existence of sound and wholesome residential buildings, dwelling units and neighborhoods by the adoption and enforcement of such standards, regulations and procedures as will remedy the existence or prevent the development or creation of dangerous, substandard, or unsanitary and deficient residential buildings and dwelling units.

The primary renovation program has been established to encourage landlords to extend the useful life of the rental housing stock in Los Angeles by reinvesting in the infrastructure of their properties. Through rent adjustments authorized by this chapter, landlords are able to recover a substantial portion of these renovation costs. However, Primary Renovation Work involves the replacement or substantial modification of major building systems or the abatement of hazardous materials and, by its very nature, such work generally makes rental units untenable, as defined by California Civil Code Section 1941.1, on a temporary basis.

This article is adopted to facilitate landlord investment in Primary Renovation Work without subjecting tenants to either untenable housing conditions during such renovation work or forced permanent displacement. The tenant habitability program requires landlords to mitigate such temporary untenable conditions, either through actions to ensure that tenants can safely remain in place during construction or through the temporary relocation of tenants to alternative housing accommodations. These two options should not be regarded as mutually exclusive but rather as complementary approaches that might be appropriate to different stages of the renovation process.

**SEC. 152.02. DEFINITIONS.**

(Added by Ord. No. 176,544, Eff. 5/2/05.)

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Sections 12.03, 151.02 and 162.02 of this Code, if defined in those sections.

**Notice of Primary Renovation Work.** Written notice, served by the landlord upon a tenant or tenant household at least 60 days, or as otherwise modified pursuant to Section 152.04, prior to the commencement of any Primary Renovation Work or Related Work and using a form established by the Department, advising the tenant of forthcoming Primary Renovation Work and Related Work, the impact of such work on the tenant, and measures the landlord will take to mitigate the impact on the tenant. (Amended by Ord. No. 183,893, Eff. 11/22/15.)

**Temporary Relocation.** The moving of a tenant from the tenant's permanent residence to habitable temporary housing accommodations in accordance with a Tenant Habitability Plan. The temporary relocation of a tenant from his/her permanent place of residence shall not constitute the voluntary vacation of the unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the same unit, upon the completion of the Primary Renovation Work and any Related Work, subject to any rent adjustments as may be authorized under this chapter.

**SEC. 152.03. PROCEDURE FOR UNDERTAKING PRIMARY RENOVATION WORK.**

(Added by Ord. No. 176,544, Eff. 5/2/05.)

**A. Building Permits.**

1. No landlord shall undertake Primary Renovation Work without first obtaining a permit, pursuant to Sections 91.106, 92.0129, 92.0132, 93.0201, 94.103, or 95.112.2 of this Code. This requirement applies to all Primary Renovation Work, regardless of whether such work is eligible for a rent adjustment under any of the provisions of Section 151.07 A.1. of this Code and regardless of which provision of that subdivision, if any, is intended to be used as a ground for seeking a rent adjustment following the completion of the work.

2. The Department shall clear a landlord's application for a permit for Primary Renovation Work if both of the following conditions have been met:

a. The landlord has submitted a Tenant Habitability Plan which, in accordance with Subsection C. of this section, the Department finds to adequately mitigate the impact of Primary Renovation Work and any Related Work upon affected tenants; and

b. The landlord has submitted a declaration documenting service to affected tenants of both a Notice of Primary Renovation Work and a copy of the non-confidential portions of the Tenant Habitability Plan.

**B. Tenant Habitability Plan.** At a minimum, a Tenant Habitability Plan shall provide the following information, together with any other information the Department deems necessary to ensure that the impact of Primary Renovation Work and any Related Work upon affected tenants is adequately mitigated:

1. Identification of the landlord, the general contractor responsible for the Primary Renovation Work, and any specialized contractor responsible for hazardous material abatement, including but not limited to

lead-based paint and asbestos.

2. Identification of all affected tenants including the current rent each tenant pays and the date of each tenant's last rent increase. In accordance with California Civil Code Sec. 1798 *et seq.*, information regarding tenants shall be considered confidential.

3. Description of the scope of work covering the Primary Renovation Work and any Related Work. Such description shall address the overall work to be undertaken on all affected units and common areas, the specific work to be undertaken on each affected unit, an estimate of the total project cost and time, and an estimate of the cost and time of renovation for each affected unit.

4. Identification of the impact of the Primary Renovation Work and Related Work on the habitability of affected rental units, including a discussion of impact severity and duration with regard to noise, utility interruption, exposure to hazardous materials, interruption of fire safety systems, inaccessibility of all or portions of each affected rental unit, and disruption of other tenant services.

5. Identification of the mitigation measures that will be adopted to ensure that tenants are not required to occupy an untenable dwelling, as defined in California Civil Code Section 1941.1, outside of the hours of 8:00 am through 5:00 pm, Monday through Friday, and are not exposed at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos. Such measures may include the adoption of work procedures that allow a tenant to remain on-site and/or the temporary relocation of tenants.

6. Identification of the impact of the Primary Renovation Work and Related Work on the personal property of affected tenants, including work areas which must be cleared of furnishings and other tenant property, and the exposure of tenant property to theft or damage from hazards related to work or storage.

7. Identification of the mitigation measures that will be adopted to secure and protect tenant property from reasonably foreseeable damage or loss.

### C. Plan Acceptance.

1. The Department shall make a determination regarding the adequacy of a landlord's Tenant Habitability Plan within five working days of the Department's receipt of the plan for review. The Department shall accept those plans which meet the requirements of Subsection B. of this section and which it determines, with reference to the standards set forth in California Civil Code Section 1941.1 and in accordance with any regulations or guidelines adopted by the Commission, will adequately mitigate the impacts of Primary Renovation Work and any Related Work upon tenants. The Tenant Habitability Plan may allow for the temporary disruption of major systems during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, without requiring the relocation of tenants in order to adequately mitigate the impacts upon the affected tenants. However tenants should not be exposed at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.

2. The Department's acceptance of a Tenant Habitability Plan shall be subject to the landlord having no outstanding balances due for rent registration or code enforcement fees.

3. The Department shall provide landlords with written indications of deficiencies which must be addressed whenever a Tenant Habitability Plan is determined to be inadequate. A landlord may submit an amended plan in order to correct identified deficiencies.

4. Landlords and tenants may appeal the Department's determination regarding a Tenant Habitability Plan to a hearing officer. The appeal shall be made in writing, upon appropriate forms provided by the Department, and shall specify the grounds for appeal. The appeal shall be filed within 15 calendar days of the service of the Department's determination, as required by Section 152.04 of this Code and shall be



accompanied by the payment of an administrative fee of \$35.00. The requested hearing shall be held within 30 calendar days of the filing of the appeal following the procedures set forth in Section 151.07 A.3. of this Code. The hearing officer shall issue a written decision within ten calendar days of the hearing on the appeal, with a copy of the decision served on the landlord and the tenants by first class mail, postage prepaid, or in person.

**D. Notice of Primary Renovation Work.** Notice of Primary Renovation Work shall be written in the language in which the original lease was negotiated and shall provide the following information:

1. The estimated start and completion dates of any Primary Renovation Work and Related Work associated with a Tenant Habitability Plan accepted by the Department.
2. A description of the Primary Renovation Work and Related Work to be performed and how it will impact that particular tenant or household.
3. The details of temporary relocation, if necessitated by the Primary Renovation Work, and associated tenant rights under this article.
4. Instructions that tenants with questions should consult the landlord, the Department, or the Department's designee.
5. Notice of a tenant's right to reoccupy the units under the existing terms of tenancy upon completion of Primary Renovation Work, subject to rent adjustments as authorized under this chapter.
6. Notice that the tenant may appeal the Department's acceptance of a Tenant Habitability Plan in cases where the tenant does not agree with the landlord regarding the necessity for the tenant to either be temporarily displaced or remain in place during Primary Renovation Work, provided such request is submitted within 15 days of the tenant's receipt of the Notice of Primary Renovation Work.

#### **SEC. 152.04. NOTICE AND SERVICE REQUIREMENTS.**

**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

After the Department accepts the Tenant Habitability Plan, a landlord shall serve a copy of the Tenant Habitability Plan, Notice of Primary Renovation Work, a summary of the provisions of this article and, if applicable, a permanent relocation agreement form on any tenant affected by the Primary Renovation Work. Service of these items shall be provided in the manner prescribed by Section 1162 of the California Code of Civil Procedure and at least 60 days prior to the date on which the Primary Renovation Work and any Related Work is scheduled to begin.

For purposes of the Mandatory Earthquake Reduction requirements in LAMC Sections 91.9301, *et seq.*, and 91.9501, *et seq.*, and as authorized by Section 152.08 of this article, the Commission shall have the authority by regulation to modify the service and notice requirements. **(Added by Ord. No. 183,893, Eff. 11/22/15.)**

#### **SEC. 152.05. PERMANENT RELOCATION ASSISTANCE.**

**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

**A.** If the Primary Renovation Work and any Related Work will impact the tenantability of a rental unit for 30 days or more, any tenant affected by the Primary Renovation Work and Related Work shall have the option to voluntarily terminate the tenancy in exchange for permanent relocation assistance pursuant to Section 151.09 G. of this Code and the return of any security deposit that cannot be retained by the landlord under applicable law. If the Primary Renovation Work and Related Work continues for 30 days longer than the projected completion

date set forth in the later of either the Tenant Habitability Plan or any modifications thereto accepted by the Department, the tenant's option to accept permanent relocation assistance shall be renewed. **(Amended by Ord. No. 183,893, Eff. 11/22/15.)**

**B.** A tenant may request to receive permanent relocation assistance within 15 days of service of the Tenant Habitability Plan. The tenant must inform the landlord of the decision to select permanent relocation by mailing or personally delivering a completed Permanent Relocation Agreement form to the landlord or agents thereof. Thereafter, the landlord shall have 15 days to provide the tenant with relocation assistance in the manner and for the amounts set forth in Section 151.09 G. of this Code.

**C.** Nothing in this section relieves the landlord from the obligation to provide relocation assistance pursuant to an administrative agency action or any other provision of federal, state or local law. If a tenant is entitled to monetary relocation benefits pursuant thereto, such monetary benefits shall operate as credit against any other monetary benefits required to be paid to the tenant under this section.

**D.** For purposes of the Mandatory Earthquake Reduction requirements in LAMC Sections 91.9301, *et seq.*, and 91.9501, *et seq.*, and as authorized by Section 152.08 of this article, the Commission shall have the authority by regulation to extend the time provisions by up to the maximum of an additional 180 days. **(Amended by Ord. No. 183,893, Eff. 11/22/15.)**

#### **SEC. 152.06. TEMPORARY RELOCATION AND TEMPORARY REPLACEMENT HOUSING.** **(Added by Ord. No. 176,544, Eff. 5/2/05.)**

**A.** The landlord shall indicate in its Tenant Habitability Plan whether the temporary relocation of one or more tenant households is necessary. Pursuant to Section 152.03 of this Code, the Department independently may determine whether temporary relocation is necessary in conjunction with its review of the Tenant Habitability Plan. The Department may also require the temporary relocation of a tenant at any time during the project if the Department determines temporary relocation is necessary to ensure the health or safety of the tenant.

**B.** The temporary relocation of a tenant pursuant to this article shall not constitute the voluntary vacating of that rental unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the tenant's rental unit upon the completion of the Primary Renovation Work and any Related Work.

**C.** A tenant who is temporarily relocated as a result of Primary Renovation Work shall continue to pay rent in the manner prescribed by any lease provision or accepted in the course of business between the landlord and the tenant.

**D.** A landlord shall pay for all temporary housing accommodation costs and any costs related to relocating the tenant to temporary housing accommodations, regardless of whether those costs exceed rent paid by the tenant. The landlord shall also pay any costs related to returning the tenant to his/her unit, if applicable. The Commission may adopt guidelines or regulations regarding the payment of moving costs.

**E.** A landlord may choose to place a tenant's rent and any other required payments in an escrow account. All costs of opening and maintaining the escrow account shall be borne by the landlord. Monies deposited into the escrow account shall be distributed in accordance with guidelines or regulations established by the Commission. The cost of opening an escrow account is not recoverable under Section 151.07 A.1.d. of this Code. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

**F.** A landlord must temporarily relocate a tenant to habitable temporary housing accommodations if the Primary Renovation Work and any Related Work will make the rental unit an untenable dwelling, as defined in California Civil Code Section 1941.1, outside of the hours of 8:00 am through 5:00 pm, Monday through Friday, or will expose the tenant at any time to toxic or hazardous materials including, but not limited to, lead-based paint and asbestos.

**1. Temporary Replacement Housing Accommodations for 30 or more consecutive days.** If the temporary relocation lasts 30 or more consecutive days, the landlord shall make available comparable housing either within the same building or in another building. For purposes of this section, a replacement unit shall be comparable to the existing unit if both units are comparable in size, number of bedrooms, accessibility, proximity to services and institutions upon which the displaced tenant depends, amenities, including allowance for pets, if necessary, and, if the tenant desires, location within five miles of the rental unit. The landlord and tenant may agree that the tenant will occupy a non-comparable replacement unit provided that the tenant is compensated for any reduction in services.

**2. Temporary Replacement Housing Accommodations for fewer than 30 consecutive days.** If the temporary relocation lasts less than 30 consecutive days, the landlord shall make available temporary housing that, at a minimum, provides habitable replacement accommodations within the same building or rental complex, in a hotel or motel, or in other external rental housing. The Commission may adopt guidelines or regulations regarding temporary housing. If the temporary housing is in a hotel, motel or other external rental housing, it shall be located no greater than two miles from the tenant's rental unit, unless no such accommodation is available, and contain standard amenities such as a telephone.

**3. Per Diem Payment.** A landlord and tenant may mutually agree to allow the landlord to pay the tenant a per diem amount for each day of temporary relocation in lieu of providing temporary replacement housing. The agreement shall be in writing and signed by the landlord and tenant and shall contain the tenant's acknowledgment that he/she received notice of his/her rights under this section and that the tenant understands his/her rights. The landlord shall provide a copy of this agreement to the Department.

**G.** The landlord shall provide written notice, before the tenant is temporarily displaced, advising the tenant of the right to reoccupy the unit under the existing terms of tenancy once the Primary Renovation Work and any Related Work is completed. Unless the landlord provides the temporary replacement housing, the tenant shall provide the landlord with the address to be used for future notifications by the landlord. When the date on which the unit will be available for reoccupancy is known, or as soon as possible thereafter, the landlord shall provide written notice to the tenant by personal delivery, or registered or certified mail, and shall provide a copy of that notice to the Department. If the tenant was temporarily relocated for over 30 days and has a separate tenancy agreement with a third party housing provider, the landlord shall give the tenant a minimum of 30 days written notice to reoccupy. In all other cases, the landlord shall give the tenant a minimum of seven days written notice to reoccupy, unless the landlord gave the tenant written notice of the date of reoccupancy prior to the start of temporary relocation.

#### **SEC. 152.07. REMEDIES.**

**(Added by Ord. No. 176,544, Eff. 5/2/05.)**

**A.** A landlord who fails to abide by the terms of an accepted Tenant Habitability Plan shall be denied individual rent adjustments under Section 151.07 A.1.(d) of this Code, absent extenuating circumstances.

**B.** In any action by a landlord to recover possession of a rental unit, the tenant may raise as an affirmative defense the failure of the landlord to comply with any provisions contained in this article.

**C.** Any person who willfully or knowingly with the intent to deceive, makes a false statement or representation, or knowingly fails to disclose a material fact in any plan or notice required under this article, or in any declaration, application, hearing or appeal permitted under this article, including oral or written evidence presented in support thereof, shall be guilty of a misdemeanor.

Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months or both.

Each violation of any provision of this chapter and each day during which such violation is committed, or continues, shall constitute a separate offense.

D. Any person who fails to provide relocation assistance pursuant to Section 152.05 of this Code shall be liable in a civil action to the person to whom such assistance is due for damages in the amount of the unpaid relocation assistance, together with reasonable attorney's fees and costs as determined by the court.

E. Any person who breaches any duty or obligation set forth in Section 152.06 of this Code shall be liable in a civil action by any person, organization or entity, for all actual damages, special damages in an amount not to exceed the greater of twice the amount of actual damages or \$5,000, and reasonable attorney's fees and costs as determined by the court. Damages of three times the amount of the actual damages may be awarded in a civil action for willful failure to comply with the payment obligations, to provide safe, decent and sanitary temporary replacement housing, or to allow a tenant to reoccupy a rental unit once the primary work is completed.

F. Any agreement, whether written or oral, waiving any of the provisions contained in this article shall be void as contrary to public policy.

G. Nothing in this article shall be construed to deprive a person of due process rights guaranteed by law, including, but not limited to, a right to appeal the Department's determination regarding a Tenant Habitability Plan to a hearing officer.

H. The remedies provided by this article are in addition to any other legal or equitable remedies and are not intended to be exclusive.

#### **SEC. 152.08. AUTHORITY OF COMMISSION TO REGULATE.**

**(Amended by Ord. No. 183,893, Eff. 11/22/15.)**

A. The Commission shall be responsible for carrying out the provisions of this article and shall have the authority to issue orders and promulgate policies, rules and regulations to effectuate the purposes of this article. All such rules and regulations shall be published once in a daily newspaper of general circulation in the City of Los Angeles, and shall take effect upon such publication. The Commission may make such studies and investigations, conduct such hearings, and obtain such information as it deems necessary to promulgate, administer and enforce any regulation, rule or order adopted pursuant to this article.

B. In order to provide sufficient time for owners to comply with the Mandatory Earthquake Hazard Reduction requirements in LAMC Sections 91.9301, *et seq.*, and 91.9501, *et seq.*, the Commission may do the following:

1. Modify the service and notice requirements set forth in Section 152.04 this article; and/or

2. Grant, upon request by owner, an extension of up to 180 days beyond the original project completion date without triggering the permanent relocation assistance requirements set forth at Section 151.09 G. of this Code. Prior to granting an owner's request to extend project completion dates, the Commission shall notify the Department of Building and Safety of the request. If work performed pursuant to Mandatory Earthquake Hazard Reduction Requirements is not completed by the original project completion date or by a subsequent date authorized by RAC, any tenant, subtenant, lessee, sublessee, or other person(s) entitled to use and/or occupy the building or residential unit affected by such work shall have the option to voluntarily terminate the tenancy in exchange for permanent relocation assistance, pursuant to Section 151.09 G., and the return of any security deposit that cannot be retained by the owner under applicable law.

C. Before modifying service and notice requirements and/or granting time extensions under its authority in subparagraph B. of this section, the Commission shall find that the modifications and/or time extensions are necessary to carry out the purpose of the Mandatory Earthquake Hazard Reduction requirements of this Code.



**RENT**

## Primary Renovation Application Questionnaire

1. Is construction work involving repairing or replacing major building systems?  Yes  No
2. Was the work done to comply with an order issued by the Department of Building & Safety or, the LA Housing & Community Investment Department?  Yes  No
3. Does this project improve the property by: increasing its useful life, or adding value?  Yes  No

And

Involves either one or both of the following:

- a) Replacement or substantial modification of a structural, electrical, plumbing, or mechanical system (that requires a permit under LAMC)  Yes  No
- b) Abatement of hazardous materials, such as lead-based paint and asbestos?  Yes  No

4. Did a licensed contractor(s) perform the work?  Yes  No
5. Does the work involved require a permit?  Yes  No
6. Was the Tenant Habitability Plan (THP) approved prior to start of work?  Yes  No  
(If you do not have an approved THP on file, please submit Capital Improvement on-line application.)
7. Did you wait 60 days to start the work after THP approval?  Yes  No  
(If not, please submit Capital Improvement on-line application.)
8. Have you submitted a Primary Renovation (PR) application within the last 5 years?  Yes  No  
(PR Cost Recovery application submission is limited to every 5 years per APN.)

9. PR rent increase is permanent and implemented in two phases. In most cases, a PR proposed rent increase is lower than a Capital Improvement proposed rent increase based on the same amount of per unit cost.

I have read it.

10. Do you want to apply for PR?  Yes  No

For more information please call (213) 928-9063.

CONTINUE

## Chapter 13.84

# RELOCATION SERVICES AND PAYMENTS FOR RESIDENTIAL TENANT HOUSEHOLDS

Sections:

- 13.84.010 Purpose.**
- 13.84.020 Definitions.**
- 13.84.025 Notice.**
- 13.84.030 Eligibility for relocation services and assistance.**
- 13.84.040 Owner responsibilities.**
- 13.84.050 Relocation payment and appeals procedures for code enforcement activity.**
- 13.84.060 Relocation payment procedures for voluntary code compliance.**
- 13.84.070 Relocation and other payments.**
- 13.84.080 City's involvement in relocation payments.**
- 13.84.090 Move-back option.**
- 13.84.100 Conflict resolution and appeal procedures for voluntary code compliance.**
- 13.84.110 Private right of action.**
- 13.84.120 Severability.**

### **13.84.010 Purpose.**

The purpose of this chapter is to provide relocation services and require property owners to make certain payments to residential tenant households temporarily relocated as a result of code enforcement activities or voluntary code compliance in order to alleviate hardships associated with such relocations; to facilitate the correction of code violations; and to protect the health, safety and welfare of Berkeley residents. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.020 Definitions.**

- A. "Code enforcement" or "code enforcement activity" means an activity or activities initiated by the City to require an owner to bring the property into compliance with applicable laws including, but not limited to, actions by the Building Official or Fire Marshal after a fire ordering relocation.
- B. "Household" or "tenant household" for purposes of this chapter means one or more individuals entitled to the occupancy of a rental unit or room who share living expenses.

- C. "Natural disaster" means any natural event which results in damage to property, such as, but not limited to, an earthquake, flood, or forest fire.
- D. "Owner" means a person, persons, corporation, partnership or any other entity possessing ownership of a property individually, jointly, in common or in any other manner or their agent or assignee.
- E. "Relocate" or "relocation" means the required vacating of a residential unit or room by a tenant household and the moving temporarily into another unit or room as a result of repairs required to bring the building or a portion thereof which contains a residential unit or room occupied by the tenant household into code compliance whether such repairs are undertaken because of code enforcement or through voluntary code compliance as defined below.
- F. "Residential unit" or "unit" means a building or portion of a building designed for, or occupied exclusively by, one or more persons living as a household.
- G. "Room" means a room in a hotel or boarding house or a rented room in a private dwelling occupied by a tenant household for at least thirty (30) consecutive days.
- H. "Voluntary code compliance" means actions voluntarily initiated by an owner to achieve compliance with applicable laws including, but not limited to, fumigation, as well as to seismically retrofit a building on the inventory of potentially hazardous soft story buildings established under Chapter [19.39](#) so as to remove it from such inventory under Section [19.39.080.B](#) if such retrofit is required by the City. (Ord. 7456-NS § 1, 2016; Ord. 7212-NS § 1 (part), 2011)

### **13.84.025 Notice.**

Whenever any notice or other communication is required by this chapter to be served on, provided, given or delivered to, or filed with any person, that notice or communication may be communicated by personal delivery, certified mail, first class mail, e-mail, or any other similar method that will provide a written record of the notice or communication. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.030 Eligibility for relocation services and assistance.**

- A. A tenant household shall be eligible for relocation assistance and payments pursuant to this chapter if the City determines that the condition of a building or portion thereof is such that a unit or room cannot be safely occupied by that tenant household while the building or portion thereof is being brought into code compliance and if such condition was not primarily or entirely created by the tenant household occupying the unit or room.
- B. A tenant household shall not be eligible for relocation assistance and payments pursuant to this chapter if the required relocation of the tenant household is the result of an earthquake or other natural disaster. (Ord. 7212-NS § 1 (part), 2011)



### **13.84.040 Owner responsibilities.**

- A. The owner shall be responsible for providing relocation payments directly to the tenant household required to relocate pursuant to this chapter. The owner is also responsible for complying with Section [13.76.130](#) (rent stabilization and eviction for good cause ordinance).
- B. If the owner or the City determines that relocation is necessary, the owner shall provide a written notice of temporary relocation to any affected tenant households thirty (30) days in advance of the required relocation unless the City orders abatement that requires relocation in less than thirty (30) days and, in such case, the owner shall provide a notice within ten (10) days of the City's abatement order. Such notice shall summarize the repairs to be undertaken and the estimated duration of relocation. Any such notice which the owner serves upon a tenant household shall refer to and shall be accompanied by a copy of this chapter and the City's request for relocation payment form. Nothing in this section shall relieve the owner of their obligation to serve any notice that would otherwise be required pursuant to state or local law.
- C. The owner shall notify the tenant household when repairs are completed and permit the tenant household to reoccupy the residential unit or room as per Section [13.84.090](#). The tenant household shall retain all rights of tenancy that existed prior to relocation, except as set forth in Section [13.84.070.G.2](#). (Ord. 7212-NS § 1 (part), 2011)

### **13.84.050 Relocation payment and appeals procedures for code enforcement activity.**

- A. Whenever a building or portion thereof which contains a residential unit or room is declared in violation of any law, the Building Official or Fire Marshal, as appropriate, shall determine whether the repairs necessary to abate the violation(s) can reasonably be accomplished without relocation of the tenant household in possession of the unit or room. Such determination shall be served in the same manner as the notice of violation. The absence of an express determination that relocation is required shall be deemed a determination that relocation is not required.
- B. Any affected tenant household or owner who disputes a determination made by the Building Official or Fire Marshal under subsection A of this section may file a written request for a hearing by the Housing Advisory Commission. Such request for hearing must be filed within ten (10) days of the date of the notice from the Building Official or Fire Marshal.
- C. Appeals of determinations by the Building Official or Fire Marshal of the necessity to relocate due to an imminent threat to life and safety shall not delay enforcement of the vacation ordered by the Building Official or Fire Marshal.
- D. The determination by the Building Official or Fire Marshal that a tenant household is required to relocate pursuant to this chapter shall not relieve the owner of their obligation to provide a notice of temporary relocation pursuant to Section [13.84.040](#). Any such notice which the owner serves upon a tenant household shall refer to and shall be accompanied by a copy of this chapter, and the City's request for relocation payment form. Nothing in this

section shall relieve the owner of their obligation to serve any notice that would otherwise be required pursuant to state or local law.

E. Each tenant household which has been served with a notice of temporary relocation from the owner indicating that relocation is required in accordance with the notice of violation shall complete a request for relocation payment form to calculate the amount of the initial payment to which the household is entitled pursuant to Section [13.84.070](#). The tenant household shall serve the completed request for relocation payment to the owner within thirty (30) days after receipt of the notice of temporary relocation.

F. Within five business days after receipt of the tenant household's completed request for relocation payment form, the owner shall make the initial relocation payment directly to the tenant household as per Section [13.84.070](#), or follow the conflict resolution and appeal procedure as specified in Section [13.84.100](#). (Ord. 7212-NS § 1 (part), 2011)

### **13.84.060 Relocation payment procedures for voluntary code compliance.**

A. Whenever an owner applies for a building permit to bring a residential unit or room into code compliance, the owner shall be required to specify whether repairs will necessitate the tenant household occupying the unit or room to relocate.

B. The City shall provide the owner with a notice containing information about the tenant household's relocation rights pursuant to this chapter, as well as a copy of this chapter and a City contact number where additional information can be obtained.

C. If the owner determines that relocation may be necessary to undertake repairs to bring the property into code compliance or as a result of fumigation, the owner shall serve all affected tenant households with a notice of temporary relocation, a copy of this chapter, and a copy of the City's request for relocation payment form. These documents shall be provided to tenants at least thirty (30) days in advance of the required relocation. Nothing in this section shall relieve the owner of their obligation to serve any notice that would otherwise be required pursuant to state or local law.

D. If the tenant household disagrees with the owner's determination of the necessity to relocate, the tenant household may follow the conflict resolution and appeals procedure as specified in Section [13.84.100](#).

E. The Building Official must receive acknowledgment(s) of receipt by the tenant household(s) of the documents required by subsection C of this section before the City will issue the building permits necessary to undertake repairs. Such acknowledgment may be in the form of the tenant household's signature asserting receipt, or other proof substantiating that a notice was delivered to the affected tenant household(s).

F. Each tenant household which has been served with the notice required by subsection C of this section or the Building Official's determination pursuant to Section [13.84.100.A.3](#) shall complete a request for relocation payment form to calculate the amount of the initial payment to which the household is entitled pursuant to Section [13.84.070](#). The tenant household shall notify the owner of the amount of payment to which the tenant household is entitled within thirty (30) days of receipt of the notice from the owner.

G. Within ten (10) days after receipt of the tenant household's completed relocation payment form, the owner shall make the initial relocation payment directly to the tenant household as per Section [13.84.070.K](#) or follow the conflict resolution and appeal procedure as specified in Section [13.84.100](#).

H. The relocation of a tenant household pursuant to this chapter shall not terminate the tenancy of the relocated household. The relocated household shall have the right to reoccupy the unit or room from which it was relocated as soon as the unit or room is ready for reoccupancy, except as set forth in Section [13.84.070.G.2](#). (Ord. 7212-NS § 1 (part), 2011)

### **13.84.070 Relocation and other payments.**

A. Households to be relocated for twenty-nine (29) consecutive days or less, including households covered under section [13.84.040.B](#), shall be entitled to the following relocation payments:

1. A per diem payment to compensate for hotel or motel accommodations and meals. Such payment amount shall be established by City Council resolution and be based upon tenant household size.
2. Reimbursement for daily boarding costs for pets lawfully occupying the unit or room from which the tenant household was relocated at the date of relocation if the tenant household's temporary accommodation does not accept pets. The tenant household shall receive reimbursement for reasonable boarding costs. The maximum reimbursement rate shall be established by City Council resolution. The tenant household must provide proof of the actual boarding costs incurred in order to receive reimbursement from the owner. For purposes of this section, "pets" shall exclude any pet that is customarily kept in an enclosure such as a cage, terrarium or aquarium, and the number of pets lawfully occupying a unit or room shall be the number specifically permitted by written agreement.
3. The initial relocation payment shall be due within ten (10) days of the owner's receipt of the tenant household's request for relocation payment. If the period of relocation is less than ten (10) days, the initial relocation payment shall include the per diem payment for the full period. If the period of relocation exceeds ten (10) days, the initial relocation payment shall include either:
  - (a) A lump sum per diem payment for the full period of relocation; or
  - (b) The per diem payment for a minimum of ten (10) days, with subsequent payment contingent upon verification of hotel costs incurred by the tenant household. Such payments are due to the tenant household immediately upon owner's receipt of documentation verifying the household's expenses. If the tenant household does not incur hotel costs, it is only entitled to receive a meal allowance for each member of the household during the remaining period of relocation.

B. Households to be relocated for a period of thirty (30) consecutive days or longer shall be entitled to relocation payments that include all of the following:

1. A one-time dislocation allowance to help defray incidental relocation expenses. The amount of the dislocation allowance shall be established by City Council resolution.

2. The household's choice of reimbursement for actual moving and storage expenses or a fixed payment, subject to the following requirements:
    - (a) If a fixed payment is chosen, no documentation of expenses is necessary. The amount of the fixed payments shall be established by City Council resolution.
    - (b) Reimbursement for actual documented moving and storage expenses shall include both moving costs to the replacement unit(s) and moving costs back to the original unit. Moving costs shall consist of actual reasonable costs of moving, including transportation of personal property, packing and unpacking, insurance of personal property while in transit, compensation for any damage occurring during moving, storage of personal property, disconnection and reconnection of utility services and any additional reasonable costs associated with the required moving. Payments for a one-way move shall not exceed rates established in the fixed residential moving cost schedule approved by the Federal Highway Administration and published in the federal register on a periodic basis.
  3. If the rental costs incurred by the tenant household during the period of relocation exceed the amount of rent being paid on the unit or room to be vacated, the household shall be eligible for a rent differential payment. The rent differential payment shall be equal to the difference between the rent paid on the unit or room to be vacated and the rent paid for a unit or room temporarily leased during the period of relocation, with the following restrictions:
    - (a) The rent differential payment shall not exceed a ceiling established annually by the City based on the average market rent statistics gathered and published by the rent stabilization program for the prior calendar year.
    - (b) The ceiling for the rent differential payment shall be based on the bedroom size of the unit or room to be vacated, with the exception of payments for relocation from rooms which shall be calculated on the same basis as payment for relocation from a studio apartment.
    - (c) The rent differential payment for a tenant household receiving a rental subsidy shall be based on the amount of rent paid by the tenant household for the unit or room leased by the tenant household during the period of relocation. The owner may coordinate with the entity providing the subsidy to assure the continuity of the rental subsidies during the period of relocation.
  4. Reimbursement for the documented utility cost(s) that the tenant household incurs in their replacement housing, if the owner had been paying that particular utility cost for the vacated unit or room.
- C. The initial relocation payment pursuant to subsection [B](#) of this section shall be due within ten (10) days of the owner's receipt of the tenant household's request for relocation payment, and shall include:
1. The dislocation allowance;
  2. Either the fixed payment for moving and storage costs if applicable, or payment for moving costs based on a reasonable estimate from a qualified professional mover;

3. The rent differential payment for one month or, if the relocation is anticipated to exceed ninety (90) days, then the initial payment shall include the rent differential payment for the first three-month period.
- D. Subsequent payments for rent differential, utilities and storage costs pursuant to subsections [B.2.b](#) through [B.4](#) of this section, when applicable, shall be made on a monthly basis thereafter. Such payments shall be made at least seven days in advance of when the tenant household's monthly rental payment is due. Instead of monthly payments the owner may make one lump sum payment for the full amount due for the rent differential payments to the tenant household. If the tenant household qualifies for reimbursement for monthly storage or utilities costs, these payments continue on a monthly basis or upon receipt by the owner of documentation that verifies the household's expenses.
- E. Payments pursuant to subsections [B.2.b](#) through [B.4](#) of this section, when applicable, shall continue until such time that the unit from which the tenant household was relocated is available for occupancy or the tenant household has notified the owner of their intent to permanently vacate the unit.
- F. If the tenant household has not been offered the opportunity to reoccupy the unit from which it relocated within six months from the date of their relocation, the tenant household shall be entitled to receive an additional dislocation allowance payment. The tenant household must provide written request for the additional dislocation payment to the owner which includes confirmation of their intent to reoccupy the unit. Such payment is due within ten (10) days after receipt of the tenant household's request. Acceptance of such payment does not constitute a tenant household's relinquishment of any tenancy rights.
- G. 1. In lieu of the per diem payments in subsection A of this section, or rent differential and utility payments in subsections B.3 and B.4 of this section, the owner may offer an alternate rental unit or room to the tenant household that is comparable to the unit or room being vacated and is owned by the owner. The amount of rent paid by the household for such unit or room shall not exceed the rent being paid on the unit or room from which the tenant household relocated. If the tenant household accepts the owner's offer, the tenant household does not relinquish its right to reoccupy the unit or room from which it is being relocated unless the tenant household provides written notice surrendering possession of the unit or room. A tenant household that accepts an alternate unit or room is entitled to receive the dislocation allowance in subsection [B.1](#) of this section and compensation for moving and storage costs if applicable as provided in subsection [B.2](#) of this section.
2. If the tenant household does not timely notify the owner of its intent to reoccupy the unit or room under Section [13.84.090](#) and seeks to remain in its alternate unit, it thereby surrenders its right to reoccupy the unit or room from which it has relocated and terminates its tenancy of that unit or room, and the rent for the alternate unit or room shall not be limited by this chapter and may be increased to an amount otherwise permissible by Chapter [13.76](#). Nothing in this section limits the owner's right to evict a tenant household pursuant to Section [13.76.130.A.11](#).
- H. A tenant household that is relocated for thirty (30) days or more shall not be responsible for any rent due on the unit or room from which it was relocated during the period of relocation and failure to pay rent during this period shall not constitute relinquishment of tenancy rights.

- I. The owner and tenant household may mutually agree upon temporary housing and relocation payments other than that provided by this chapter. Such agreement shall be in writing and signed by both the owner and tenant household with a copy provided to the City's Housing and Community Services Department.
- J. If a tenant household's actual relocation period is shorter than the period for which the owner has paid, the tenant household must repay the overpaid amount to the owner within thirty (30) days of receiving written notice from the owner of the overpayment. If the tenant household has incurred a financial obligation to pay rent, utilities, or storage costs during the remaining period of their relocation, these costs may be deducted from the amount to be repaid to the owner, subject to the provisions of subsection B of this section.
- K. All payments to tenant households under this chapter shall be made to those persons in the tenant household from whom the owner has received rental payments during the immediately preceding rental period, in the same proportion in which such payments were made. The owner shall have no liability or other obligation with respect to further division or allocation of such payments among the members of the tenant household. Nothing in this section shall be construed to affect the determination of the actual number of tenants in the tenant household for purposes of Chapter [13.76](#).
- L. The size of a tenant household shall be determined based on the number of individuals entitled to occupy the unit or room at the time a determination of the Building Official is served under Section [13.84.050](#) or a notice of temporary relocation is served under Section [13.84.060.C](#).
- M. Upon receipt of the full relocation payment under this chapter and a notice of temporary relocation, the tenant household shall relocate within thirty (30) calendar days. Failure to relocate pursuant to such notice may entitle the landlord to issue a notice to vacate and be a basis for good cause eviction pursuant to Section 13.76.130.A.7.a.
- N. The City Council shall by resolution adopt a reasonable reimbursement rate for the following based upon surveys of prevailing costs for services, subject to limitations set forth in this chapter and any additional limitations set forth in the resolution:
1. Per diem rates for hotel accommodations and meal allowance pursuant to subsections [A.1](#) and [A.3](#) of this section;
  2. Maximum boarding costs for pets pursuant to subsection [A.2](#) of this section;
  3. Dislocation allowance pursuant to subsections [B.1](#) and [F](#) of this section;
  4. Fixed payments for moving and storage pursuant to subsection [B.2](#) of this section. (Ord. 7456-NS § 2, 2016; Ord. 7212-NS § 1 (part), 2011)

### **13.84.080 City's involvement in relocation payments.**

The City may provide payment required by Section [13.84.070](#) to tenant households in situations where the owner fails or refuses to pay for required relocation costs. The City shall recover from the owner all costs incurred as a result of making such payments. In order for the City to consider such payments, a request must be made by the

tenant household to the City Manager or their designee within twenty (20) days from the owner's failure or refusal to make the required payments as required in Sections [13.84.050.F](#) and [13.84.060.G](#).

A. Upon receipt of a request from a tenant household the City shall mail a written notice to the owner of the owner's obligation under this chapter to provide relocation assistance and payment and the time when payment is required. The notice shall also specify that failure to make required payments may result in the City making such payments and recovering the costs of doing so from the owner through a special assessment lien on the owner's property that shall include an administrative lien fee.

B. If within ten (10) days of the receipt of the notice provided pursuant to subsection A of this section the owner continues to fail or refuse to make the necessary payments, the City may make the required relocation payment to the household. The City shall then bill the owner for the amount of payment, plus any administrative and other costs it would not have otherwise incurred. If the owner does not pay the City within a thirty (30) day period, the City may recover the costs as a special assessment lien on the owner's property along with an administrative lien fee in accordance with Chapter [1.24](#). The City Manager or their designee shall notify the owner. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.090 Move-back option.**

A. The relocation of a tenant household pursuant to this chapter shall not terminate the tenancy of the relocated household. The relocated household shall have the right to reoccupy the unit or room from which it was relocated as soon as the unit or room is ready for reoccupancy, and the tenant household shall retain all rights of tenancy that existed prior to the displacement.

B. If a household wishes to avail itself of this option, it must inform the owner of its current address during the period of relocation.

C. For tenant households displaced for thirty (30) consecutive days or more, owners shall notify the tenant household at least thirty (30) days in advance of the availability of the unit or room. Within ten (10) days of receipt of the notice of availability, a tenant household must notify the owner if it wishes to reoccupy the unit or room. The owner must hold the unit or room vacant at no cost to the tenant household for thirty (30) days from the date the tenant household's written notice of its intent to reoccupy the unit or room is received.

D. For households displaced for twenty-nine (29) consecutive days or less and receiving a per diem payment, owners shall notify the household at least one day in advance of the availability of the unit or room. The household shall be entitled to receive a per diem payment for up to twenty-four (24) hours after receiving such notice that the unit or room is ready for occupancy. Within ten (10) days of receipt of the notice of availability from the owner, the household must notify the owner of its intent to reoccupy the unit or room.

E. A unit or room shall be deemed to be permanently surrendered and the tenancy terminated when the tenant household provides notice in writing to the owner that it does not intend to reoccupy the unit or room from which it was relocated or does not notify the owner of its intent to reoccupy the unit or room. If the owner has not made relocation payments as required by this chapter and the unit or room becomes permanently vacated, then it shall be presumed that the surrender of the right of possession of the unit or room was involuntary unless the owner

has received a written notice from the tenant household permanently surrendering its right to their unit or room. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.100 Conflict resolution and appeal procedures for voluntary code compliance.**

A. Appeals under this chapter related to voluntary code compliance shall be filed as set forth below. Appeal procedures related to code enforcement activity are addressed in Section [13.84.050](#).

1. If the tenant household disputes the owner's determination of the necessity for relocation, or either party disputes the amount of relocation payments or other terms of the relocation, the City may refer the parties to a conflict resolution or mediation service provided through the Rent Stabilization Board or any other appropriate entity upon request by both parties for such referral in lieu of an appeal to the Building Official per subsection [A.3](#) of this section. The purpose of such referral shall be the negotiation of a mutually acceptable agreement pertaining to the terms of the relocation. If no agreement is reached, then either party may follow the appeals procedure as set forth in this section. Nothing in this chapter shall preclude the parties from meeting on their own at any time, with or without a mediator, in an attempt to resolve their disagreements.

2. If the owner disagrees with the tenant household's claim for relocation payments, and such disagreement cannot be resolved through conflict resolution or mediation, then the owner may file a written request for a hearing by the Housing Advisory Commission as to the amount of the claim, or their responsibility for relocation assistance pursuant to this chapter. Such request must be filed within five business days of the conclusion of mediation or within ten (10) days of the owner's receipt of the tenant household's claim of relocation payments as set forth in Section [13.84.050.E](#) or [13.84.060.F](#), whichever comes later.

3. If the tenant household disagrees with the owner as to the necessity to relocate, and such disagreement cannot be resolved through conflict resolution or mediation, the tenant household may request in writing that the Building Official make a determination. Such request must be filed within five business days of the conclusion of mediation, or within ten (10) days of the tenant household's receipt of the relocation notice in Section [13.84.060.C](#), whichever comes later. The Building Official shall determine whether relocation is necessary and the owner shall serve all affected tenant households with a copy of the Building Official's determination. This decision shall be final.

B. All hearings conducted before the Housing Advisory Commission shall be scheduled for the next available meeting unless a postponement is agreed upon by all parties. The Commission may convene a special meeting if delay of a hearing until the next regularly scheduled meeting would create a hardship. The owner and all affected tenant households shall be notified of the time and place of the hearing at least ten (10) days before the date of hearing. The Commission shall render its decision on any such appeal within ten (10) days after the hearing on the appeal is closed. The Commission's decision shall be final.

C. Nothing in this chapter shall in any way preclude or limit any aggrieved party from seeking judicial review after such person has exhausted the administrative remedies provided by this chapter. However, it shall be conclusively



presumed that a litigant has not exhausted their administrative remedies as to any issue which is not raised in the administrative proceedings authorized herein. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.110 Private right of action.**

Any tenant that believes that the provisions of this chapter have been violated shall have the right to file an action for injunctive relief and/or damages. Treble damages may be awarded for willful failure to comply with the payment obligations established by this chapter and for actual damages incurred by a household as a result of the owner's willful failure to offer the relocated household the opportunity to reoccupy the unit from which it relocated. In any action brought under this chapter, the court may award reasonable attorney fees to any prevailing party. (Ord. 7212-NS § 1 (part), 2011)

### **13.84.120 Severability.**

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated. (Ord. 7212-NS § 1 (part), 2011)

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**The Berkeley Municipal Code is current through Ordinance 7830-NS, passed July 26, 2022.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

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Office of the Mayor

CONSENT CALENDAR  
June 6, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmembers Kate Harrison, Sophie Hahn, and Rigel Robinson

Subject: Amendments to the COVID-19 Emergency Response Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.

BACKGROUND

The City of Berkeley first declared a local emergency on March 3, 2020 in response to the COVID-19 pandemic. Shortly thereafter, Council passed BMC Chapter 13.110 - the COVID-19 Emergency Response Ordinance ("Chapter 13.110") - prohibiting most evictions in Berkeley, which has been subsequently updated over the past couple of years. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section 2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69,312-N.S. That proclamation is set to expire on May 20, 2023.

Before May 1, 2023, the only residential evictions that could take place in the City of Berkeley were to stop an imminent threat to the health and safety of other occupants. On February 27, 2023, the City Council adopted changes to Chapter 13.110 to create a Transition Period for the Eviction Moratorium. During this Transition Period, which lasts from May 1, 2023 through August 31, 2023, two additional types of evictions are allowed: Owner move-in evictions where the owner only owns one rental property in the City of Berkeley; and evictions for non-payment of rent where the tenant has not provided documentation establishing a Covered Reason for Delayed Payment. Starting on September 1, 2023, the Eviction Moratorium will be fully lifted and all just cause evictions will be allowed.

As currently written, BMC 13.110.020.C(3) and BMC 13.110.040.C states that a tenant must provide documentation showing that they have a Covered Reason for Delayed Payment prior to the expiration of the notice to terminate tenancy. This refers to a three-day notice, meaning that the documentation must be submitted within that timeframe. In many cases, three days does not provide enough time to compile and produce such

documentation, especially in low-income households who may work multiple jobs to make ends meet. This issue was brought up at the May 2, 2023 meeting of the 4x4 Joint Committee of the City Council and Rent Board. To resolve this, references to timelines for responses are removed. Additionally, BMC 13.110.040.C is updated to encourage tenants to provide such documentation in advance. Doing so would prevent an Unlawful Detainer from being served in the first place, preventing undue stress on all parties involved. This language was modeled after the ordinance recently adopted in the City of Oakland.

Other minor amendments to Chapter 13.110 include updating the Findings and Purposes based on recent developments since Chapter 13.110 was last amended.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

FISCAL IMPACTS OF RECOMMENDATION

None.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

ORDINANCE AMENDING CHAPTER 13.110 OF THE BERKELEY MUNICIPAL CODE,  
THE COVID-19 EMERGENCY RESPONSE ORDINANCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 13.110 is amended to read as follows:

**Chapter 13.110  
COVID-19 EMERGENCY RESPONSE ORDINANCE**

**Sections:**

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent and Late Fees**
- 13.110.050 Application**
- 13.110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Remedies**
- 13.110.090 Severability**
- 13.110.100 Liberal Construction**

**13.110.010 Findings and Purposes**

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the Local Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, ~~and~~ January 31, 2023, and March 21, 2023 the council ratified an extension of the local emergency. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel. On March 31, 2020 this Shelter in Place Order was extended to May 3, 2020, and restricted activities further.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing material income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

On April 21, 2020, Alameda County enacted an urgency ordinance prohibiting eviction for any reason other than withdrawal of rental property under the Ellis Act or court-ordered eviction for public safety. Although the Alameda County ordinance does not have effect within the incorporated area of Berkeley, it is desirable to ensure that Berkeley residents have at least the same level of protection as the residents of unincorporated Alameda County.

During this State of Emergency and during the transition period thereafter, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

While COVID-19 remains prevalent in the community, the City has made significant progress in addressing the impacts of COVID-19, including a reduction in the rates of hospitalization and death, as well as a citywide vaccination rate of at least ninety-four percent (94%).

Governor Gavin Newsom has ~~also announced that ended~~ the statewide COVID-19 State of Emergency ~~will end~~ on February 28, 2023. President Joe Biden has ~~announced that ended~~ the nationwide COVID-19 State of Emergency ~~will end~~ on May 11, 2023.

Based on the current conditions in the City of Berkeley related to COVID-19, and to stay consistent with state actions, the City Manager has recommended that the City Council terminate the local emergency.

The effect of this chapter suspending the statutory basis for eviction due to nonpayment of rent remains in effect throughout the Covered Period, which concludes on the expiration of the local emergency. BMC Section 13.110.030.A allows the City Council to extend the duration of the Covered Period by resolution.

This ordinance makes further amendments to Chapter 13.110 to permit lawful owner-move in evictions pursuant to BMC Section 13.76.130.A.9 and to establish a Transition Period until August 31, 2023, during which time specified evictions would be allowed to take place.

### **13.110.020 Prohibited Conduct**

A. During the Covered Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate, unless necessary to stop an imminent threat to the health and safety of other occupants. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served, during the Covered Period, except that a Landlord may serve a lawful notice pursuant to Section 13.76.130.A.9. after March 1, 2023, and such notice may form the basis of an unlawful detainer complaint beginning May 1, 2023.

C. During the Transition Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate unless at least one of the following conditions is met:

1. Recovery of possession of real property is necessary to stop an imminent threat to the health and safety of other occupants; or

2. Owner Move-in Eviction. The Landlord seeks to recover possession of a residential unit for their own use and occupancy as their principal residence and the Landlord fully complies with all "Owner Move-in Eviction" requirements set forth in Berkeley Municipal Code section 13.76.130.A.9. However, a Landlord may not recover possession of any residential unit in this manner unless the Landlord owns only one residential property in the City of Berkeley. Notice for this exclusive reason may be served beginning March 1, 2023 and may be the basis for an unlawful detainer complaint beginning May 1, 2023.; or

3. The Landlord or Lender seeks to recover possession of real property following the tenant's default in payment of rent that came due after the expiration of the Covered Period and for which tenant did not provide to the Landlord or Lender documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. Any notice to terminate tenancy served pursuant to this

section must inform the tenant of their rights to submit documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. ~~Notwithstanding any other notice requirements identified in Berkeley Municipal Code section 13.110.040.C, a~~ A tenant who asserts a Covered Reason for Delayed Payment during the Transition Period shall provide landlord all required documentation ~~prior to the expiration of the notice to terminate tenancy as set forth in Berkeley Municipal Code section 13.110.040.C.~~

D. For the duration of the Covered Period, if a residential tenant has a Covered Reason for Delayed Payment, the tenant may terminate a lease or rental agreement with 30 day notice without penalty. A tenant may also exercise rights under this subsection if the tenants or roommates of the tenants are or were registered at an educational institution that cancelled or limited in-person classes due to the COVID-19 pandemic.

### **13.110.030 Definitions**

A. "Covered Period" means the period of time beginning with March 17, 2020 and concluding at the end of April 30, 2023.

B. "Transition Period" means the period of time beginning with May 1, 2023 and ending on August 31, 2023.

C. "Covered Reason for Delayed Payment" means:

(1) The basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupant(s)'s income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, or a reduction in the number of tenants living in the unit (including due to difficulty finding new tenants and/or subtenants willing and able to cover a sufficient share of rent) which reduces the ability of the remaining tenants to pay rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and

(2) The decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

D. "Delayed Rent Payment Agreement" means a mutual agreement between a landlord and tenant regarding the timing and amount of payments for rent that is delayed by a Covered Reason for Delayed Payment.

E. "Homeowner" means the owner or owners of a Residential Unit subject to a mortgage or similar loan secured by the residential unit. "Homeowner" is limited to owners who reside in the unit and includes the individuals residing in the unit with the homeowner.



F. "Landlord" includes owners, lessors, or sublessors of either residential rental property, and the agent, representative, or successor of any of the foregoing.

G. "Lender" means the mortgagee of a purchase money or similar mortgage, or the holder or beneficiary of a loan secured by one or more units, which person has the right to mortgage or similar payments from the owner as mortgagor, including a loan servicer, and the agent, representative, or successor of any of the foregoing.

H. "Resident" means a Tenant, Homeowner, or their household.

I. "Tenant" includes a tenant, subtenant, lessee, sublessee, lodger or any other person entitled by written or oral rental agreement to use or occupancy of residential property. "Tenant" includes a former trustor or homeowner who has lost title the real property in which they reside after a Trustee's sale.

### **13.110.040 Collection of Back Rent and Late Fees**

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the Covered Period, or after the Transition Period if the tenant establishes a Covered Reason for Delayed Payment. ~~Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.~~

B.

1. For rent accrued through January 31, 2021, Tenants shall have until March 31, 2022, or the date adopted by state law, as applicable, to pay rent that was delayed by a Covered Reason for Delayed Payment unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

2. For rent accrued beginning February 1, 2021, Tenants shall have until July 31, 2023, to pay rent that was delayed by a Covered Reason for Delayed Payment, or the period of time adopted by state law, as applicable, unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

3. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. ~~It is recommended, but~~A Tenant is not required ~~for a Tenant~~ to provide documentation to the Landlord in advance to qualify for the delayed repayment of rent. ~~However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord within forty-five (45) days after the request or oaction for possession of the subject rental unit. This provision shall not be construed to waive any obligation to respond to lawful discovery requests or to waive any right to seek additional time permitted by the California~~

[Code of Civil Procedure](#). A declaration sworn under penalty of perjury shall constitute documentation for the purpose of this requirement.

D. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant explicitly authorizes the disclosure of the information in writing.

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any rent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement.

### **13.110.050 Application**

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served, filed, or which expire during the Covered Period and Transition Period. It does not apply to commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. Except where expressly required by state law (such as Assembly Bill 3088 or any subsequent statewide COVID-19 relief legislation), a landlord may seek rent accrued during the Covered Period as set forth in Section 13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) et seq. or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued during the Covered Period. In any action to evict based on alleged nonpayment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time during the Covered Period, or if the action otherwise demands any fees or amounts contrary to the provisions of this Chapter. A landlord shall not apply any rent payment towards rent that is delayed by a Covered Reason for Delayed Payment before applying it towards any other Rent owed without the explicit written permission of the Tenant.

C. A Landlord or Lender shall not retaliate against a Resident for exercising their rights under this Ordinance, including but not limited to shutting off any utilities reducing services or amenities, refusing to make or delaying repairs to which the Resident would otherwise be entitled, or taking actions which hurt the Resident's credit rating based on nonpayment of rent during the Covered Period as allowed under this ordinance.

D. In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant's effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of

rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party.

### **13.110.060 Implementing Regulations**

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring Landlords and Lenders to give a notice to Residents informing them of this Chapter and the right to seek the benefits of this Chapter.

### **13.110.070 Waiver.**

A. By entering into a Delayed Rent Payment Agreement, Tenants do not waive any rights under this Chapter.

B. Any agreement by a Tenant to waive any rights under this ordinance shall be void and contrary to public policy.

### **13.110.080 Remedies**

A. In the event of a violation of this Ordinance, any person or entity aggrieved by the violation may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate.

1. An award of actual damages may include an award for mental and/or emotional distress and/or suffering. The amount of actual damages awarded to a prevailing plaintiff shall be trebled by the Court outside of the presence, and without the knowledge of, the jury, if any, if a defendant acted in knowing violation of, or in reckless disregard for, the provisions of this Chapter.

2. A defendant shall be liable for additional civil penalties of up to five thousand dollars for each violation of this Chapter committed against a person who is disabled within the meaning of California Government Code section 12926, et seq., or aged sixty-five or over.

3. In addition to the above awards of damages in a civil action under this Chapter, a prevailing plaintiff shall be entitled to an award of reasonable attorney's fees. A prevailing defendant in a civil action under this Chapter shall only be entitled to an award of attorney's fees if it is determined by the Court the action was wholly without merit or frivolous.

4. In addition, this Chapter grants a complete defense to eviction in the event that an eviction notice or unlawful detainer action is commenced, filed, or served in violation of this Chapter.

B. The protections provided by this ordinance shall be available to all Residents, regardless of any agreement wherein a Resident waives or purports to waive their rights under this Ordinance, with any such agreement deemed void as contrary to public policy.

C. A. Violations of Section 13.110.020(C) - (Commercial rent restrictions).

1. Violations of Section 13.110.020(C) may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day a commercial property landlord demands rent in excess of the amount permitted pursuant to Section 13.110.020(C) is a separate violation. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

2. The City Attorney may refer those violators of Section 13.110.020(C) to the Alameda County District Attorney for redress as a violation of Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to Business and Professions Code section 17200, et seq.

D. Nonexclusive Remedies and Penalties. The remedies provided in this subdivision are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

### **13.110.090 Severability.**

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

### **13.110.100 Liberal Construction**

The provisions of this Chapter shall be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

June 6, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmembers Mark Humbert, Terry Taplin, and Susan Wengraf (Co-Sponsors)

SUBJECT: Budget Referral: Additional Street Maintenance Funding to Improve Pavement Condition, Saving Tax Dollars and Our Streets

RECOMMENDATION

Refer to the FY 2023-25 biennial budget process to further increase the street paving budget by \$4.7 million General Fund in FY 2024-25 for a total street paving budget of approximately \$20 million in FY 2024-25.

On July 26, 2022, the City Council unanimously passed a policy ensuring an adequate annual General Fund contribution for street maintenance that amounts to a total of \$15.3 million annually plus inflation—the amount needed to maintain (although not improve) the pavement condition.<sup>1</sup> This budget request for an additional \$4.7 million builds on the streets fiscal policy by seeking to increase the street paving budget further in FY 2024-25 *to begin to improve the pavement condition*.

We note that the City Council already approved a \$9 million increase to the street paving budget for FY 2023-24 for a total of \$16.3 million in FY 2023-24.

A dollar of maintenance early in a street's life-cycle saves \$8 later in the street's life-cycle due to avoided rehabilitation and/or reconstruction costs associated with failing streets, making this budget request an urgent matter of fiscal oversight.<sup>2</sup> Further, the

<sup>1</sup> Arreguín, Jesse, Kesarwani, Rashi, Taplin, Terry, and Wengraf, Susan, [Establishing Policy for Adequate Annual General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition](#), Special City Council Meeting July 26, 2022, Item #3 and Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, p. 8, Jan. 2021

<sup>2</sup> L. Galehouse, J. S. Moulthrop, and R. G. Hicks, "Principles of pavement preservation: definitions, benefits, issues, and barriers," TR News, pp. 4–15, 2003 as cited in City Manager, *Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity*;

defeat of the Measure L general obligation bond on the November 8, 2022 ballot means that the City currently lacks significant resources to fully address deferred street maintenance, requiring the City Council to add additional resources from the General Fund in order to make steady progress towards improving the average pavement condition.

#### POLICY COMMITTEE RECOMMENDATION

On May 4, 2023, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Robinson/Taplin) to send the item to Council with a positive recommendation. Vote: All Ayes.

#### CURRENT SITUATION AND ITS EFFECTS

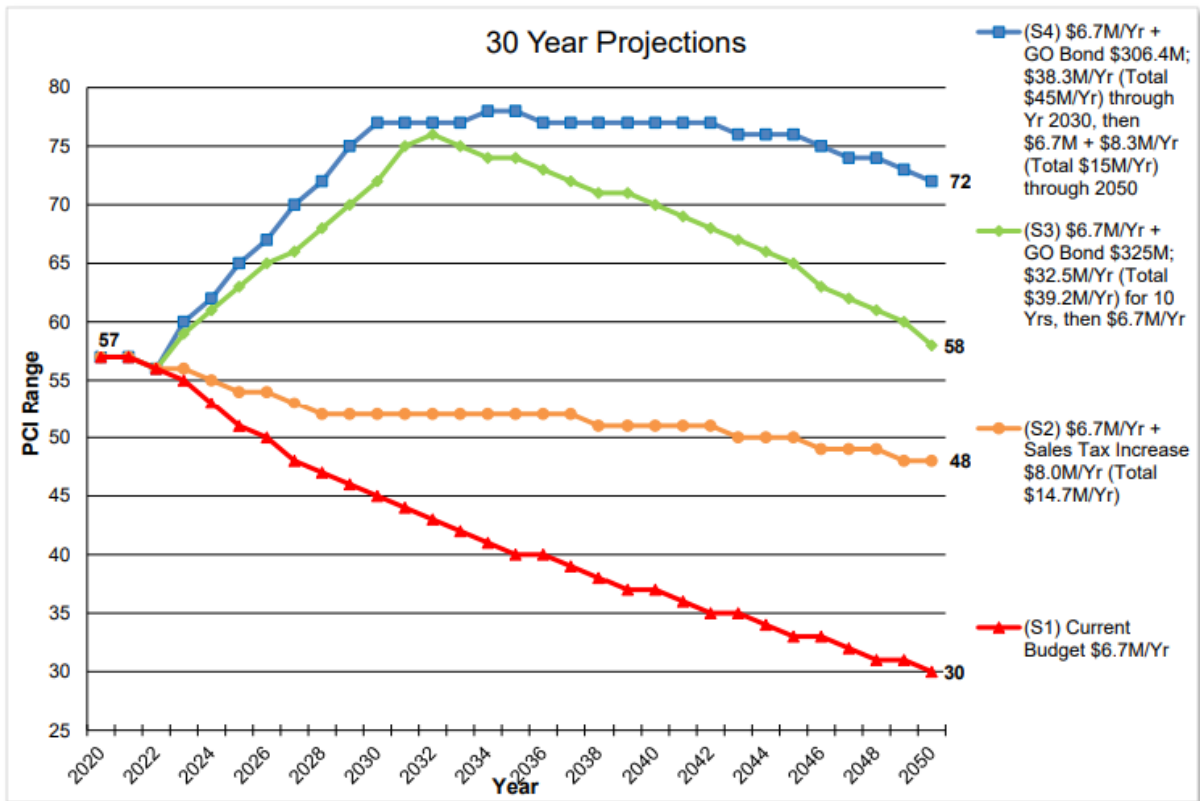
***Without A General Obligation Bond, City's Streets Will Decline In the Long Run Even with Higher Maintenance Budget of \$15.3 Million Annually.*** The defeat of Measure L, which would have provided \$231 million to address deferred street maintenance, means that the City does not have a major funding source for addressing this liability. In Exhibit 1, a 30-year projection for various funding scenarios shows that the City's streets will continue to deteriorate in the absence of a large general obligation bond—even with a higher maintenance budget of \$15.3 million annually plus inflation. For the biennial FY 2022-24 budget, a total of \$14 million in new street paving funds was added—\$5 million added (for a total of \$12.3 million) in FY 2022-23 and \$9 million added (for a total of \$16.3 million) in FY 2023-24. Further, the City Council passed a streets fiscal policy in July 2022 committing \$15.3 million plus inflation to street paving annually.<sup>3</sup> However, even if these higher funding levels are maintained, our pavement condition will continue to deteriorate due to the inability to address the significant backlog of deferred maintenance, mirroring the orange scenario (S2) in Exhibit 1 shown below.

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*and Seek Direction on November 2022 Revenue Measure(s)* Presentation slide 4, City Council Worksession Item 1, Jan. 20, 2022

<sup>3</sup> Arreguín, Jesse, Kesarwani, Rashi, Taplin, Terry, and Wengraf, Susan, [Establishing Policy for Adequate Annual General Fund Contribution for Street Maintenance to Prevent Deterioration of Pavement Condition](#), Special City Council Meeting July 26, 2022, Item #3

**Exhibit 1: Without A General Obligation Bond, City’s Streets Will Decline In the Long Run Even with Higher Maintenance Budget of \$15.3 Million Annually (S2 Orange Scenario)**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 19, Jan. 2021

**Berkeley’s Streets Are Rated Among the Worst in the Bay Area, Costing Motorists an Extra \$1,049 Annually for Vehicle Repair and Increasing Risk of Injury for Bicyclists and Pedestrians.** Compared to other jurisdictions in the Bay Area, Berkeley has the 15th worst Pavement Condition Index (PCI) rating out of 101 cities in the nine-county jurisdiction covered by the Metropolitan Transportation Commission, the federally designated transportation planning organization for the Bay Area.<sup>4</sup> The general condition of streets is measured by PCI, a numerical rating from 0 to 100, as shown in Exhibit 2. Berkeley’s streets were rated in 2021 at an average of 56 out of 100, meaning they are “at risk”—defined as deteriorated pavement that requires immediate attention, including rehabilitative work. At this rating, ride quality is significantly inferior compared to better pavement ratings, impacting all roadway users including pedestrians, bicyclists, public transit riders, and motorists. At-risk pavement conditions make it more likely for bicyclists and

<sup>4</sup> Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 2, Nov. 19, 2020

pedestrians to suffer injuries. For drivers, at-risk conditions cost \$1,049 annually, according to TRIP, a national transportation research group, due to vehicle repair costs, accelerated vehicle deterioration and depreciation, increased maintenance costs, and additional fuel consumption.<sup>5</sup> This pavement condition disproportionately harms lower-income residents for whom extra vehicle costs consume a greater share of income. During the heavy winter storms, in which Berkeley received 20 inches of rain in December 2022 and January 2023, many streets that developed the most potholes had poor quality pavement to start.<sup>6</sup> In Attachment 1, we include a list of all City streets and their respective PCI rating in 2020, provided by the Public Works Department.

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<sup>5</sup> Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 3, Nov. 19, 2020

<sup>6</sup> Markovich, Ally, *January was Berkeley's worst month for potholes on record*, <https://www.berkeleyside.org/2023/02/19/january-was-berkeleys-worst-month-for-potholes-on-record>, Feb. 19, 2023.



**Exhibit 2: Pavement Condition Index (PCI) is a Numerical Rating for the General Condition of Streets**

| Very Good-Excellent (100-80)                                                                                                                                                                                    | Good (79-70)                                                                                                                                                                                                                                                           | Fair (69-60)                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Pavements are newly constructed or resurfaced and have few if any signs of distress.</p> <p>Photo: PCI 98, Arterial</p>                                                                                      | <p>Pavements require mostly preventive maintenance and have only low levels of distress, such as minor cracks or spalling, which occurs when the top layer of asphalt begins to peel or flake off as a result of water permeation.</p> <p>Photo: PCI 74, Collector</p> | <p>Pavements at the low end of this range have significant levels of distress and may require a combination of rehabilitation and preventive maintenance to keep them from deteriorating rapidly.</p> <p>Photo: PCI 63, Collector</p> |
|                                                                                                                               |                                                                                                                                                                                      |                                                                                                                                                   |
| At Risk (59-50)                                                                                                                                                                                                 | Poor (49-25)                                                                                                                                                                                                                                                           | Failed (24-0)                                                                                                                                                                                                                         |
| <p>Pavements are deteriorated and require immediate attention including rehabilitative work. Ride quality is significantly inferior to better pavement categories.</p> <p>Photo: PCI 50, Residential Street</p> | <p>Pavements have extensive amounts of distress and require major rehabilitation or reconstruction. Pavements in this category affect the speed and flow of traffic significantly.</p> <p>Photo: PCI 39, Residential Street</p>                                        | <p>Pavements need reconstruction and are extremely rough and difficult to drive.</p> <p>Photo: PCI 20, Residential/Bike Boulevard</p>                                                                                                 |
|                                                                                                                              |                                                                                                                                                                                     |                                                                                                                                                  |

Source: Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 5, Nov. 19, 2020

**Historically, Berkeley Has Inadequately Funded Street Paving.** In recent fiscal years, the total annual amount that the City of Berkeley has budgeted for street maintenance has fluctuated from \$4.9 million in FY 2018-19 to as much as \$11.3 million in FY 2015-16, as shown in Exhibit 3.<sup>7</sup> The City has added one-time bond funding to enhance the annual street paving budget through Measures M and T1 in recent fiscal years. However, the General Fund contribution to street maintenance remained flat at just \$1.9 million from FY 2013-14 through FY 2019-20, shown as Capital Improvement Fund in Exhibit 3.

**Exhibit 3: General Fund Contribution to Street Maintenance Remained Flat at \$1.9 Million From FY 2013-14 through FY 2019-20 (Dollars in Millions)**

| Funding Source                        | FY 2013-14   | FY 2014-15    | FY 2015-16    | FY 2016-17    | FY 2017-18   | FY 2018-19   | FY 2019-20   | Total         |
|---------------------------------------|--------------|---------------|---------------|---------------|--------------|--------------|--------------|---------------|
| <b>Non-Recurring Funding</b>          | <b>\$2.5</b> | <b>\$6.0</b>  | <b>\$6.1</b>  | <b>\$6.0</b>  | <b>\$4.4</b> |              | <b>\$2.8</b> | <b>\$27.8</b> |
| Measure M                             | \$2.5        | \$6.0         | \$6.0         | \$6.0         | \$4.4        |              |              | \$24.9        |
| Measure T1                            |              |               |               |               |              |              | \$2.6        | \$2.6         |
| Measure T1 - AAO #1                   |              |               |               |               |              |              | \$0.3        | \$0.3         |
| Successor Agency - WBIP               |              |               | \$0.1         |               |              |              |              | \$0.1         |
| <b>Recurring Funding</b>              | <b>\$3.5</b> | <b>\$4.0</b>  | <b>\$5.2</b>  | <b>\$5.2</b>  | <b>\$4.3</b> | <b>\$4.9</b> | <b>\$7.0</b> | <b>\$34.1</b> |
| State Transportation Tax Fund         | \$0.8        | \$0.8         | \$0.8         | \$0.8         | \$0.5        | \$0.5        | \$0.5        | \$4.7         |
| State Transportation Tax Fund - SB1   |              |               |               |               |              |              | \$1.5        | \$1.5         |
| Measure B                             | \$0.7        | \$0.7         | \$0.7         | \$0.7         | \$0.7        | \$0.7        | \$0.7        | \$5.0         |
| Measure BB                            |              |               | \$1.6         | \$1.6         | \$1.1        | \$1.6        | \$2.2        | \$8.1         |
| Measure F                             | \$0.1        | \$0.6         | \$0.2         | \$0.2         |              | \$0.2        | \$0.2        | \$1.3         |
| Capital Improvement Fund <sup>1</sup> | \$1.9        | \$1.9         | \$1.9         | \$1.9         | \$1.9        | \$1.9        | \$1.9        | \$13.5        |
| <b>Total</b>                          | <b>\$6.0</b> | <b>\$10.0</b> | <b>\$11.3</b> | <b>\$11.2</b> | <b>\$8.7</b> | <b>\$4.9</b> | <b>\$9.8</b> | <b>\$61.9</b> |

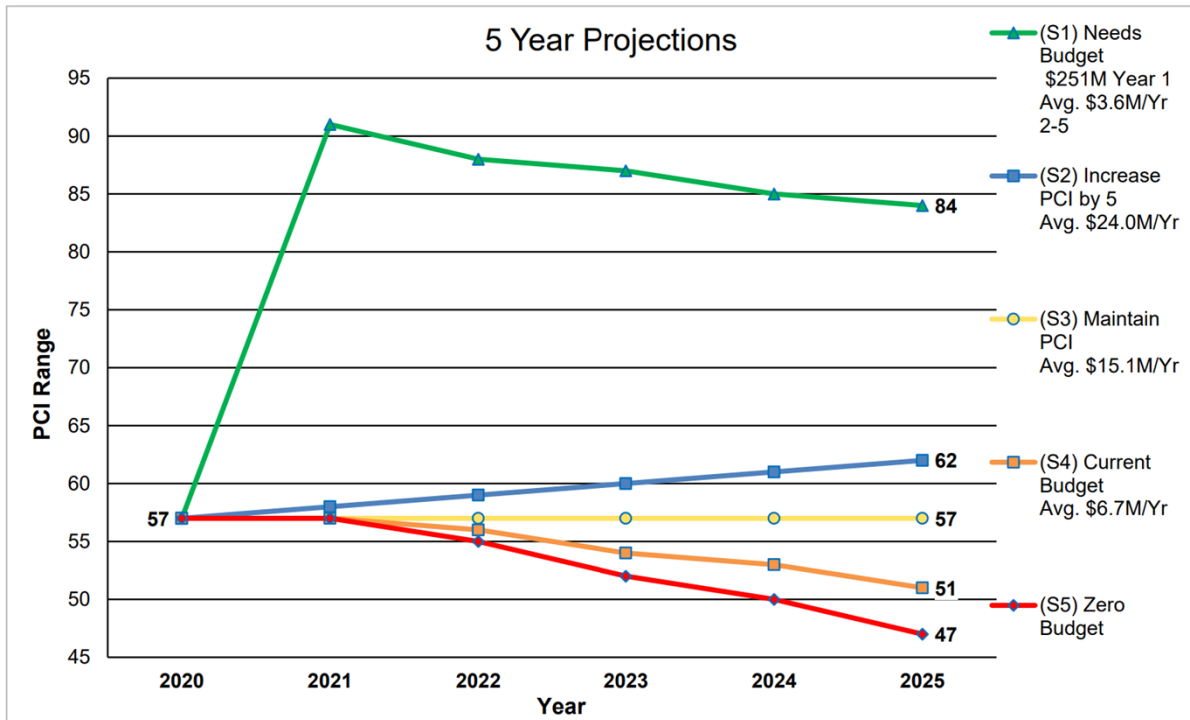
<sup>1</sup>Capital Improvement Fund is from the City's General Fund.

Source: Berkeley City Auditor

The City Council has made progress in adding resources to the City's street paving budget, particularly with the July 2022 streets fiscal policy that commits \$15.3 million plus inflation annually. Significantly, even if this level of funding is maintained through 2025, the PCI will not increase, as shown in Exhibit 4 (see S3 Yellow Line).

<sup>7</sup> Berkeley City Auditor, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 6, Nov. 19, 2020.

**Exhibit 4: Even If Streets Are Funded at \$15.3 Million Annually, the Pavement Condition Will Not Improve By 2025 (S3 Yellow Line)**



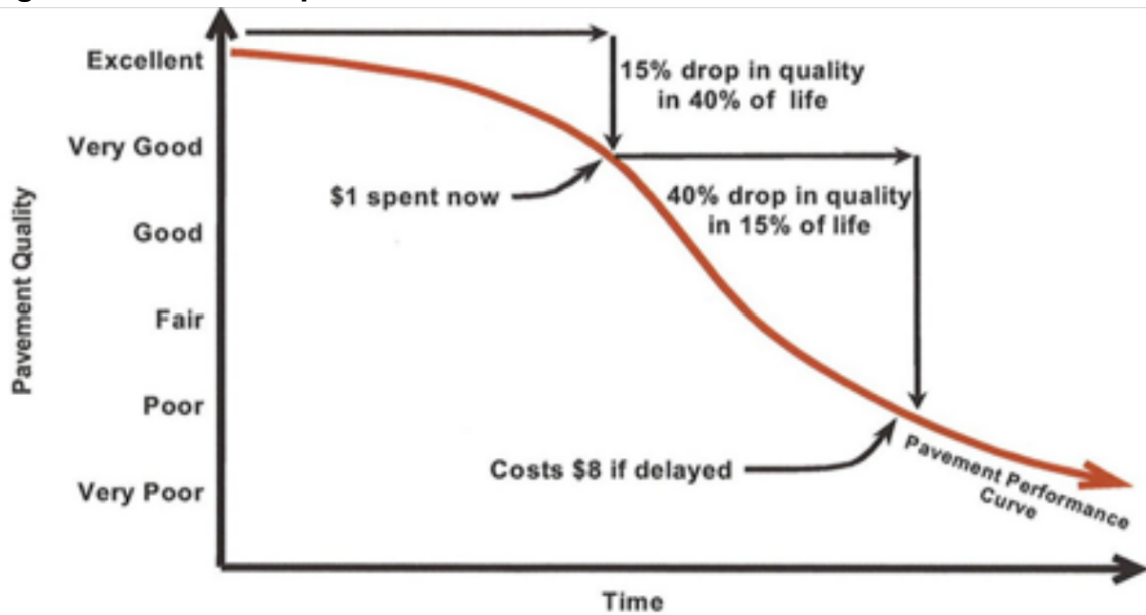
Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 9, Jan. 2021

**Deferring Street Maintenance Makes Street Paving and Repair Eight Times More Expensive Later.** The City’s inability to adequately maintain a street early in its life-cycle leads to escalating costs that are eight times higher later in a street’s life-cycle, as shown in Exhibit 5.<sup>8</sup> In the case of arterial streets that are receiving significantly less attention under the current street paving plan, a predictable outcome is that they will deteriorate precipitously due to lack of investment and costs to repair them will rise exponentially, *absent additional resources for street maintenance*.<sup>9</sup>

<sup>8</sup> L. Galehouse, J. S. Moulthrop, and R. G. Hicks, “Principles of pavement preservation: definitions, benefits, issues, and barriers,” TR News, pp. 4–15, 2003 as cited in City Manager, *Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City’s Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)* Presentation slide 4, City Council Worksession Item 1, Jan. 20, 2022

<sup>9</sup> Garland, Liam, [Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan](#) pgs. 9-11, City Council Meeting Jan. 25, 2022, Item Aa

### Exhibit 5: Conducting Street Paving and Repair Later in a Street's Life Cycle is Eight Times More Expensive



Source: L. Galehouse, J. S. Moulthrop, and R. G. Hicks, "Principles of pavement preservation: definitions, benefits, issues, and barriers," TR News, pp. 4–15, 2003 as cited in City Manager, *Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)* Presentation slide 4, City Council Worksession Item 1, Jan. 20, 2022

***Inadequate Street Paving Budget Has Led to an Estimated \$286 Million in Deferred Maintenance and Growing.*** Because the City's street paving budget has historically been underfunded for the last 15 years, a significant backlog of deferred street maintenance has accumulated that is now estimated at about \$286 million.<sup>10</sup> This amount is larger than the City's entire revised General Fund budget for FY 2021-22 of \$269 million.<sup>11</sup> Deferred street maintenance has grown exponentially over the last decade. In a 2011 audit *Failing Streets: Time to Change Direction to Achieve Sustainability*, the City Auditor found that Berkeley needed an estimated total of \$54 million to address the backlog of street maintenance and improve the average PCI

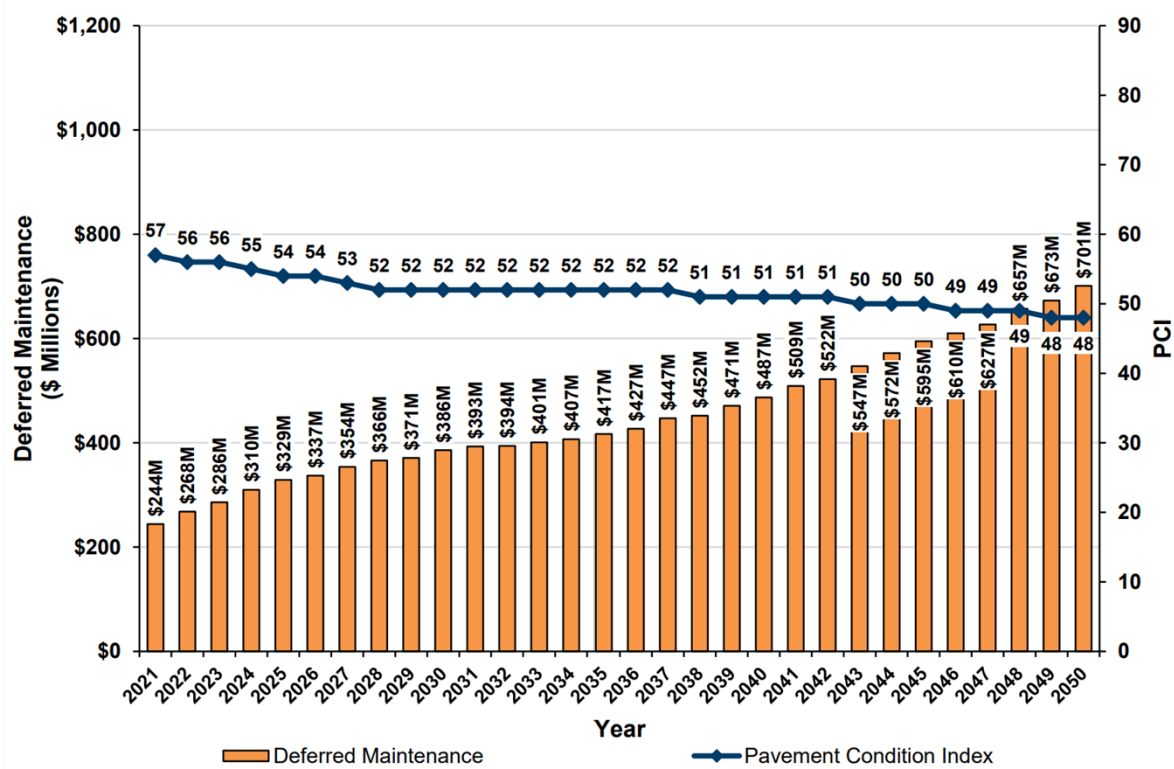
<sup>10</sup> Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 14, Jan. 2021. We note that the estimate of \$286 million in deferred street maintenance only accounts for paving, not other "Complete Streets" infrastructure.

<sup>11</sup> City Manager, *Amendment: FY 2022 Annual Appropriations Ordinance*, City Council Meeting Dec. 14, 2021, Item 45, Revised Material (Supp 3), <https://berkeleyca.gov/sites/default/files/documents/2021-12-14%20Item%2045%20Amendment%20%20FY%202022%20Annual%20Appropriations%20Ordinance%20-%20Rev%20CMO.pdf>

from 58 to 75.<sup>12</sup> Over the past 12 years, that amount has grown by more than five times to a \$286 million unfunded liability in 2023 and will continue to grow precipitously in the future, even with a \$15 million contribution annually:

- In five years in 2028, deferred street maintenance is estimated to total \$366 million.
- In 10 years in 2033, deferred street maintenance is estimated to total \$401 million.
- By 2050, deferred street maintenance is estimated to total \$701 million, as shown in Exhibit 6.

**Exhibit 6: If \$15 Million Funding Level Continues, Deferred Street Maintenance Still Grows to More than \$700 Million by 2050**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 14, Jan. 2021

**BACKGROUND**

**Lessons Learned from 2012 Measure M for Streets.** Measure M raised \$30 million in general obligation bond funds for street maintenance, falling short of the \$54

<sup>12</sup> Hogan, Anne-Marie, [Failing Streets: Time to Change Direction to Achieve Sustainability](#), Nov. 15, 2011

million of identified deferred maintenance.<sup>13</sup> A Complete Streets approach was also applied, which—at the time—funded sidewalk repair, green infrastructure, as well as bike and pedestrian improvements. This approach meant that about 75 to 85 percent of the \$30 million went toward street paving, with the remaining funds paying for Complete Streets improvements. Because the funding was inadequate to fully clear the backlog of deferred street paving, and additional annual maintenance funding was not added to the budget, Measure M only succeeded in temporarily stalling the decline in the City’s pavement condition. Today, sidewalk improvements are budgeted separately from street paving, and the City has a clear understanding of the cost of funding Bicycle and Pedestrian Plan upgrades; however, the cost of green infrastructure improvements are harder to predict. The City should be aware of the additional costs associated with green infrastructure as well as the Bicycle Plan and Pedestrian Plan when planning and budgeting for deferred street maintenance.

### FISCAL IMPACT

#### ***City Would Need to Budget \$24 Million Annually to Improve Pavement***

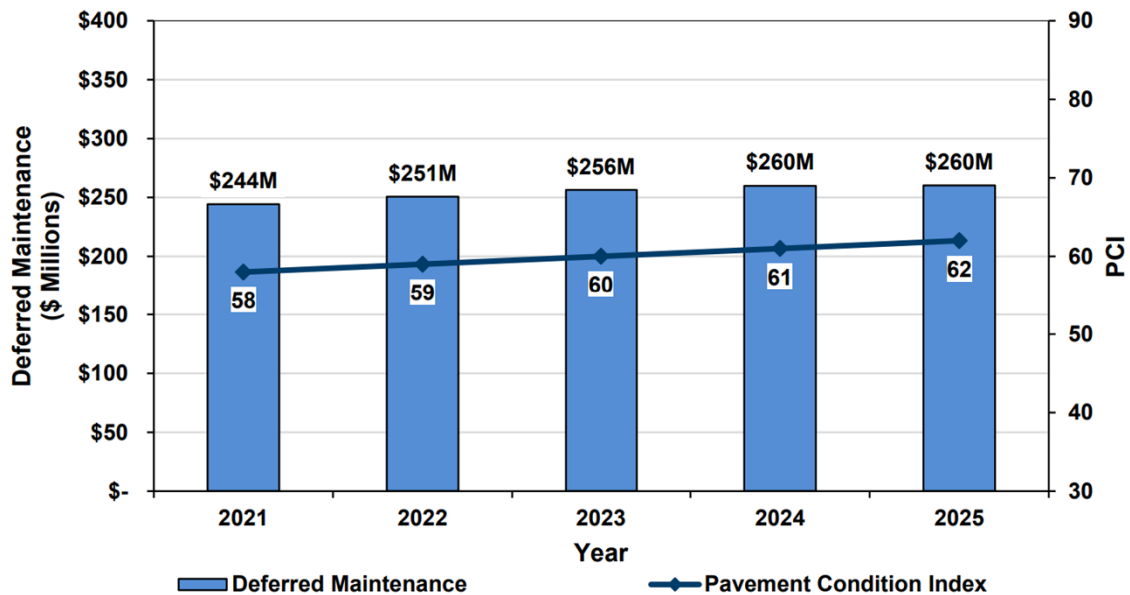
**Condition.** The City needs to continue to address the shortfall of street maintenance funds. To increase the PCI by 5 points from 57 to 62, it is projected by Pavement Engineering Inc. that an average funding level of \$24 million annually would be needed, as shown in Exhibit 7.<sup>14</sup> At this funding level, the backlog of deferred street maintenance still grows—from \$244 million in 2021 to \$260 million in 2025—albeit at a slower rate of 7 percent (when compared to budgeting \$15.1 million annually for street paving). This budget referral recognizes that there are numerous competing priorities for General Fund resources, including the Measure T1 infrastructure funding shortfall, allocation to the Section 115 Trust for unfunded pension liabilities, among other priorities. We request an augmentation of \$4.7 million General Fund to reach a total street paving budget of approximately \$20 million in FY 2024-25 so that the City moves beyond the minimum amount to simply maintain the existing PCI of roughly 57.

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<sup>13</sup> City Auditor Report, [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#), p. 13, Nov. 19, 2020

<sup>14</sup> Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 11, Jan. 2021

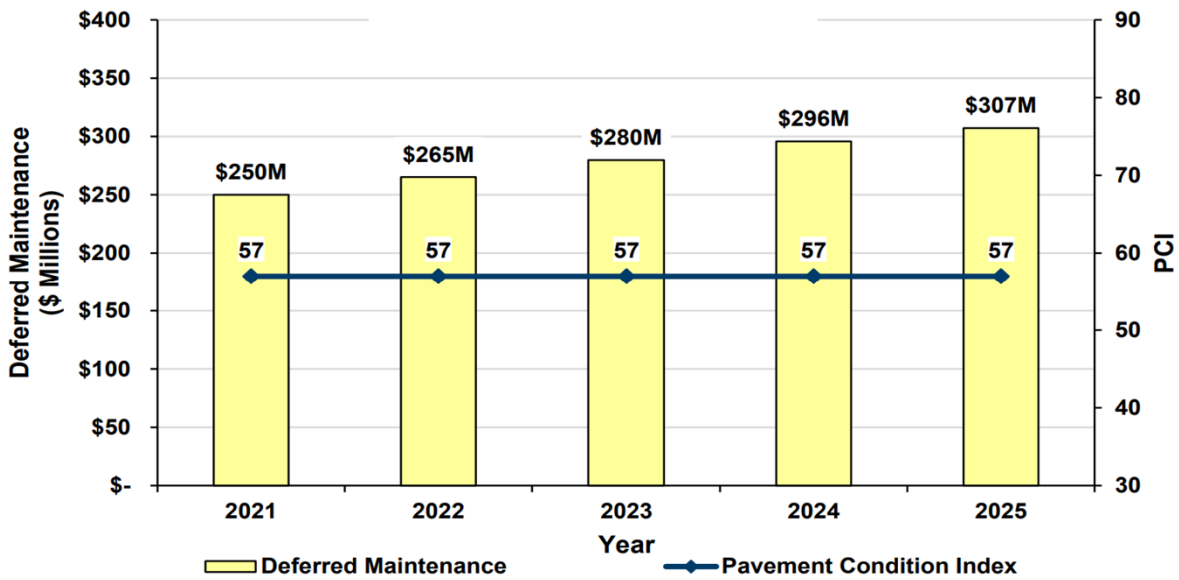
**Exhibit 7: \$24 Million Annually Leads to a 5-Point Increase in Pavement Condition Index and Slower Rate of Deferred Maintenance Growth**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 11, Jan. 2021

**\$15.1 Million Annually Maintains Current Pavement Condition, But Deferred Maintenance Grows By 23 Percent.** To maintain a PCI of 57, it is projected by Pavement Engineering Inc. that an average funding level of \$15.1 million annually is needed, as shown in Exhibit 8. At this funding level, the backlog of deferred street maintenance grows from \$250 million in 2021 to \$307 million in 2025, an increase of 23 percent.

**Exhibit 8: \$15.1 Million Annually Maintains Pavement Condition, But Leads to Faster Deferred Maintenance Growth**



Source: Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, <https://berkeleyca.gov/sites/default/files/2022-02/Pavement-Management-Update-2020.pdf>, p. 11, Jan. 2021

**Street Paving and Maintenance is a Core Service that Aligns with our Strategic Plan.** Providing state-of-the-art, well-maintained infrastructure, amenities, and facilities is one of the priorities articulated in our Strategic Plan, adopted in January 2018. This plan sets forth the long-term goals that Berkeley City government will achieve on behalf of its residents and acts as a conceptual guide to help ensure these goals are met.<sup>15</sup>

**ENVIRONMENTAL IMPACTS**

Good street conditions will improve safety for pedestrians, cyclists, users of micro-mobility devices, and public transit users. Using alternatives to driving cars will

<sup>15</sup> See City of Berkeley 2018-2019 Strategic Plan presented to Berkeley City Council on January 16, 2018.



decrease our greenhouse gas emissions, which aligns with another of the City's Strategic Plan priorities to be a global leader in addressing climate change, protecting the environment, and advancing environmental justice.

CONTACT

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

Attachment:

Attachment 1 - City of Berkeley Roads (by PCI as of 2020) from Pavement Engineering Inc., City of Berkeley 2020/21 Pavement Management System Update, pgs. 39-78, Jan. 2021

| Road Name | Section ID | Beg Location                 | End Location          | Lanes | Length | Width | Funct. Class | PCI |
|-----------|------------|------------------------------|-----------------------|-------|--------|-------|--------------|-----|
| 10TH ST   | 047        | DELAWARE ST                  | UNIVERSITY AVE        | 2     | 950    | 36    | R            | 15  |
| 10TH ST   | 045        | VIRGINIA ST                  | DELAWARE ST           | 2     | 675    | 36    | R            | 16  |
| 10TH ST   | 060        | DWIGHT WAY                   | HEINZ AVE             | 2     | 2520   | 36    | R            | 19  |
| 10TH ST   | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 675    | 36    | R            | 51  |
| 10TH ST   | 042        | CAMELIA ST                   | CEDAR ST              | 2     | 1320   | 36    | R            | 68  |
| 10TH ST   | 050        | UNIVERSITY AVE               | DWIGHT WAY            | 2     | 3005   | 36    | R            | 94  |
| 10TH ST   | 030        | NORTH CITY LIMIT             | HARRISON ST           | 2     | 450    | 36    | R            | 95  |
| 10TH ST   | 033        | HARRISON ST                  | CAMELIA ST            | 2     | 1270   | 36    | R            | 95  |
| 2ND ST    | 043        | PAGE ST                      | CEDAR ST              | 2     | 820    | 40    | R            | 8   |
| 2ND ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 740    | 40    | R            | 9   |
| 2ND ST    | 047        | DELAWARE ST                  | HEARST AVE            | 2     | 475    | 42    | R            | 12  |
| 2ND ST    | 040        | CAMELIA ST                   | PAGE ST               | 2     | 450    | 40    | R            | 28  |
| 2ND ST    | 048        | HEARST AVE                   | UNIVERSITY AVE        | 2     | 490    | 40    | R            | 33  |
| 2ND ST    | 050        | UNIVERSITY AVE               | ADDISON ST            | 2     | 450    | 35    | R            | 34  |
| 2ND ST    | 035        | GILMAN ST                    | CAMELIA ST            | 2     | 655    | 40    | R            | 41  |
| 2ND ST    | 045        | VIRGINIA ST                  | HEARST AVE            | 2     | 1115   | 42    | R            | 46  |
| 2ND ST    | 030        | NORTH CITY LIMIT             | GILMAN ST             | 2     | 1305   | 63    | R            | 50  |
| 4TH ST    | 054        | ADDISON ST                   | CHANNING WAY          | 2     | 1810   | 36    | C            | 33  |
| 4TH ST    | 056        | CHANNING WAY                 | DWIGHT WAY            | 2     | 615    | 36    | C            | 66  |
| 4TH ST    | 050        | UNIVERSITY AVE               | ADDISON ST            | 2     | 450    | 35    | R            | 70  |
| 4TH ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 665    | 36    | R            | 73  |
| 4TH ST    | 040        | CAMELIA ST                   | CEDAR ST              | 2     | 1330   | 36    | R            | 79  |
| 4TH ST    | 030        | HARRISON ST                  | CAMELIA ST            | 2     | 1375   | 36    | R            | 82  |
| 4TH ST    | 048        | DELAWARE ST                  | UNIVERSITY AVE        | 2     | 950    | 28    | R            | 89  |
| 4TH ST    | 046        | VIRGINIA ST                  | DELAWARE ST           | 2     | 665    | 36    | R            | 90  |
| 4TH ST    | 060        | DWIGHT WAY                   | PARKER ST             | 2     | 600    | 21    | NCR          | 96  |
| 5TH ST    | 040        | CAMELIA ST                   | CEDAR ST              | 2     | 1320   | 48    | R            | 27  |
| 5TH ST    | 050        | UNIVERSITY AVE               | DWIGHT WAY            | 2     | 2990   | 34    | R            | 29  |
| 5TH ST    | 065        | END NORTH OF ANTHONY ST      | POTTER ST             | 2     | 390    | 36    | R            | 35  |
| 5TH ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 2     | 675    | 44    | R            | 71  |
| 5TH ST    | 045        | VIRGINIA ST                  | UNIVERSITY AVE        | 2     | 1650   | 44    | R            | 76  |
| 5TH ST    | 030        | NORTH CITY LIMIT             | HARRISON ST           | 2     | 400    | 41    | R            | 82  |
| 5TH ST    | 033        | HARRISON ST                  | CAMELIA ST            | 2     | 1305   | 48    | R            | 86  |
| 62ND ST   | 060        | MARTIN LUTHER KING JR WAY    | CITY LIMIT (DOVER ST) | 2     | 525    | 36    | R            | 30  |
| 62ND ST   | 050        | WEST CITY LIMIT (CALIFORNIA) | ADELINE ST            | 2     | 985    | 36    | R            | 36  |
| 63RD ST   | 060        | MARTIN LUTHER KING JR WAY    | CITY LIMIT (DOVER ST) | 2     | 400    | 36    | R            | 28  |
| 63RD ST   | 050        | WEST CITY LIMIT (CALIFORNIA) | ADELINE ST            | 2     | 1220   | 36    | R            | 40  |
| 65TH ST   | 060        | ADELINE ST                   | 680' E/O ADELINE ST   | 2     | 680    | 36    | R            | 32  |
| 65TH ST   | 045        | WEST CITY LIMIT (IDAHO)      | IDAHO ST              | 2     | 191    | 33    | R            | 47  |
| 66TH ST   | 045        | WEST CITY LIMIT (MABEL)      | SACRAMENTO ST         | 2     | 1418   | 36    | R            | 54  |
| 67TH ST   | 045        | WEST CITY LIMIT (MABEL)      | SACRAMENTO ST         | 2     | 1465   | 30    | R            | 85  |
| 6TH ST    | 044        | CEDAR ST                     | VIRGINIA ST           | 4     | 675    | 59    | C            | 54  |
| 6TH ST    | 045        | VIRGINIA ST                  | UNIVERSITY AVE        | 4     | 1625   | 59    | C            | 63  |
| 6TH ST    | 040        | CAMELIA ST                   | CEDAR ST              | 2     | 1320   | 48    | C            | 75  |
| 6TH ST    | 035        | GILMAN ST                    | CAMELIA ST            | 2     | 640    | 48    | C            | 84  |
| 6TH ST    | 030        | NORTH CITY LIMIT             | GILMAN ST             | 2     | 1140   | 42    | R            | 85  |

| Road Name      | Section ID | Beg Location              | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|----------------|------------|---------------------------|---------------------------|-------|--------|-------|--------------|-----|
| 6TH ST         | 050        | UNIVERSITY AVE            | ALLSTON WAY               | 2     | 1000   | 48    | C            | 93  |
| 6TH ST         | 055        | ALLSTON WAY               | DWIGHT WAY                | 2     | 1955   | 48    | C            | 97  |
| 7TH ST         | 050        | UNIVERSITY AVE            | BANCROFT WAY              | 2     | 1670   | 36    | R            | 31  |
| 7TH ST         | 055        | BANCROFT WAY              | DWIGHT WAY                | 2     | 1330   | 36    | R            | 32  |
| 7TH ST         | 045        | VIRGINIA ST               | UNIVERSITY AVE            | 2     | 1625   | 36    | R            | 36  |
| 7TH ST         | 030        | HARRISON ST               | CAMELIA ST                | 2     | 1350   | 34    | R            | 37  |
| 7TH ST         | 070        | ASHBY AVE                 | FOLGER AVE                | 2     | 364    | 34    | C            | 38  |
| 7TH ST         | 040        | CAMELIA ST                | VIRGINIA ST               | 2     | 1995   | 36    | R            | 41  |
| 7TH ST         | 060        | DWIGHT WAY                | GRAYSON ST                | 2     | 1844   | 41    | C            | 74  |
| 7TH ST         | 065        | GRAYSON ST                | HEINZ AVE                 | 2     | 690    | 41    | C            | 80  |
| 7TH ST         | 067        | HEINZ AVE                 | ASHBY AVE                 | 2     | 1010   | 46    | C            | 84  |
| 8TH ST         | 042        | PAGE ST                   | JONES ST                  | 2     | 460    | 35    | R            | 16  |
| 8TH ST         | 045        | VIRGINIA ST               | UNIVERSITY AVE            | 2     | 1625   | 37    | R            | 18  |
| 8TH ST         | 044        | JONES ST                  | VIRGINIA ST               | 2     | 1095   | 35    | R            | 19  |
| 8TH ST         | 055        | COLUMBUS SCHOOL           | DWIGHT WAY                | 2     | 1705   | 36    | R            | 20  |
| 8TH ST         | 063        | CARLETON ST               | PARDEE ST                 | 2     | 304    | 34    | R            | 25  |
| 8TH ST         | 050        | UNIVERSITY AVE            | ALLSTON WAY               | 2     | 1010   | 36    | R            | 29  |
| 8TH ST         | 034        | GILMAN ST                 | CAMELIA ST                | 2     | 625    | 35    | R            | 35  |
| 8TH ST         | 040        | CAMELIA ST                | PAGE ST                   | 2     | 440    | 34    | R            | 42  |
| 8TH ST         | 065        | PARDEE ST                 | HEINZ AVE                 | 2     | 962    | 36    | R            | 75  |
| 8TH ST         | 061        | DWIGHT WAY                | PARKER ST                 | 2     | 660    | 36    | R            | 78  |
| 8TH ST         | 062        | PARKER ST                 | CARLETON ST               | 2     | 545    | 33    | R            | 80  |
| 8TH ST         | 030        | NORTH CITY LIMIT          | GILMAN ST                 | 2     | 1185   | 36    | R            | 84  |
| 9TH ST         | 063        | PARDEE ST                 | HEINZ AVE                 | 2     | 1000   | 48    | R            | 24  |
| 9TH ST         | 048        | HEARST AVE                | UNIVERSITY AVE            | 2     | 480    | 48    | R            | 65  |
| 9TH ST         | 046        | DELAWARE ST               | HEARST AVE                | 2     | 480    | 48    | R            | 68  |
| 9TH ST         | 043        | CEDAR ST                  | DELAWARE ST               | 2     | 1330   | 48    | R            | 70  |
| 9TH ST         | 069        | ASHBY ST                  | MURRAY ST                 | 2     | 150    | 36    | R            | 79  |
| 9TH ST         | 052        | UNIVERSITY AVE            | BANCROFT WAY              | 2     | 1635   | 48    | R            | 80  |
| 9TH ST         | 056        | CHANNING WAY              | DWIGHT WAY                | 2     | 665    | 48    | R            | 85  |
| 9TH ST         | 040        | CAMELIA ST                | CEDAR ST                  | 2     | 1330   | 47    | R            | 86  |
| 9TH ST         | 060        | DWIGHT WAY                | PARDEE ST                 | 2     | 1444   | 43    | R            | 86  |
| 9TH ST         | 066        | HEINZ AVE                 | JOG JUST NORTH OF ANTHONY | 2     | 410    | 36    | R            | 87  |
| 9TH ST         | 054        | BANCROFT WAY              | CHANNING WAY              | 2     | 705    | 48    | R            | 87  |
| 9TH ST         | 030        | NORTH CITY LIMIT          | CAMELIA ST                | 2     | 1720   | 46    | R            | 89  |
| 9TH ST         | 068        | JOG JUST NORTH OF ANTHONY | ASHBY ST                  | 2     | 340    | 38    | R            | 95  |
| ACACIA AVE     | 070        | CRAGMONT AVE              | EUCLID AVE                | 2     | 500    | 22    | R            | 16  |
| ACROFT CT      | 040        | ACTON ST                  | DEAD END (ACTON ST)       | 2     | 270    | 20    | R            | 63  |
| ACTON CIRCLE   | 050        | DEAD END (ACTON CRESCENT) | ACTON CRESCENT            | 2     | 120    | 21    | R            | 29  |
| ACTON CRESCENT | 040        | ACTON ST                  | EAST DEAD END (ACTON ST)  | 2     | 470    | 21    | R            | 30  |
| ACTON ST       | 063        | PARKER ST                 | WARD ST                   | 2     | 895    | 36    | R            | 15  |
| ACTON ST       | 061        | BLAKE ST                  | PARKER ST                 | 2     | 325    | 36    | R            | 17  |
| ACTON ST       | 065        | WARD ST                   | RUSSELL ST                | 2     | 1154   | 36    | R            | 19  |
| ACTON ST       | 055        | BANCROFT WAY              | DWIGHT WAY                | 2     | 1330   | 36    | R            | 20  |
| ACTON ST       | 035        | HOPKINS ST                | ROSE ST                   | 2     | 640    | 28    | R            | 22  |
| ACTON ST       | 038        | ROSE ST                   | CEDAR ST                  | 2     | 635    | 34    | R            | 23  |

| Road Name       | Section ID | Beg Location                          | End Location                 | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|---------------------------------------|------------------------------|-------|--------|-------|--------------|-----|
| ACTON ST        | 052        | ADDISON ST                            | UNIVERSITY AVE               | 2     | 340    | 30    | R            | 42  |
| ACTON ST        | 060        | DWIGHT WAY                            | BLAKE ST                     | 2     | 320    | 36    | R            | 42  |
| ACTON ST        | 050        | ADDISON ST                            | BANCROFT WAY                 | 2     | 1350   | 26    | R            | 43  |
| ACTON ST        | 040        | CEDAR ST                              | UNIVERSITY AVE               | 2     | 2260   | 34    | R            | 44  |
| ACTON ST        | 030        | NORTH CITY LIMIT                      | HOPKINS ST                   | 2     | 1085   | 36    | R            | 65  |
| ACTON ST        | 069        | RUSSELL ST                            | ASHBY AVE                    | 2     | 491    | 36    | R            | 79  |
| ACTON ST        | 070        | ASHBY ST                              | 66TH ST                      | 2     | 1234   | 36    | R            | 86  |
| ADA ST          | 045        | ORDWAY ST                             | SACRAMENTO ST                | 2     | 1350   | 30    | R            | 25  |
| ADA ST          | 055        | CALIFORNIA ST                         | MC GEE ST                    | 2     | 360    | 36    | R            | 71  |
| ADA ST          | 050        | SACRAMENTO ST                         | CALIFORNIA ST                | 2     | 500    | 36    | R            | 79  |
| ADDISON ST      | 030        | 6TH ST                                | SAN PABLO AVE                | 2     | 1642   | 36    | R            | 16  |
| ADDISON ST      | 025        | 4TH ST                                | 6TH ST                       | 2     | 680    | 36    | R            | 19  |
| ADDISON ST      | 040        | SAN PABLO AVE                         | CURTIS ST                    | 2     | 730    | 36    | R            | 23  |
| ADDISON ST      | 062        | MILVIA ST                             | SHATTUCK AVE                 | 2     | 700    | 31    | R            | 35  |
| ADDISON ST      | 050        | SACRAMENTO ST                         | MARTIN LUTHER KING JR WAY    | 2     | 2620   | 36    | R            | 40  |
| ADDISON ST      | 060        | MARTIN LUTHER KING JR WAY             | MILVIA ST                    | 2     | 670    | 37    | R            | 52  |
| ADDISON ST      | 044        | BROWNING ST                           | SACRAMENTO ST                | 2     | 1900   | 36    | R            | 55  |
| ADDISON ST      | 010        | AQUATIC PARK                          | RRX                          | 2     | 466    | 36    | R            | 75  |
| ADDISON ST      | 015        | RRX                                   | 4TH ST                       | 2     | 322    | 36    | R            | 83  |
| ADDISON ST      | 066        | SHATTUCK AVE                          | OXFORD ST                    | 2     | 490    | 37    | R            | 90  |
| ADDISON ST      | 064        | SHATTUCK AVE                          | SHATTUCK AVE                 | 2     | 180    | 39    | R            | 100 |
| ADELINE (NB)    | 076        | ALCATRAZ AVE                          | MLK/ ADELINE ST              | 2     | 890    | 37    | A            | 75  |
| ADELINE ST      | 070        | ASHBY AVE                             | MLK/ ADELINE ST              | 4     | 1420   | 85    | A            | 73  |
| ADELINE ST      | 078        | ALCATRAZ AVE                          | SOUTH CITY LIMIT (KING ST)   | 5     | 1045   | 70    | A            | 75  |
| ADELINE ST      | 060        | DERBY ST                              | STUART ST                    | 4     | 750    | 85    | A            | 100 |
| ADELINE ST      | 064        | STUART ST                             | ASHBY AVE                    | 4     | 1480   | 84    | A            | 100 |
| ADELINE ST (SB) | 074        | ADELINE ST/ MARTIN LUTHER KING JR WAY | ALCATRAZ AVE                 | 2     | 945    | 36    | A            | 69  |
| AJAX PL         | 080        | AJAX LANE                             | SUMMIT RD                    | 2     | 305    | 20    | R            | 13  |
| ALAMO AVE       | 010        | SPRUCE ST                             | HALKIN LANE                  | 2     | 840    | 20    | R            | 20  |
| ALBINA AVE      | 030        | NORTH CITY LIMIT                      | HOPKINS ST                   | 2     | 730    | 32    | R            | 82  |
| ALCATRAZ AVE    | 080        | CITY LIMIT (COLLEGE AVE)              | CLAREMONT AVE                | 2     | 670    | 36    | C            | 56  |
| ALCATRAZ AVE    | 050        | SACRAMENTO ST                         | ADELINE ST                   | 2     | 1840   | 38    | C            | 65  |
| ALCATRAZ AVE    | 045        | WEST CITY LIMIT (IDAHO)               | SACRAMENTO ST                | 2     | 1225   | 38    | C            | 90  |
| ALCATRAZ AVE    | 060        | ADELINE ST                            | CITY LIMIT (DOVER ST)        | 2     | 910    | 48    | C            | 95  |
| ALLSTON WAY     | 020        | DEAD END                              | 6TH ST                       | 2     | 930    | 36    | R            | 20  |
| ALLSTON WAY     | 030        | 6TH ST                                | 9TH ST                       | 2     | 985    | 36    | R            | 21  |
| ALLSTON WAY     | 035        | 9TH ST                                | SAN PABLO AVE                | 2     | 657    | 36    | R            | 24  |
| ALLSTON WAY     | 040        | SAN PABLO AVE                         | STRAWBERRY CK PARK           | 2     | 1430   | 36    | R            | 33  |
| ALLSTON WAY     | 063        | MILVIA ST                             | SHATTUCK AVE                 | 2     | 715    | 36    | R            | 45  |
| ALLSTON WAY     | 045        | STRAWBERRY CK PARK                    | ACTON ST                     | 2     | 530    | 36    | R            | 69  |
| ALLSTON WAY     | 047        | ACTON ST                              | SACRAMENTO ST                | 2     | 640    | 36    | R            | 69  |
| ALLSTON WAY     | 050        | SACRAMENTO ST                         | MARTIN LUTHER KING JR WAY    | 2     | 2660   | 36    | R            | 90  |
| ALLSTON WAY     | 065        | SHATTUCK AVE                          | OXFORD ST                    | 2     | 590    | 32    | R            | 100 |
| ALLSTON WAY     | 060        | MARTIN LUTHER KING JR WAY             | MILVIA ST                    | 2     | 660    | 42    | R            | 100 |
| ALTA RD         | 070        | SPRUCE ST                             | CRAGMONT AVE                 | 2     | 390    | 22    | R            | 20  |
| ALVARADO RD     | 094        | BRIDGE RD                             | NORTH CITY LIMIT AB WILLOW W | 2     | 1890   | 24    | R            | 72  |

| Road Name     | Section ID | Beg Location               | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|---------------|------------|----------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| ALVARADO RD   | 092        | NORTH CITY LIMIT           | BRIDGE RD                   | 2     | 450    | 24    | R            | 93  |
| ALVARADO RD   | 090        | TUNNEL RD                  | NORTH CITY LIMIT            | 2     | 770    | 24    | R            | 95  |
| AMADOR AVE    | 060        | SUTTER ST                  | SHATTUCK AVE                | 2     | 920    | 32    | R            | 57  |
| ANTHONY ST    | 030        | 5TH ST                     | 7TH ST                      | 2     | 650    | 36    | R            | 19  |
| ANTHONY ST    | 040        | 7TH ST                     | 9TH ST                      | 2     | 564    | 36    | R            | 37  |
| ARCADE AVE    | 030        | GRIZZLY PEAK BLVD          | FAIRLAWN DR                 | 2     | 310    | 23    | R            | 100 |
| ARCH ST       | 030        | GLEN AVE                   | CEDAR ST                    | 2     | 1995   | 36    | R            | 11  |
| ARCH ST       | 020        | SPRUCE ST                  | EUNICE ST                   | 2     | 1175   | 35    | R            | 16  |
| ARCH ST       | 040        | CEDAR ST                   | HEARST AVE                  | 2     | 1735   | 31    | R            | 79  |
| ARDEN RD      | 050        | MOSSWOOD RD                | PANORAMIC WAY               | 2     | 610    | 15    | R            | 97  |
| ARLINGTON AVE | 010        | NORTH CITY LIMIT (BOYNTON) | THOUSAND OAKS BLVD          | 2     | 2695   | 44    | C            | 69  |
| ARLINGTON AVE | 015        | THOUSAND OAKS BLVD         | THE CIRCLE                  | 2     | 2940   | 49    | C            | 69  |
| ASHBY PL      | 080        | ASHBY AVE & ELMWOOD AVE    | ASHBY AVE & PIEDMONT AVE    | 2     | 600    | 34    | R            | 90  |
| ATHERTON ST   | 050        | CHANNING WAY               | HASTE ST                    | 2     | 325    | 35    | R            | 20  |
| ATLAS PL      | 080        | HILL RD                    | SUMMIT RD                   | 2     | 200    | 20    | R            | 10  |
| AVALON AVE    | 083        | OAK KNOLL TERR             | CLAREMONT BLVD              | 2     | 525    | 36    | R            | 28  |
| AVALON AVE    | 082        | AVALON WALK                | OAK KNOLL TERR              | 2     | 630    | 20    | R            | 30  |
| AVALON AVE    | 084        | CLAREMONT BLVD             | CLAREMONT AVE               | 2     | 300    | 25    | R            | 37  |
| AVENIDA DR    | 080        | QUEENS RD                  | GRIZZLY PEAK BLVD           | 2     | 1315   | 24    | R            | 38  |
| AVENIDA DR    | 034        | CAMPUS DR                  | QUEENS RD                   | 2     | 445    | 24    | R            | 81  |
| AVIS RD       | 060        | SAN ANTONIO AVE            | SAN LUIS RD                 | 2     | 440    | 20    | R            | 80  |
| BAKER ST      | 075        | 66TH ST                    | SOUTH CITY LIMIT (ALCATRAZ) | 2     | 1019   | 36    | R            | 62  |
| BANCROFT WAY  | 080        | PIEDMONT AVE               | COLLEGE AVE                 | 2     | 670    | 36    | C            | 26  |
| BANCROFT WAY  | 082        | PIEDMONT AVE               | WARRING ST                  | 2     | 350    | 36    | R            | 28  |
| BANCROFT WAY  | 050        | SACRAMENTO ST              | MARTIN LUTHER KING JR WAY   | 2     | 2640   | 36    | R            | 33  |
| BANCROFT WAY  | 065        | FULTON ST                  | SHATTUCK AVE                | 2     | 500    | 40    | C            | 41  |
| BANCROFT WAY  | 060        | MILVIA WAY                 | SHATTUCK AVE                | 2     | 710    | 40    | C            | 46  |
| BANCROFT WAY  | 076        | BOWDITCH ST                | TELEGRAPH AVE               | 2     | 670    | 40    | C            | 48  |
| BANCROFT WAY  | 030        | 6TH ST                     | 7TH ST                      | 2     | 660    | 36    | R            | 52  |
| BANCROFT WAY  | 078        | COLLEGE AVE                | BOWDITCH ST                 | 2     | 670    | 40    | C            | 54  |
| BANCROFT WAY  | 035        | 7TH ST                     | SAN PABLO AVE               | 2     | 1000   | 36    | R            | 55  |
| BANCROFT WAY  | 040        | SAN PABLO AVE              | WEST ST                     | 2     | 1524   | 36    | R            | 56  |
| BANCROFT WAY  | 022        | AQUATIC PARK               | 3RD ST (RR TRACKS)          | 2     | 300    | 36    | R            | 75  |
| BANCROFT WAY  | 045        | WEST ST                    | SACRAMENTO ST               | 2     | 1121   | 36    | R            | 75  |
| BANCROFT WAY  | 024        | 3RD ST (RR TRACKS)         | 6TH ST                      | 2     | 1000   | 36    | R            | 78  |
| BANCROFT WAY  | 072        | TELEGRAPH AVE              | DANA ST                     | 2     | 1200   | 48    | C            | 90  |
| BANCROFT WAY  | 074        | DANA ST                    | FULTON ST                   | 2     | 1305   | 48    | C            | 90  |
| BANCROFT WAY  | 086        | PROSPECT ST                | PANORAMIC WAY               | 2     | 135    | 30    | R            | 97  |
| BATAAN AVE    | 030        | 7TH ST                     | 8TH ST                      | 2     | 330    | 22    | R            | 16  |
| BATEMAN ST    | 070        | WEBSTER ST                 | 108 N/O PRINCE ST.          | 2     | 475    | 18    | R            | 85  |
| BATEMAN ST    | 080        | 108 N/O PRINCE ST.         | WOOLSEY                     | 2     | 323    | 20    | R            | 88  |
| BAY ST        | 010        | ASHBY AVE OVERPASS         | POTTER ST                   | 2     | 560    | 26    | A            | 95  |
| BAY VIEW PL   | 070        | SCENIC AVE                 | EUCLID AVE                  | 2     | 800    | 30    | R            | 74  |
| BELROSE AVE   | 060        | DERBY ST                   | CLAREMONT BLVD/ GARBER ST   | 2     | 650    | 40    | C            | 97  |
| BELVEDERE AVE | 035        | ROSE ST                    | CEDAR ST                    | 2     | 350    | 30    | R            | 47  |
| BELVEDERE AVE | 040        | CEDAR ST                   | VIRGINIA ST                 | 2     | 660    | 30    | R            | 68  |

| Road Name        | Section ID | Beg Location                   | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|--------------------------------|---------------------------|-------|--------|-------|--------------|-----|
| BENVENUE AVE     | 060        | DWIGHT WAY                     | RUSSELL ST                | 2     | 2660   | 36    | R            | 34  |
| BENVENUE AVE     | 065        | RUSSELL ST                     | ASHBY AVE                 | 2     | 530    | 36    | R            | 42  |
| BENVENUE AVE     | 070        | ASHBY AVE                      | CITY LIMIT (WOOLSEY ST)   | 2     | 1165   | 36    | R            | 47  |
| BERKELEY WAY     | 046        | WEST ST PATHWAY                | SACRAMENTO ST             | 2     | 1320   | 30    | R            | 23  |
| BERKELEY WAY     | 050        | SACRAMENTO ST                  | GRANT ST                  | 2     | 1920   | 32    | R            | 41  |
| BERKELEY WAY     | 045        | CHESTNUT ST                    | WEST ST PATHWAY           | 2     | 435    | 24    | R            | 48  |
| BERKELEY WAY     | 058        | GRANT ST                       | MARTIN LUTHER KING JR WAY | 2     | 670    | 36    | R            | 48  |
| BERKELEY WAY     | 060        | MARTIN LUTHER KING JR WAY      | MILVIA WAY                | 2     | 700    | 34    | R            | 65  |
| BERKELEY WAY     | 063        | MILVIA WAY                     | SHATTUCK AVE              | 2     | 645    | 40    | R            | 70  |
| BERKELEY WAY     | 065        | SHATTUCK AVE                   | OXFORD ST                 | 2     | 740    | 47    | R            | 76  |
| BERRYMAN ST      | 063        | MILVIA ST                      | HENRY ST                  | 2     | 303    | 36    | R            | 57  |
| BERRYMAN ST      | 064        | HENRY ST                       | SHATTUCK AVE              | 2     | 367    | 36    | R            | 76  |
| BERRYMAN ST      | 055        | WEST END                       | MARTIN LUTHER KING JR WAY | 2     | 495    | 36    | R            | 80  |
| BERRYMAN ST      | 060        | MARTIN LUTHER KING JR WAY      | MILVIA ST                 | 2     | 640    | 36    | R            | 82  |
| BEVERLY PL       | 050        | WEST CITY LIMIT COP W/O MONTER | HOPKINS ST                | 2     | 1830   | 36    | R            | 68  |
| BLAKE ST         | 063        | MILVIA ST                      | SHATTUCK AVE              | 2     | 688    | 48    | R            | 19  |
| BLAKE ST         | 060        | MARTIN LUTHER KING JR WAY      | MILVIA ST                 | 2     | 665    | 48    | R            | 19  |
| BLAKE ST         | 040        | SAN PABLO AVE                  | SACRAMENTO ST             | 2     | 2442   | 36    | R            | 19  |
| BLAKE ST         | 070        | FULTON ST                      | TELEGRAPH AVE             | 2     | 1910   | 36    | R            | 20  |
| BLAKE ST         | 055        | MC GEE ST                      | MARTIN LUTHER KING JR WAY | 2     | 1280   | 36    | R            | 20  |
| BLAKE ST         | 065        | SHATTUCK AVE                   | FULTON ST                 | 2     | 575    | 36    | R            | 34  |
| BLAKE ST         | 050        | SACRAMENTO ST                  | MC GEE ST                 | 2     | 1270   | 36    | R            | 76  |
| BOISE ST         | 075        | 66TH ST                        | HARMON ST                 | 2     | 505    | 36    | R            | 65  |
| BONAR ST         | 051        | UNIVERSITY AVE                 | ADDISON ST                | 2     | 314    | 36    | R            | 97  |
| BONAR ST         | 053        | ADDISON ST                     | ALLSTON WAY               | 2     | 670    | 36    | R            | 97  |
| BONAR ST         | 055        | ALLSTON WAY                    | DWIGHT WAY                | 2     | 1982   | 36    | R            | 97  |
| BONITA AVE       | 040        | CEDAR ST                       | VIRGINIA ST               | 2     | 670    | 36    | R            | 19  |
| BONITA AVE       | 034        | ROSE ST                        | VINE ST                   | 2     | 660    | 36    | R            | 26  |
| BONITA AVE       | 036        | VINE ST                        | CEDAR ST                  | 2     | 655    | 36    | R            | 78  |
| BONITA AVE       | 032        | BERRYMAN ST                    | ROSE ST                   | 2     | 665    | 36    | R            | 79  |
| BONITA AVE       | 030        | YOLO AVE                       | BERRYMAN ST               | 2     | 745    | 30    | R            | 82  |
| BONITA AVE       | 045        | UNIVERSITY AVE                 | NORTH END                 | 2     | 210    | 36    | R            | 87  |
| BONITA AVE       | 055        | DELAWARE ST                    | SOUTH END                 | 2     | 180    | 36    | R            | 92  |
| BONITA AVE       | 050        | BERKLEY WAY                    | NORTH OF HEARST           | 2     | 475    | 36    | R            | 93  |
| BONNIE LANE      | 010        | HILLDALE AVE                   | MARIN AVE                 | 2     | 750    | 21    | R            | 61  |
| BOWDITCH ST      | 050        | BANCROFT WAY                   | DURANT AVE                | 2     | 330    | 36    | R            | 20  |
| BOWDITCH ST      | 052        | DURANT AVE                     | HASTE ST                  | 2     | 660    | 36    | R            | 23  |
| BOWDITCH ST      | 056        | HASTE ST                       | DWIGHT WAY                | 2     | 330    | 36    | R            | 40  |
| BOYNTON AVE      | 015        | COLORADO AVE                   | FLORIDA AVE               | 2     | 280    | 26    | R            | 59  |
| BOYNTON AVE (NB) | 010        | ARLINGTON AVE                  | COLORADO AVE              | 2     | 1540   | 16    | R            | 42  |
| BOYNTON AVE (SB) | 011        | COLORADO AVE                   | ARLINGTON AVE             | 2     | 1540   | 16    | R            | 44  |
| BRET HARTE RD    | 070        | KEITH AVE                      | CREGMONT AVE              | 2     | 300    | 21    | R            | 65  |
| BRET HARTE RD    | 075        | CRAGMONT AVE                   | KEELER RD                 | 2     | 750    | 22    | R            | 79  |
| BRIDGE RD        | 070        | ALVARADO RD                    | TUNNEL RD                 | 2     | 450    | 24    | R            | 95  |
| BROOKSIDE AVE    | 080        | CLAREMONT AVE                  | DEAD END (CLAREMONT AVE)  | 2     | 425    | 26    | R            | 95  |
| BROOKSIDE CT     | 070        | DEAD END NR BROOKSIDE DR       | BROOKSIDE DR              | 2     | 110    | 24    | R            | 95  |

| Road Name       | Section ID | Beg Location               | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|----------------------------|----------------------------|-------|--------|-------|--------------|-----|
| BROOKSIDE DR    | 070        | CLAREMONT AVE              | CLAREMONT AVE              | 2     | 535    | 24    | R            | 95  |
| BROWNING ST     | 050        | ADDISON ST                 | DWIGHT WAY                 | 2     | 2650   | 36    | R            | 33  |
| BUENA AVE       | 055        | MCGEE AVE                  | CYPRESS ST                 | 2     | 400    | 25    | R            | 27  |
| BUENA AVE       | 050        | WEST DEAD END (HOLLY ST)   | MCGEE AVE                  | 2     | 904    | 37    | R            | 95  |
| BUENA VISTA WAY | 078        | 260' NORTH OF PRIVATE PROP | PRIVATE PROPERTY           | 2     | 260    | 14    | R            | 8   |
| BUENA VISTA WAY | 074        | DELMAR AVE                 | 260' NORTH OF PRIVATE PROP | 2     | 470    | 22    | R            | 10  |
| BUENA VISTA WAY | 070        | EUCLID AVE                 | DEL MAR AVE                | 2     | 3775   | 30    | R            | 21  |
| BURNETT ST      | 040        | SAN PABLO AVE              | MABEL ST                   | 2     | 874    | 36    | R            | 22  |
| BURNETT ST      | 042        | MABEL ST                   | ACTON ST                   | 2     | 704    | 36    | R            | 76  |
| BYRON ST        | 055        | CHANNING WAY               | DWIGHT WAY                 | 2     | 660    | 30    | R            | 17  |
| BYRON ST        | 050        | ADDISON ST                 | BANCROFT WAY               | 2     | 1320   | 36    | R            | 85  |
| CALIFORNIA ST   | 066        | OREGON ST                  | ASHBY AVE                  | 2     | 950    | 42    | R            | 35  |
| CALIFORNIA ST   | 045        | HEARST AVE                 | UNIVERSITY AVE             | 2     | 600    | 42    | R            | 37  |
| CALIFORNIA ST   | 040        | CEDAR ST                   | OHLONE PARK                | 2     | 1455   | 42    | R            | 58  |
| CALIFORNIA ST   | 030        | ADA ST                     | CEDAR ST                   | 2     | 1405   | 45    | R            | 71  |
| CALIFORNIA ST   | 050        | UNIVERSITY AVE             | DWIGHT WAY                 | 2     | 3015   | 48    | R            | 71  |
| CALIFORNIA ST   | 072        | ASHBY AVE                  | ALCATRAZ AVE               | 2     | 2000   | 42    | R            | 77  |
| CALIFORNIA ST   | 076        | ALCATRAZ AVE               | SOUTH CITY LIMIT           | 2     | 840    | 42    | R            | 77  |
| CALIFORNIA ST   | 020        | HOPKINS ST                 | ADA ST                     | 2     | 345    | 40    | R            | 83  |
| CALIFORNIA ST   | 060        | DWIGHT WAY                 | OREGON ST                  | 2     | 2270   | 42    | R            | 83  |
| CAMELIA ST      | 024        | 3RD ST (RR TRACKS)         | 4TH ST                     | 2     | 330    | 36    | R            | 18  |
| CAMELIA ST      | 020        | 2ND ST                     | 3RD ST (RR TRACKS)         | 2     | 345    | 35    | R            | 19  |
| CAMELIA ST      | 034        | 8TH ST                     | SAN PABLO AVE              | 2     | 1030   | 36    | R            | 19  |
| CAMELIA ST      | 030        | 6TH ST                     | 8TH ST                     | 2     | 620    | 36    | R            | 27  |
| CAMELIA ST      | 026        | 4TH ST                     | 6TH ST                     | 2     | 637    | 36    | R            | 48  |
| CAMELIA ST      | 040        | SAN PABLO AVE              | SANTA FE AVE               | 2     | 1050   | 36    | R            | 89  |
| CAMPUS DR       | 030        | SHASTA RD                  | QUAIL AVE                  | 2     | 370    | 22    | R            | 42  |
| CAMPUS DR       | 032        | QUAIL AVE                  | GLENDALE AVE               | 2     | 450    | 24    | R            | 46  |
| CAMPUS DR       | 033        | GLENDALE AVE               | DELMAR AVE                 | 2     | 1090   | 24    | R            | 79  |
| CAMPUS DR       | 035        | DELMAR AVE                 | AVENIDA DRIVE              | 2     | 525    | 22    | R            | 85  |
| CAMPUS DR       | 036        | AVENIDA DR                 | PARNASSUS RD               | 2     | 540    | 22    | R            | 93  |
| CAMPUS DR       | 037        | PARNASSUS RD               | DEAD END, U C PLOT 82      | 2     | 760    | 19    | R            | 93  |
| CANYON RD       | 080        | PANORAMIC WAY              | RIM ROAD (UC CAMPUS)       | 2     | 275    | 30    | R            | 97  |
| CANYON RD       | 085        | RIM ROAD (UC CAMPUS)       | DEAD END                   | 2     | 583    | 15    | R            | 97  |
| CAPISTRANO AVE  | 050        | PERALTA AVE                | THE ALAMEDA                | 2     | 2645   | 26    | R            | 38  |
| CAPISTRANO AVE  | 060        | THE ALAMEDA                | CONTRA COSTA AVE           | 2     | 340    | 19    | R            | 74  |
| CARLETON ST     | 070        | FULTON ST                  | TELEGRAPH AVE              | 2     | 1720   | 36    | R            | 16  |
| CARLETON ST     | 060        | MARTIN LUTHER KING JR WAY  | MILVIA ST                  | 2     | 665    | 42    | R            | 24  |
| CARLETON ST     | 042        | MATHEWS ST                 | SACRAMENTO ST              | 2     | 1912   | 36    | R            | 28  |
| CARLETON ST     | 078        | TELEGRAPH AVE              | DEAD END ABOVE TELEGRAPH A | 2     | 160    | 27    | R            | 29  |
| CARLETON ST     | 050        | 7TH ST                     | SAN PABLO                  | 2     | 1330   | 36    | R            | 33  |
| CARLETON ST     | 050        | SACRAMENTO ST              | MARTIN LUTHER KING JR WAY  | 2     | 2540   | 36    | R            | 35  |
| CARLETON ST     | 063        | MILVIA ST                  | SHATTUCK AVE               | 2     | 675    | 42    | R            | 57  |
| CARLETON ST     | 065        | SHATTUCK AVE               | FULTON ST                  | 2     | 622    | 36    | R            | 60  |
| CARLETON ST     | 040        | 5TH ST                     | 7TH ST                     | 2     | 615    | 36    | R            | 77  |
| CARLETON ST     | 030        | 3RD ST                     | 5TH ST                     | 2     | 630    | 36    | R            | 75  |

| Road Name        | Section ID | Beg Location                 | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|------------------------------|---------------------------|-------|--------|-------|--------------|-----|
| CARLETON ST      | 040        | SAN PABLO AVE                | MATHEWS ST                | 2     | 500    | 36    | R            | 82  |
| CARLOTTA AVE     | 020        | POSEN AVE                    | HOPKINS ST                | 2     | 865    | 36    | R            | 71  |
| CARLOTTA AVE     | 030        | HOPKINS ST                   | ROSE ST                   | 2     | 880    | 30    | R            | 73  |
| CARRISON ST      | 040        | SAN PABLO AVE                | ACTON ST                  | 2     | 1528   | 36    | R            | 73  |
| CATALINA AVE     | 050        | COLUSA AVE                   | THE ALAMEDA               | 2     | 980    | 27    | R            | 97  |
| CATHERINE DR     | 030        | KEONCREST DR (N)             | KEONCREST DR (S)          | 2     | 410    | 25    | R            | 20  |
| CEDAR ST         | 078        | END W/O LA VEREDA            | LA VEREDA                 | 2     | 105    | 12    | R            | 19  |
| CEDAR ST         | 020        | EAST FRONTAGE RD (STATE P/L) | 4TH ST                    | 2     | 925    | 36    | A            | 23  |
| CEDAR ST         | 050        | SACRAMENTO ST                | MARTIN LUTHER KING JR WAY | 2     | 2600   | 40    | C            | 24  |
| CEDAR ST         | 025        | 4TH ST                       | 6TH ST                    | 2     | 670    | 43    | A            | 42  |
| CEDAR ST         | 070        | SPRUCE ST                    | EUCLID AVE                | 2     | 1380   | 35    | C            | 70  |
| CEDAR ST         | 075        | EUCLID AVE                   | LA LOMA AVE               | 2     | 920    | 34    | C            | 74  |
| CEDAR ST         | 065        | OXFORD ST                    | SPRUCE ST                 | 2     | 335    | 36    | C            | 86  |
| CEDAR ST         | 063        | MILVIA ST                    | SHATTUCK AVE              | 2     | 660    | 36    | C            | 90  |
| CEDAR ST         | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 665    | 36    | C            | 91  |
| CEDAR ST         | 045        | CHESTNUT ST                  | ACTON ST                  | 2     | 1140   | 37    | C            | 93  |
| CEDAR ST         | 064        | SHATTUCK AVE                 | OXFORD ST                 | 2     | 635    | 38    | C            | 93  |
| CEDAR ST         | 040        | SAN PABLO AVE                | CHESTNUT ST               | 2     | 1485   | 37    | C            | 95  |
| CEDAR ST         | 049        | ACTON ST                     | SACRAMENTO ST             | 2     | 665    | 34    | C            | 95  |
| CEDAR ST         | 030        | 6TH ST                       | SAN PABLO AVE             | 2     | 1650   | 37    | C            | 100 |
| CEDARWOOD LANE   | 030        | HARRISON ST                  | PARK WAY                  | 2     | 330    | 36    | R            | 0   |
| CENTER ST        | 064        | SHATTUCK AVE                 | OXFORD ST                 | 2     | 620    | 47    | R            | 64  |
| CENTER ST        | 062        | MILVIA ST                    | SHATTUCK AVE              | 2     | 730    | 47    | R            | 100 |
| CENTER ST        | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 670    | 53    | R            | 100 |
| CHABOLYN TERRACE | 080        | SOUTH CITY LIMIT             | SOUTH CITY LIMIT          | 2     | 420    | 26    | R            | 90  |
| CHANNING WAY     | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 670    | 36    | R            | 17  |
| CHANNING WAY     | 057        | ROOSEVELT AVE                | MARTIN LUTHER KING JR WAY | 2     | 1000   | 36    | R            | 18  |
| CHANNING WAY     | 084        | PIEDMONT AVE                 | PROSPECT ST               | 2     | 630    | 36    | R            | 30  |
| CHANNING WAY     | 063        | MILVIA ST                    | SHATTUCK AVE              | 2     | 710    | 36    | R            | 30  |
| CHANNING WAY     | 050        | SACRAMENTO ST                | ROOSEVELT AVE             | 2     | 1620   | 36    | R            | 34  |
| CHANNING WAY     | 040        | SAN PABLO AVE                | SACRAMENTO ST             | 2     | 2775   | 36    | R            | 50  |
| CHANNING WAY     | 038        | 10TH ST                      | SAN PABLO AVE             | 2     | 330    | 36    | R            | 56  |
| CHANNING WAY     | 030        | 6TH ST                       | 10TH ST                   | 2     | 1397   | 36    | R            | 69  |
| CHANNING WAY     | 078        | BOWDITCH ST                  | COLLEGE AVE               | 2     | 670    | 37    | R            | 76  |
| CHANNING WAY     | 080        | COLLEGE AVE                  | PIEDMONT AVE              | 2     | 630    | 36    | R            | 78  |
| CHANNING WAY     | 075        | DANA ST                      | BOWDITCH ST               | 2     | 1340   | 40    | R            | 78  |
| CHANNING WAY     | 020        | 3RD ST                       | 6TH ST                    | 2     | 935    | 36    | R            | 87  |
| CHANNING WAY     | 070        | FULTON ST                    | DANA ST                   | 2     | 1340   | 36    | R            | 93  |
| CHANNING WAY     | 066        | SHATTUCK AVE                 | FULTON ST                 | 2     | 560    | 36    | R            | 93  |
| CHAUCER ST       | 040        | SAN PABLO AVE                | CURTIS ST                 | 2     | 550    | 30    | R            | 21  |
| CHERRY ST        | 065        | STUART ST                    | RUSSELL ST                | 2     | 500    | 36    | R            | 85  |
| CHESTNUT ST      | 035        | ROSE ST                      | CEDAR ST                  | 2     | 350    | 34    | R            | 20  |
| CHESTNUT ST      | 044        | VIRGINIA ST                  | UNIVERSITY AVE            | 2     | 1620   | 36    | R            | 24  |
| CHESTNUT ST      | 042        | CEDAR ST                     | VIRGINIA ST               | 2     | 650    | 36    | R            | 39  |
| CHILTON WAY      | 060        | BLAKE ST                     | PARKER ST                 | 2     | 335    | 30    | R            | 27  |
| CLAREMONT AVE    | 065        | RUSSELL ST                   | ASHBY AVE                 | 2     | 425    | 56    | R            | 176 |



| Road Name          | Section ID | Beg Location                 | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|--------------------|------------|------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| CLAREMONT AVE      | 060        | EAST CITY LIMIT NR GARBER RD | RUSSELL AVE                 | 2     | 600    | 38    | C            | 27  |
| CLAREMONT AVE      | 070        | ASHBY AVE                    | SOUTH CITY LIMIT (ALCATRAZ) | 4     | 2985   | 56    | C            | 54  |
| CLAREMONT BLVD     | 060        | DERBY ST                     | CUL-DE-SAC                  | 2     | 560    | 40    | R            | 32  |
| CLAREMONT BLVD     | 065        | BELROSE AVE                  | CLAREMONT AVE               | 2     | 875    | 37    | C            | 94  |
| CLAREMONT CRESCENT | 070        | CLAREMONT AVE                | ASHBY AVE                   | 2     | 410    | 24    | R            | 90  |
| CODORNICES RD      | 030        | DEAD END (EUCLID AVE)        | EUCLID AVE                  | 2     | 600    | 15    | R            | 72  |
| COLBY ST           | 070        | ASHBY AVE                    | WEBSTER ST.                 | 2     | 299    | 36    | R            | 52  |
| COLBY ST           | 080        | WEBSTER ST.                  | END                         | 2     | 385    | 32    | R            | 80  |
| COLLEGE AVE        | 060        | DWIGHT WAY                   | DERBY ST (S)                | 2     | 1430   | 36    | A            | 40  |
| COLLEGE AVE        | 070        | ASHBY AVE                    | SOUTH CITY LIMIT (ALCATRAZ) | 2     | 2155   | 36    | A            | 42  |
| COLLEGE AVE        | 065        | DERBY ST (S)                 | ASHBY AVE                   | 2     | 1785   | 36    | A            | 45  |
| COLLEGE AVE        | 050        | BANCROFT WAY                 | DWIGHT WAY                  | 2     | 1340   | 36    | C            | 89  |
| COLORADO AVE       | 065        | VERMONT AVE                  | MICHIGAN AVE                | 2     | 260    | 24    | R            | 55  |
| COLORADO AVE       | 060        | BOYNTON AVE                  | VERMONT AVE                 | 2     | 250    | 24    | R            | 58  |
| COLUMBIA CIRCLE    | 080        | COLUMBIA PATH                | FAIRLAWN DR                 | 2     | 230    | 21    | R            | 91  |
| COLUSA AVE         | 025        | MONTEREY AVE                 | POSEN AVE                   | 2     | 1233   | 36    | C            | 23  |
| COLUSA AVE         | 026        | POSEN AVE                    | HOPKINS ST                  | 2     | 520    | 36    | C            | 25  |
| COLUSA AVE         | 010        | NORTH CITY LIMIT (VISALIA)   | SOLANO AVE                  | 2     | 3565   | 36    | C            | 37  |
| COLUSA AVE         | 022        | MARIN AVE                    | MONTEREY AVE                | 2     | 870    | 46    | C            | 56  |
| COLUSA AVE         | 020        | SOLANO AVE                   | MARIN AVE                   | 2     | 670    | 46    | C            | 73  |
| COMSTOCK CT        | 035        | JAYNES ST                    | CEDAR ST                    | 2     | 300    | 24    | R            | 80  |
| CONTRA COSTA AVE   | 010        | YOSEMITE RD                  | SOLANO AVE                  | 2     | 2375   | 20    | R            | 89  |
| CONTRA COSTA AVE   | 018        | SOLANO AVE                   | LOS ANGELES AVE             | 2     | 185    | 25    | R            | 95  |
| CORNELL AVE        | 030        | NORTH CITY LIMIT             | GILMAN ST                   | 2     | 765    | 30    | R            | 46  |
| CORNELL AVE        | 036        | PAGE ST                      | HOPKINS ST                  | 2     | 695    | 30    | R            | 72  |
| CORNELL AVE        | 035        | GILMAN ST                    | PAGE ST                     | 2     | 1000   | 30    | R            | 74  |
| CORNELL AVE        | 039        | HOPKINS ST                   | CEDAR ST                    | 2     | 345    | 29    | R            | 98  |
| CORNELL AVE        | 040        | CEDAR ST                     | VIRGINIA ST                 | 2     | 660    | 30    | R            | 98  |
| CORONA CT          | 070        | ARCH ST                      | DEAD END (ARCH ST)          | 2     | 320    | 24    | R            | 50  |
| COWPER ST          | 040        | SAN PABLO AVE                | BYRON ST                    | 2     | 370    | 30    | R            | 91  |
| CRAGMONT AVE       | 010        | GRIZZLY PEAK BLVD            | MARIN AVE                   | 2     | 4100   | 22    | C            | 38  |
| CRAGMONT AVE       | 027        | BRET HARTE RD                | SHASTA RD                   | 2     | 1625   | 21    | R            | 85  |
| CRAGMONT AVE       | 021        | MARIN AVE                    | SANTA BARBARA RD            | 2     | 1110   | 23    | R            | 87  |
| CRAGMONT AVE       | 023        | SANTA BARBARA RD             | EUCLID AVE                  | 2     | 830    | 22    | R            | 87  |
| CRAGMONT AVE       | 025        | EUCLID AVE                   | BRET HARTE RD               | 2     | 1420   | 20    | R            | 88  |
| CRESTON RD         | 020        | SUNSET LANE                  | GRIZZLY PEAK BLVD (S)       | 2     | 2699   | 22    | R            | 57  |
| CRESTON RD         | 010        | GRIZZLY PEAK BLVD (N)        | SUNSET LANE                 | 2     | 1910   | 22    | R            | 61  |
| CRYSTAL WAY        | 020        | EUCLID AVE (WEST)            | EUCLID AVE (EAST)           | 1     | 80     | 24    | R            | 37  |
| CURTIS ST          | 038        | HOPKINS ST                   | CEDAR ST                    | 2     | 370    | 30    | R            | 11  |
| CURTIS ST          | 050        | UNIVERSITY AVE               | DWIGHT WAY                  | 2     | 2990   | 36    | R            | 14  |
| CURTIS ST          | 040        | CEDAR ST                     | VIRGINIA ST                 | 2     | 660    | 30    | R            | 16  |
| CURTIS ST          | 030        | NORTH CITY LIMIT             | HOPKINS ST                  | 2     | 2400   | 29    | R            | 28  |
| CURTIS ST          | 045        | VIRGINIA ST                  | UNIVERSITY AVE              | 2     | 1615   | 36    | R            | 66  |
| CYPRESS ST         | 031        | ROSE ST                      | BUENA AVE                   | 2     | 325    | 26    | R            | 81  |
| DANA ST            | 050        | BANCROFT WAY                 | DWIGHT WAY                  | 2     | 1320   | 36    | R            | 47  |
| DANA ST            | 060        | DWIGHT WAY                   | BLAKE ST                    | 2     | 330    | 36    | R            | 76  |

| Road Name       | Section ID | Beg Location                | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|-----------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| DANA ST         | 065        | BLAKE ST                    | WARD ST                     | 2     | 1320   | 36    | R            | 61  |
| DANA ST         | 070        | WEBSTER ST                  | CITY LIMIT (WOOLSEY ST)     | 2     | 765    | 32    | R            | 70  |
| DEAKIN ST       | 075        | PRINCE ST                   | CITY LIMIT (WOOLSEY ST)     | 2     | 385    | 36    | R            | 79  |
| DEAKIN ST       | 070        | ASHBY AVE                   | PRINCE ST                   | 2     | 820    | 36    | R            | 89  |
| DEAKIN ST       | 068        | RUSSELL ST                  | ASHBY AVE                   | 2     | 525    | 36    | R            | 100 |
| DEL MAR AVE     | 085        | GLENDALE AVE                | CAMPUS DR                   | 2     | 480    | 24    | R            | 12  |
| DEL MAR AVE     | 083        | BUENA VISTA WAY             | GLENDALE AVE                | 2     | 795    | 21    | R            | 22  |
| DEL NORTE CT    | 020        | DEL NORTE ST                | DEAD END (DEL NORTE ST)     | 2     | 110    | 12    | R            | 74  |
| DEL NORTE ST    | 020        | THE CIRCLE                  | SUTTER ST                   | 2     | 690    | 28    | C            | 91  |
| DELAWARE ST     | 040        | SAN PABLO AVE               | ACTON ST                    | 2     | 2435   | 48    | C            | 28  |
| DELAWARE ST     | 060        | MARTIN LUTHER KING JR WAY   | MILVIA ST                   | 2     | 665    | 34    | R            | 38  |
| DELAWARE ST     | 063        | MILVIA ST                   | WALNUT ST                   | 2     | 975    | 34    | R            | 40  |
| DELAWARE ST     | 048        | ACTON ST                    | SACRAMENTO ST               | 2     | 665    | 48    | C            | 57  |
| DELAWARE ST     | 030        | 6TH ST                      | 9TH ST                      | 2     | 955    | 48    | C            | 76  |
| DELAWARE ST     | 035        | 9TH ST                      | SAN PABLO AVE               | 2     | 670    | 48    | C            | 76  |
| DELAWARE ST     | 052        | DEAD END WEST OF CALIFORNIA | CALIFORNIA ST               | 2     | 375    | 36    | R            | 93  |
| DELAWARE ST     | 055        | CALIFORNIA ST               | MARTIN LUTHER KING JR WAY   | 2     | 2000   | 36    | R            | 97  |
| DERBY ST        | 070        | FULTON ST                   | TELEGRAPH AVE               | 2     | 1630   | 36    | R            | 15  |
| DERBY ST        | 063        | MILVIA ST                   | SHATTUCK AVE                | 2     | 633    | 42    | R            | 16  |
| DERBY ST        | 075        | TELEGRAPH AVE               | HILLEGASS AVE (S)           | 2     | 860    | 38    | R            | 19  |
| DERBY ST        | 050        | SACRAMENTO ST               | MARTIN LUTHER KING JR WAY   | 2     | 2510   | 36    | R            | 20  |
| DERBY ST        | 065        | SHATTUCK AVE                | FULTON ST                   | 2     | 675    | 36    | R            | 22  |
| DERBY ST        | 078        | HILLEGASS AVE (S)           | COLLEGE AVE                 | 2     | 760    | 36    | R            | 23  |
| DERBY ST        | 082        | PIEDMONT AVE                | WARRING ST                  | 2     | 322    | 37    | R            | 27  |
| DERBY ST        | 080        | COLLEGE AVE                 | PIEDMONT AVE                | 2     | 653    | 37    | R            | 31  |
| DERBY ST        | 045        | MABEL ST                    | SACRAMENTO ST               | 2     | 1311   | 36    | R            | 32  |
| DERBY ST        | 060        | MARTIN LUTHER KING JR WAY   | MILVIA ST                   | 2     | 665    | 42    | R            | 86  |
| DERBY ST        | 085        | WARRING ST                  | BELROSE AVE & TANGLEWOOD R  | 2     | 1205   | 36    | A            | 95  |
| DERBY ST        | 042        | SAN PABLO AVE               | MATHEWS ST                  | 2     | 455    | 36    | R            | 97  |
| DERBY ST        | 044        | MATHEWS ST                  | MABEL ST                    | 2     | 608    | 36    | R            | 97  |
| DOHR ST         | 065        | WARD ST                     | RUSSELL ST                  | 2     | 1170   | 36    | R            | 19  |
| DOHR ST         | 068        | RUSSELL ST                  | ASHBY AVE                   | 2     | 489    | 22    | R            | 21  |
| DOHR ST         | 070        | ASHBY AVE                   | PRINCE ST                   | 2     | 764    | 26    | R            | 100 |
| DOMINGO AVE     | 068        | CITY LIMIT NR RUSSELL ST    | TUNNEL RD                   | 2     | 220    | 40    | R            | 39  |
| DOMINGO AVE     | 070        | TUNNEL RD                   | THE PLAZA DR                | 2     | 1130   | 40    | R            | 73  |
| DOVER ST        | 075        | ALCATRAZ AVE                | CITY LIMIT (63RD ST)        | 2     | 130    | 32    | R            | 21  |
| DOWLING PL      | 070        | TELEGRAPH AVE               | DANA ST                     | 2     | 385    | 36    | R            | 84  |
| DURANT AVE      | 060        | MILVIA ST                   | SHATTUCK AVE                | 2     | 710    | 47    | C            | 15  |
| DURANT AVE      | 064        | SHATTUCK AVE                | FULTON ST                   | 2     | 530    | 48    | C            | 29  |
| DURANT AVE      | 070        | FULTON ST                   | BOWDITCH ST                 | 2     | 2650   | 48    | C            | 52  |
| DURANT AVE      | 078        | BOWDITCH ST                 | COLLEGE AVE                 | 2     | 670    | 48    | C            | 64  |
| DURANT AVE      | 080        | COLLEGE AVE                 | PIEDMONT AVE                | 2     | 640    | 33    | C            | 67  |
| DWIGHT CRESCENT | 055        | 6TH ST                      | 7TH ST                      | 2     | 420    | 45    | C            | 98  |
| DWIGHT WAY      | 020        | 4TH ST                      | 6TH ST                      | 2     | 650    | 36    | C            | 12  |
| DWIGHT WAY      | 083        | PIEDMONT AVE                | HILLSIDE AVE                | 2     | 765    | 36    | R            | 14  |
| DWIGHT WAY      | 085        | HILLSIDE AVE                | DEAD END ABOVE HILLSIDE AVE | 2     | 590    | 36    | R            | 178 |

| Road Name         | Section ID | Beg Location              | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|---------------------------|----------------------------|-------|--------|-------|--------------|-----|
| DWIGHT WAY        | 050        | SACRAMENTO ST             | MARTIN LUTHER KING JR WAY  | 2     | 2615   | 39    | A            | 23  |
| DWIGHT WAY        | 030        | 6TH ST                    | 7TH ST                     | 2     | 310    | 36    | C            | 30  |
| DWIGHT WAY        | 032        | 7TH ST                    | SAN PABLO AVE              | 2     | 1350   | 36    | A            | 43  |
| DWIGHT WAY        | 064        | MILVIA WAY                | SHATTUCK AVE               | 2     | 710    | 38    | A            | 57  |
| DWIGHT WAY        | 060        | MARTIN LUTHER KING JR WAY | MILVIA ST                  | 2     | 665    | 36    | A            | 59  |
| DWIGHT WAY        | 073        | DANA ST                   | TELEGRAPH AVE              | 2     | 670    | 40    | A            | 79  |
| DWIGHT WAY        | 070        | FULTON ST                 | DANA ST                    | 2     | 1325   | 40    | A            | 85  |
| DWIGHT WAY        | 075        | TELEGRAPH AVE             | BOWDITCH ST                | 2     | 660    | 36    | A            | 86  |
| DWIGHT WAY        | 066        | SHATTUCK AVE              | FULTON ST                  | 2     | 600    | 40    | A            | 91  |
| DWIGHT WAY        | 080        | COLLEGE AVE               | PIEDMONT AVE               | 2     | 775    | 36    | A            | 93  |
| DWIGHT WAY        | 078        | BOWDITCH ST               | COLLEGE AVE                | 2     | 660    | 36    | A            | 93  |
| DWIGHT WAY        | 040        | SAN PABLO AVE             | SACRAMENTO ST              | 2     | 2430   | 36    | A            | 95  |
| DWIGHT WAY        | 090        | PANORAMIC WAY             | EAST CITY LIMIT            | 2     | 100    | 28    | R            | 97  |
| EAST BOLIVAR DR   | 050        | ADDISON ST                | DEAD END NR CHANNING       | 2     | 1800   | 24    | R            | 29  |
| EAST FRONTAGE RD  | 040        | GILMAN ST                 | HEARST AVE                 | 2     | 3696   | 34    | C            | 30  |
| EAST FRONTAGE RD  | 030        | NORTH CITY LIMIT          | GILMAN ST                  | 2     | 1350   | 32    | C            | 43  |
| EAST PARNASSUS CT | 080        | PARNASSUS RD              | DEAD END (PARNASSUS RD)    | 2     | 210    | 22    | R            | 93  |
| EDITH ST          | 040        | CEDAR ST                  | VIRGINIA ST                | 2     | 638    | 30    | R            | 55  |
| EDITH ST          | 030        | ROSE ST                   | CEDAR ST                   | 2     | 1295   | 32    | R            | 71  |
| EDWARDS ST        | 055        | BANCROFT WAY              | DWIGHT WAY                 | 2     | 1330   | 36    | R            | 56  |
| EL CAMINO REAL    | 070        | DOMINGO AVE               | THE UPLANDS                | 2     | 1840   | 24    | R            | 86  |
| EL CAMINO REAL    | 075        | THE UPLANDS               | DEAD END ABOVE THE UPLANDS | 2     | 485    | 24    | R            | 87  |
| EL DORADO AVE     | 060        | THE ALAMEDA               | SUTTER ST                  | 2     | 1290   | 33    | R            | 25  |
| EL PORTAL CT      | 030        | DEAD END (LA LOMA AVE)    | LA LOMA AVE                | 2     | 250    | 18    | R            | 10  |
| ELLIS ST          | 068        | RUSSELL ST                | ASHBY AVE                  | 2     | 650    | 37    | R            | 47  |
| ELLIS ST          | 070        | ASHBY AVE                 | ALCATRAZ AVE               | 2     | 2005   | 37    | R            | 78  |
| ELLSWORTH ST      | 050        | BANCROFT WAY              | DWIGHT WAY                 | 2     | 1320   | 36    | R            | 22  |
| ELLSWORTH ST      | 062        | CARLETON ST               | WARD ST                    | 2     | 620    | 42    | R            | 87  |
| ELLSWORTH ST      | 060        | DWIGHT WAY                | CARLETON ST                | 2     | 1000   | 36    | R            | 90  |
| ELLSWORTH ST      | 065        | WARD ST                   | ASHBY AVE                  | 2     | 1520   | 42    | R            | 92  |
| ELMWOOD AVE       | 080        | ASHBY AVE & ASHBY PL      | PIEDMONT AVE               | 2     | 570    | 34    | R            | 20  |
| ELMWOOD CT        | 070        | ASHBY AVE                 | DEAD END (ASHBY AVE)       | 2     | 270    | 32    | R            | 76  |
| EMERSON ST        | 065        | SHATTUCK AVE              | WHEELER ST                 | 2     | 575    | 36    | R            | 24  |
| EMERSON ST        | 060        | ADELINE ST                | SHATTUCK AVE               | 2     | 805    | 36    | R            | 55  |
| ENCINA PL         | 070        | THE PLAZA DR              | THE UPLANDS                | 2     | 350    | 40    | R            | 93  |
| ENSENADA AVE      | 020        | SOLANO AVE                | MARIN AVE                  | 2     | 545    | 36    | R            | 27  |
| ENSENADA AVE      | 010        | PERALTA AVE               | SOLANO AVE                 | 2     | 2255   | 27    | R            | 62  |
| EOLA ST           | 040        | VIRGINIA ST               | FRANCISCO ST               | 2     | 325    | 22    | R            | 28  |
| ESSEX ST          | 064        | SHATTUCK AVE              | WHEELER ST                 | 2     | 585    | 36    | R            | 26  |
| ESSEX ST          | 062        | TREMONT ST                | SHATTUCK AVE               | 2     | 580    | 36    | R            | 61  |
| ESSEX ST          | 060        | ADELINE ST                | TREMONT ST                 | 2     | 340    | 36    | R            | 68  |
| ETNA ST           | 062        | DWIGHT WAY                | PARKER ST                  | 2     | 665    | 36    | R            | 29  |
| ETNA ST           | 064        | PARKER ST                 | DERBY ST                   | 2     | 665    | 36    | R            | 31  |
| ETON AVE          | 070        | WOOLSEY ST                | CLAREMONT AVE              | 2     | 750    | 36    | R            | 86  |
| ETON CT           | 070        | CLAREMONT AVE             | DEAD END (CLAREMONT AVE)   | 2     | 150    | 25    | R            | 25  |
| EUCALYPTUS RD     | 070        | HILLCREST RD              | SOUTH CITY LIMIT           | 2     | 440    | 25    | R            | 25  |

| Road Name       | Section ID | Beg Location              | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|---------------------------|---------------------------|-------|--------|-------|--------------|-----|
| EUCLID AVE      | 032        | BAYVIEW PL                | CEDAR ST                  | 2     | 1890   | 34    | C            | 28  |
| EUCLID AVE      | 040        | CEDAR ST                  | HEARST AVE                | 2     | 1625   | 35    | C            | 41  |
| EUCLID AVE      | 015        | MARIN AVE                 | REGAL RD                  | 2     | 600    | 32    | R            | 73  |
| EUCLID AVE      | 020        | REGAL RD                  | CRAGMONT AVE              | 2     | 1475   | 40    | C            | 74  |
| EUCLID AVE      | 010        | GRIZZLY PEAK BLVD         | MARIN AVE                 | 2     | 3054   | 32    | C            | 77  |
| EUCLID AVE      | 024        | CRAGMONT AVE              | BEG OF DIVIDED ROAD       | 2     | 650    | 41    | R            | 77  |
| EUCLID AVE      | 028        | END OF DIVIDED ROAD       | EUNICE ST                 | 2     | 900    | 42    | R            | 83  |
| EUCLID AVE      | 030        | EUNICE ST                 | BAYVIEW PL                | 2     | 870    | 36    | C            | 100 |
| EUCLID AVE (NB) | 026        | BEG OF DIVIDED ROAD       | END OF DIVIDED ROAD       | 2     | 850    | 18    | R            | 82  |
| EUCLID AVE (SB) | 027        | BEG OF DIVIDED ROAD       | END OF DIVIDED ROAD       | 2     | 845    | 31    | R            | 81  |
| EUNICE ST       | 070        | SPRUCE ST                 | EUCLID AVE                | 2     | 1235   | 35    | R            | 26  |
| EUNICE ST       | 064        | HENRY ST                  | SPRUCE ST                 | 2     | 1370   | 34    | R            | 39  |
| EUNICE ST       | 060        | MILVIA ST                 | CUL-DE-SAC                | 2     | 225    | 36    | R            | 93  |
| EVELYN AVE      | 030        | NORTH CITY LIMIT          | SANTA FE AVE              | 2     | 980    | 30    | R            | 90  |
| FAIRLAWN DR     | 038        | AVENIDA DR                | OLYMPUS DR                | 2     | 615    | 23    | R            | 46  |
| FAIRLAWN DR     | 030        | QUEENS RD                 | AVENIDA DR                | 2     | 2575   | 21    | R            | 93  |
| FAIRVIEW ST     | 050        | SACRAMENTO ST             | ADELIN ST                 | 2     | 2145   | 36    | R            | 23  |
| FAIRVIEW ST     | 060        | ADELIN ST                 | CITY LIMIT (DOVER ST)     | 2     | 530    | 36    | R            | 27  |
| FAIRVIEW ST     | 047        | BAKER ST                  | SACRAMENTO ST             | 2     | 630    | 36    | R            | 73  |
| FLORANCE ST     | 068        | RUSSELL ST                | ASHBY AVE                 | 2     | 530    | 36    | R            | 30  |
| FLORIDA AVE     | 060        | SANTA BARBARA RD          | DEAD END (FLORIDA WALK)   | 2     | 400    | 26    | R            | 82  |
| FOLGER AVE      | 024        | HOLLIS ST                 | 7TH ST                    | 2     | 365    | 42    | C            | 86  |
| FOLGER AVE      | 025        | 7TH ST                    | SAN PABLO AVE             | 2     | 1325   | 42    | C            | 87  |
| FOLGER AVE      | 020        | WEST END                  | HOLLIS ST                 | 2     | 365    | 42    | R            | 97  |
| FOREST AVE      | 080        | COLLEGE AVE               | CLAREMONT BLVD            | 2     | 1875   | 36    | R            | 39  |
| FORREST LANE    | 073        | GRIZZY PARK               | CRESTON RD                | 2     | 337    | 22    | R            | 18  |
| FORREST LANE    | 072        | KEELER AVE                | GRIZZLY PEAK BLVD         | 2     | 615    | 22    | R            | 22  |
| FORREST LANE    | 070        | HILLDALE AVE              | KEELER AVE                | 2     | 520    | 19    | R            | 38  |
| FRANCISCO ST    | 040        | SAN PABLO AVE             | CHESTNUT ST               | 2     | 1370   | 30    | R            | 19  |
| FRANCISCO ST    | 050        | SACRAMENTO ST             | MARTIN LUTHER KING JR WAY | 2     | 2610   | 36    | R            | 21  |
| FRANCISCO ST    | 045        | CHESTNUT ST               | DEAD END                  | 2     | 1130   | 30    | R            | 25  |
| FRANCISCO ST    | 060        | MARTIN LUTHER KING JR WAY | MILVIA ST                 | 2     | 670    | 36    | R            | 27  |
| FRANCISCO ST    | 063        | MILVIA ST                 | SHATTUCK AVE              | 2     | 670    | 36    | R            | 28  |
| FRANKLIN ST     | 042        | CEDAR ST                  | FRANCISCO ST              | 2     | 1025   | 38    | R            | 80  |
| FRANKLIN ST     | 044        | FRANCISCO ST              | HEARST AVE                | 2     | 745    | 38    | R            | 87  |
| FRESNO AVE      | 022        | MARIN AVE                 | SONOMA AVE                | 2     | 1310   | 36    | R            | 33  |
| FRESNO AVE      | 020        | SOLANO AVE                | MARIN AVE                 | 2     | 900    | 36    | R            | 45  |
| FULTON ST       | 060        | DWIGHT WAY                | BLAKE ST                  | 2     | 312    | 36    | R            | 54  |
| FULTON ST       | 063        | PARKER ST                 | STUART ST                 | 2     | 1318   | 36    | R            | 54  |
| FULTON ST       | 061        | BLAKE ST                  | PARKER ST                 | 2     | 348    | 36    | R            | 63  |
| FULTON ST       | 070        | ASHBY ST                  | PRINCE ST                 | 2     | 810    | 36    | R            | 75  |
| FULTON ST       | 048        | KITTREDGE ST              | BANCROFT WAY              | 4     | 315    | 67    | A            | 83  |
| FULTON ST       | 065        | STUART ST                 | ASHBY AVE                 | 2     | 1166   | 36    | R            | 85  |
| FULTON ST       | 050        | BANCROFT WAY              | DURANT AVE                | 2     | 330    | 54    | A            | 90  |
| FULTON ST       | 052        | DURANT AVE                | DWIGHT WAY                | 2     | 990    | 36    | A            | 90  |
| GARBER ST       | 085        | WEST END                  | OAK KNOLL TERRACE         | 2     | 550    | 22    | R            | 82  |

| Road Name         | Section ID | Beg Location                 | End Location                  | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|------------------------------|-------------------------------|-------|--------|-------|--------------|-----|
| GARBER ST         | 080        | COLLEGE AVE                  | EAST END                      | 2     | 1010   | 36    | R            | 33  |
| GARBER ST         | 088        | BELROSE AVE                  | EAST CITY LIMIT (TANGLEWOOD)  | 2     | 450    | 24    | R            | 36  |
| GILMAN ST         | 035        | 8TH ST                       | SAN PABLO AVE                 | 2     | 995    | 48    | A            | 38  |
| GILMAN ST         | 045        | SANTA FE AVE                 | HOPKINS ST                    | 2     | 1595   | 36    | A            | 43  |
| GILMAN ST         | 040        | SAN PABLO AVE                | SANTA FE AVE                  | 2     | 1445   | 38    | A            | 48  |
| GILMAN ST         | 015        | ENTRANCE OF FWY              | 2ND ST                        | 2     | 700    | 62    | R            | 59  |
| GILMAN ST         | 024        | 3RD ST (RR TRACKS)           | 6TH ST                        | 2     | 1000   | 48    | A            | 59  |
| GILMAN ST         | 020        | 2ND ST                       | 3RD ST (RR TRACKS)            | 2     | 485    | 48    | A            | 70  |
| GILMAN ST         | 030        | 6TH ST                       | 8TH ST                        | 2     | 655    | 48    | A            | 74  |
| GLEN AVE          | 033        | CORNER BETWEEN SUMMER/ARCH   | SPRUCE ST                     | 2     | 380    | 23    | R            | 12  |
| GLEN AVE          | 030        | EUNICE ST                    | CORNER BETWEEN SUMMER/ARCH    | 2     | 620    | 22    | R            | 14  |
| GLEN AVE          | 020        | OAK ST                       | EUNICE ST                     | 2     | 510    | 28    | R            | 90  |
| GLENDALE AVE      | 034        | LA LOMA AVE                  | DEL MAR AVE                   | 2     | 675    | 22    | R            | 31  |
| GLENDALE AVE      | 030        | CAMPUS DR                    | LA LOMA AVE                   | 2     | 640    | 32    | C            | 88  |
| GRANT ST          | 042        | VIRGINIA ST                  | FRANCISCO ST                  | 2     | 318    | 36    | R            | 25  |
| GRANT ST          | 060        | DWIGHT WAY                   | OREGON ST                     | 2     | 2266   | 36    | R            | 33  |
| GRANT ST          | 053        | ADDISON ST                   | ALLSTON WAY                   | 2     | 665    | 42    | R            | 43  |
| GRANT ST          | 061        | N. END                       | RUSSELL ST                    | 2     | 196    | 36    | R            | 43  |
| GRANT ST          | 057        | BANCROFT WAY                 | CHANNING WAY                  | 2     | 670    | 42    | R            | 45  |
| GRANT ST          | 041        | LINCOLN ST                   | VIRGINIA ST                   | 2     | 320    | 36    | R            | 48  |
| GRANT ST          | 030        | NORTH END                    | ROSE ST                       | 2     | 310    | 36    | R            | 54  |
| GRANT ST          | 040        | CEDAR ST                     | LINCOLN ST                    | 2     | 318    | 36    | R            | 56  |
| GRANT ST          | 032        | ROSE ST                      | CEDAR ST                      | 2     | 1325   | 36    | R            | 65  |
| GRANT ST          | 048        | HEARST AVE                   | UNIVERSITY AVE                | 2     | 600    | 36    | R            | 78  |
| GRANT ST          | 059        | CHANNING WAY                 | DWIGHT                        | 2     | 665    | 42    | R            | 83  |
| GRANT ST          | 055        | ALLSTON WAY                  | BANCROFT WAY                  | 2     | 670    | 42    | R            | 90  |
| GRANT ST          | 051        | UNIVERSITY AVE               | ADDISON ST                    | 2     | 335    | 42    | R            | 93  |
| GRANT ST          | 044        | FRANCISCO ST                 | OHLONE PARK                   | 2     | 525    | 36    | R            | 97  |
| GRAYSON ST        | 020        | 3RD ST (WEST END)            | SAN PABLO AVE                 | 2     | 2568   | 36    | R            | 70  |
| GREENWOOD TERRACE | 030        | ROSE ST                      | BUENA VISTA WAY               | 2     | 850    | 17    | R            | 21  |
| GRIZZLY PEAK BLVD | 015        | EUCLID AVE                   | KEELER AVE                    | 2     | 1250   | 30    | C            | 19  |
| GRIZZLY PEAK BLVD | 017        | KEELER AVE                   | MARIN AVE                     | 2     | 1400   | 33    | C            | 19  |
| GRIZZLY PEAK BLVD | 010        | NORTH CITY LIMIT (SPRUCE ST) | EUCLID AVE                    | 2     | 1050   | 35    | C            | 24  |
| GRIZZLY PEAK BLVD | 035        | HILL RD                      | EAST CITY LIMIT               | 2     | 2515   | 32    | C            | 51  |
| GRIZZLY PEAK BLVD | 029        | SHASTA RD (S)                | ARCADE AVE                    | 2     | 1065   | 32    | C            | 76  |
| GRIZZLY PEAK BLVD | 020        | MARIN AVE                    | SHASTA RD (S)                 | 2     | 4065   | 34    | C            | 88  |
| GRIZZLY PEAK BLVD | 032        | ARCADE AVE                   | (EXTENSION OF EUNICE) HILL RD | 2     | 785    | 32    | C            | 94  |
| HALCYON CT        | 070        | WEBSTER ST                   | PRINCE ST                     | 2     | 460    | 57    | R            | 89  |
| HALKIN LANE       | 070        | SPRUCE ST                    | CRAGMONT AVE                  | 2     | 515    | 22    | R            | 52  |
| HARDING CIRCLE    | 030        | OLYMPUS AVE                  | END                           | 2     | 65     | 38    | R            | 48  |
| HARMON ST         | 045        | IDAHO ST                     | SACRAMENTO ST                 | 2     | 1025   | 36    | R            | 15  |
| HARMON ST         | 050        | SACRAMENTO ST                | ADELINE ST                    | 2     | 1985   | 36    | R            | 67  |
| HAROLD WAY        | 050        | ALLSTON WAY                  | KITTREDGE ST                  | 2     | 325    | 36    | R            | 53  |
| HARPER ST         | 070        | ASHBY AVE                    | WOOLSEY ST                    | 2     | 935    | 36    | R            | 64  |
| HARPER ST         | 068        | RUSSELL ST                   | ASHBY AVE                     | 2     | 665    | 36    | R            | 70  |
| HARPER ST         | 072        | WOOLSEY ST                   | FAIRVIEW ST                   | 2     | 306    | 36    | R            | 78  |

| Road Name         | Section ID | Beg Location                 | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|------------------------------|---------------------------|-------|--------|-------|--------------|-----|
| HARRISON ST       | 020        | EASTSHORE HWY                | 2ND ST                    | 2     | 270    | 49    | R            | 48  |
| HARRISON ST       | 022        | 3RD ST                       | 6TH ST                    | 2     | 935    | 34    | R            | 73  |
| HARRISON ST       | 030        | 6TH ST                       | 8TH ST                    | 2     | 645    | 35    | R            | 78  |
| HARRISON ST       | 040        | SAN PABLO AVE                | STANNAGE AVE              | 2     | 495    | 36    | R            | 83  |
| HARRISON ST       | 034        | 8TH ST                       | SAN PABLO AVE             | 2     | 990    | 35    | R            | 84  |
| HARVARD CIRCLE    | 030        | FAIRLAWN DR & SENIOR AVE     | FAIRLAWN DR               | 2     | 100    | 30    | R            | 38  |
| HASKELL ST        | 040        | SAN PABLO AVE                | ACTON ST                  | 2     | 1505   | 36    | R            | 77  |
| HASTE ST          | 060        | FULTON ST                    | SHATTUCK AVE              | 2     | 580    | 36    | A            | 29  |
| HASTE ST          | 070        | BOWDITCH ST                  | FULTON ST                 | 2     | 2680   | 40    | A            | 35  |
| HASTE ST          | 078        | COLLEGE AVE                  | BODWITCH ST               | 2     | 670    | 39    | A            | 41  |
| HASTE ST          | 080        | PIEDMONT AVE                 | COLLEGE AVE               | 2     | 650    | 36    | A            | 43  |
| HASTE ST          | 065        | MILVIA ST                    | MARTIN LUTHER KING JR WAY | 2     | 670    | 36    | A            | 76  |
| HASTE ST          | 063        | SHATTUCK AVE                 | MILVIA ST                 | 2     | 705    | 36    | A            | 83  |
| HAWTHORNE TERRACE | 030        | LE ROY AVE                   | EUCLID AVE                | 2     | 365    | 24    | R            | 62  |
| HAWTHORNE TERRACE | 035        | EUCLID AVE                   | CEDAR ST                  | 2     | 1465   | 24    | R            | 87  |
| HAZEL RD          | 090        | CLAREMONT AVE                | DOMINGO AVE               | 2     | 830    | 30    | R            | 85  |
| HEARST AVE        | 030        | 6TH ST                       | SAN PABLO AVE             | 2     | 1650   | 36    | C            | 25  |
| HEARST AVE        | 045        | ACTON ST                     | SACRAMENTO ST             | 2     | 676    | 36    | R            | 26  |
| HEARST AVE        | 040        | SAN PABLO AVE                | ACTON ST                  | 2     | 2350   | 36    | R            | 29  |
| HEARST AVE        | 020        | EAST FRONTAGE RD (STATE P/L) | 6TH ST                    | 2     | 1515   | 48    | C            | 33  |
| HEARST AVE        | 060        | MARTIN LUTHER KING JR WAY    | MILVIA ST                 | 2     | 670    | 34    | A            | 47  |
| HEARST AVE        | 052        | SACRAMENTO ST                | CALIFORNIA ST             | 2     | 600    | 36    | C            | 67  |
| HEARST AVE        | 055        | MC GEE AVE                   | MARTIN LUTHER KING JR WAY | 2     | 1355   | 36    | C            | 68  |
| HEARST AVE        | 054        | CALIFORNIA ST                | MC GEE AVE                | 2     | 660    | 36    | C            | 71  |
| HEARST AVE        | 078        | HIGHLAND PL                  | DEAD END (COP @ CL)       | 2     | 140    | 23    | R            | 82  |
| HEARST AVE        | 077        | LA LOMA AVE                  | HIGHLAND PL               | 2     | 340    | 35    | A            | 83  |
| HEARST AVE        | 064        | HENRY ST                     | SHATTUCK AVE              | 2     | 330    | 55    | A            | 93  |
| HEARST AVE        | 065        | SHATTUCK AVE                 | WALNUT ST                 | 2     | 325    | 57    | A            | 93  |
| HEARST AVE        | 067        | WALNUT ST                    | OXFORD ST                 | 2     | 355    | 57    | A            | 93  |
| HEARST AVE        | 068        | OXFORD ST                    | SPRUCE ST                 | 2     | 250    | 58    | A            | 93  |
| HEARST AVE        | 070        | SPRUCE ST                    | ARCH ST                   | 2     | 425    | 56    | A            | 93  |
| HEARST AVE        | 075        | EUCLID AVE                   | LA LOMA AVE               | 2     | 975    | 39    | A            | 93  |
| HEARST AVE        | 062        | MILVIA ST                    | HENRY ST                  | 2     | 335    | 46    | A            | 100 |
| HEARST AVE (EB)   | 072        | ARCH ST                      | EUCLID AVE                | 2     | 1160   | 20    | A            | 95  |
| HEARST AVE (WB)   | 073        | EUCLID AVE                   | ARCH ST                   | 2     | 1160   | 23    | A            | 95  |
| HEINZ AVE         | 040        | 7TH ST                       | SAN PABLO AVE             | 2     | 1368   | 36    | R            | 22  |
| HEINZ AVE         | 030        | 3RD ST (WEST END)            | 7TH ST                    | 2     | 1197   | 36    | R            | 83  |
| HENRY ST          | 030        | EUNICE ST                    | ROSE ST                   | 2     | 1375   | 62    | A            | 36  |
| HENRY ST          | 045        | HEARST AVE                   | BERKELEY WAY              | 2     | 335    | 34    | R            | 73  |
| HENRY ST          | 034        | ROSE ST                      | VINE ST                   | 2     | 660    | 36    | R            | 97  |
| HENRY ST          | 035        | VINE ST                      | CEDAR ST                  | 2     | 655    | 36    | R            | 97  |
| HIGH COURT        | 020        | DEAD END                     | OAK ST                    | 2     | 645    | 24    | R            | 26  |
| HIGHLAND PL       | 040        | NORTH END                    | RIDGE RD                  | 2     | 215    | 15    | R            | 5   |
| HIGHLAND PL       | 042        | RIDGE RD                     | HEARST AVE                | 2     | 345    | 36    | R            | 97  |
| HILGARD AVE       | 070        | ARCH ST                      | SCENIC AVE                | 2     | 440    | 36    | R            | 61  |
| HILGARD AVE       | 072        | SCENIC AVE                   | EUCLID AVE                | 2     | 595    | 36    | R            | 61  |

| Road Name       | Section ID | Beg Location            | End Location              | Lanes | Length | Width | Funct. Class | PCI |
|-----------------|------------|-------------------------|---------------------------|-------|--------|-------|--------------|-----|
| HILGARD AVE     | 074        | EUCLID AVE              | LA LOMA AVE               | 2     | 1050   | 35    | R            | 88  |
| HILGARD AVE     | 078        | LA LOMA AVE             | LA VEREDA                 | 2     | 490    | 17    | R            | 93  |
| HILGARD AVE     | 080        | LA VEREDA               | DEAD END                  | 2     | 220    | 24    | R            | 97  |
| HILL CT         | 070        | EUCLID AVE              | DEAD END (EUCLID AVE)     | 2     | 310    | 15    | R            | 100 |
| HILL RD         | 025        | SHASTA RD               | DEAD END                  | 2     | 575    | 18    | R            | 9   |
| HILL RD         | 030        | DEAD END NR AJAX LANE   | GRIZZLY PEAK BLVD (SOUTH) | 2     | 945    | 20    | R            | 22  |
| HILLCREST CT    | 070        | THE FOOTWAY             | HILLCREST RD              | 2     | 190    | 20    | R            | 47  |
| HILLCREST RD    | 088        | ROANOK RD               | DEAD END ABOVE ROANOK RD  | 2     | 390    | 24    | R            | 30  |
| HILLCREST RD    | 080        | CLAREMONT AVE           | ROANOK RD                 | 2     | 3150   | 25    | R            | 45  |
| HILLDALE AVE    | 020        | MARIN AVE               | REGAL RD                  | 2     | 1265   | 20    | R            | 17  |
| HILLDALE AVE    | 010        | GRIZZLY PEAK BLVD       | MARIN AVE                 | 2     | 1870   | 21    | R            | 20  |
| HILLEGASS AVE   | 060        | DWIGHT WAY              | ASHBY AVE                 | 2     | 3200   | 36    | R            | 67  |
| HILLEGASS AVE   | 070        | ASHBY AVE               | CITY LIMIT (WOOLSEY ST)   | 2     | 855    | 36    | R            | 75  |
| HILLSIDE AVE    | 050        | PROSPECT ST             | DWIGHT WAY                | 2     | 760    | 30    | R            | 90  |
| HILLSIDE CT     | 050        | DEAD END (HILLSIDE AVE) | HILLSIDE AVE              | 2     | 290    | 16    | R            | 95  |
| HILLVIEW RD     | 020        | WOODSIDE RD             | PARK HILLS RD             | 2     | 1265   | 22    | R            | 88  |
| HOLLIS ST       | 070        | FOLGER AVE              | SOUTH CITY LIMIT          | 2     | 175    | 43    | C            | 74  |
| HOLLY ST        | 030        | ROSE ST                 | CEDAR ST                  | 2     | 910    | 36    | R            | 7   |
| HOPKINS CT      | 020        | ALBINA AVE              | HOPKINS ST                | 2     | 570    | 25    | R            | 87  |
| HOPKINS ST      | 047        | GILMAN ST               | SACRAMENTO ST             | 2     | 530    | 36    | R            | 29  |
| HOPKINS ST      | 060        | THE ALAMEDA             | SUTTER ST                 | 2     | 1375   | 60    | C            | 30  |
| HOPKINS ST      | 050        | HOPKINS CT              | MONTEREY AVE              | 2     | 250    | 36    | C            | 41  |
| HOPKINS ST      | 055        | CARLOTTA AVE            | JOSEPHINE ST              | 2     | 1525   | 45    | C            | 41  |
| HOPKINS ST      | 049        | SACRAMENTO ST           | HOPKINS CT                | 2     | 200    | 36    | A            | 45  |
| HOPKINS ST      | 053        | MC GEE AVE              | CARLOTTA AVE              | 2     | 320    | 45    | C            | 45  |
| HOPKINS ST      | 052        | MONTEREY AVE            | MC GEE AVE                | 2     | 250    | 40    | C            | 46  |
| HOPKINS ST      | 059        | JOSEPHINE ST            | THE ALAMEDA               | 2     | 335    | 60    | C            | 49  |
| HOPKINS ST      | 046        | PERALTA AVE             | GILMAN ST                 | 2     | 1442   | 36    | R            | 51  |
| HOPKINS ST      | 042        | STANNAGE AVE            | NORTHSIDE AVE             | 2     | 915    | 40    | R            | 69  |
| HOPKINS ST      | 045        | NORTHSIDE AVE           | PERALTA AVE               | 2     | 545    | 35    | R            | 72  |
| HOPKINS ST      | 040        | SAN PABLO AVE           | STANNAGE AVE              | 2     | 500    | 40    | R            | 74  |
| HOWE ST         | 070        | ELLSWORTH ST            | TELEGRAPH AVE             | 2     | 545    | 36    | R            | 23  |
| IDAHO ST        | 072        | 66TH ST                 | ALCATRAZ AVE              | 2     | 823    | 36    | R            | 18  |
| IDAHO ST        | 076        | ALCATRAZ AVE            | SOUTH CITY LIMIT          | 2     | 135    | 36    | R            | 85  |
| INDIAN ROCK AVE | 064        | SAN LUIS RD             | SANTA BARBARA RD          | 2     | 565    | 30    | R            | 20  |
| INDIAN ROCK AVE | 062        | ARLINGTON AVE           | SAN LUIS RD               | 2     | 1600   | 30    | R            | 51  |
| JAYNES ST       | 050        | CALIFORNIA ST           | EDITH ST                  | 2     | 990    | 36    | R            | 91  |
| JEFFERSON AVE   | 050        | UNIVERSITY AVE          | ADDISON ST                | 2     | 335    | 24    | R            | 35  |
| JEFFERSON AVE   | 052        | ALLSTON WAY             | DWIGHT WAY                | 2     | 2000   | 39    | R            | 35  |
| JONES ST        | 040        | SAN PABLO AVE           | STANNAGE AVE              | 2     | 505    | 36    | R            | 66  |
| JONES ST        | 030        | 6TH ST                  | SAN PABLO AVE             | 2     | 1650   | 36    | R            | 68  |
| JONES ST        | 020        | EASTSHORE HWY           | 2ND ST                    | 2     | 280    | 37    | R            | 97  |
| JONES ST        | 025        | 4TH ST                  | 6TH ST                    | 2     | 685    | 36    | R            | 97  |
| JOSEPHINE ST    | 040        | CEDAR ST                | VIRGINIA ST               | 2     | 660    | 36    | R            | 30  |
| JOSEPHINE ST    | 036        | ROSE ST                 | CEDAR ST                  | 2     | 1320   | 36    | R            | 67  |
| JOSEPHINE ST    | 032        | HOPKINS ST              | ROSE ST                   | 2     | 1290   | 36    | R            | 82  |

| Road Name         | Section ID | Beg Location         | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|----------------------|----------------------------|-------|--------|-------|--------------|-----|
| JOSEPHINE ST      | 020        | THE ALAMEDA          | HOPKINS ST                 | 2     | 575    | 36    | R            | 97  |
| JUANITA WAY       | 035        | ROSE ST              | CEDAR ST                   | 2     | 595    | 25    | R            | 29  |
| JULIA ST          | 050        | SACRAMENTO ST        | KING ST                    | 2     | 1415   | 36    | R            | 80  |
| KAINS AVE         | 040        | CEDAR ST             | VIRGINIA ST                | 2     | 660    | 30    | R            | 72  |
| KAINS AVE         | 030        | NORTH CITY LIMIT     | HOPKINS ST                 | 2     | 2730   | 30    | R            | 86  |
| KALA BAGAI WAY    | 052        | ADDISON ST           | CENTER ST                  | 2     | 330    | 48    | A            | 100 |
| KALA BAGAI WAY    | 050        | UNIVERSITY AVE       | ADDISON ST                 | 3     | 356    | 50    | A            | 100 |
| KEELER AVE        | 020        | MARIN AVE            | MILLER AVE                 | 2     | 1025   | 19    | R            | 14  |
| KEELER AVE        | 023        | MILLER AVE           | POPPY LANE                 | 2     | 600    | 18    | R            | 18  |
| KEELER AVE        | 025        | STERLING AVE         | BRET HARTE RD              | 2     | 400    | 20    | R            | 46  |
| KEELER AVE        | 027        | BRET HARTE RD        | SHASTA RD                  | 2     | 1760   | 25    | R            | 55  |
| KEELER AVE        | 010        | GRIZZLY PEAK BLVD    | MARIN AVE                  | 2     | 1350   | 20    | R            | 89  |
| KEITH AVE         | 020        | SPRUCE ST            | EUCLID AVE                 | 2     | 1472   | 22    | C            | 75  |
| KEITH AVE         | 025        | EUCLID AVE           | SHASTA RD                  | 2     | 2570   | 25    | C            | 80  |
| KELSEY ST         | 060        | STUART ST            | RUSSELL ST                 | 2     | 500    | 36    | R            | 80  |
| KENTUCKY AVE      | 010        | VASSAR AVE           | MARYLAND AVE               | 2     | 475    | 26    | R            | 55  |
| KENTUCKY AVE (NB) | 015        | MARYLAND AVE         | MICHIGAN AVE               | 2     | 840    | 15    | R            | 48  |
| KENTUCKY AVE (SB) | 020        | MICHIGAN AVE         | MARYLAND AVE               | 2     | 840    | 15    | R            | 50  |
| KEONCREST DR      | 040        | ROSE ST              | ACTON ST                   | 2     | 950    | 25    | R            | 24  |
| KING ST           | 075        | FAIRVIEW ST          | SOUTH CITY LIMIT (62ND ST) | 2     | 1500   | 37    | R            | 75  |
| KING ST           | 068        | RUSSELL ST           | ASHBY AVE                  | 2     | 635    | 37    | R            | 77  |
| KING ST           | 070        | ASHBY AVE            | FAIRVIEW ST                | 2     | 1325   | 37    | R            | 78  |
| KITTREDGE ST      | 066        | SHATTUCK AVE         | FUTON ST                   | 2     | 440    | 32    | R            | 17  |
| KITTREDGE ST      | 063        | MILVIA ST            | SHATTUCK AVE               | 2     | 705    | 36    | R            | 27  |
| LA LOMA AVE       | 036        | END PCC              | BUENA VISTA WAY            | 2     | 630    | 28    | C            | 30  |
| LA LOMA AVE       | 038        | BUENA VISTA WAY      | CEDAR ST                   | 2     | 765    | 32    | C            | 34  |
| LA LOMA AVE       | 045        | VIRGINIA ST          | LA CONTE                   | 2     | 273    | 25    | C            | 40  |
| LA LOMA AVE       | 050        | LA CONTE             | HEARST AVE                 | 2     | 729    | 36    | C            | 52  |
| LA LOMA AVE       | 030        | GLENDALE AVE         | EL PORTAL CT               | 2     | 250    | 36    | C            | 71  |
| LA LOMA AVE       | 032        | EL PORTAL CT         | QUARRY RD                  | 2     | 155    | 35    | C            | 77  |
| LA LOMA AVE       | 034        | START PCC            | END PCC                    | 2     | 575    | 27    | C            | 79  |
| LA LOMA AVE       | 040        | CEDAR ST             | VIRGINIA ST                | 2     | 660    | 34    | C            | 84  |
| LA VEREDA RD      | 030        | LA LOMA AVE          | CEDAR ST                   | 2     | 550    | 18    | R            | 80  |
| LA VEREDA RD      | 040        | CEDAR ST             | DEAD END ABOVE VIRGINIA ST | 2     | 820    | 18    | R            | 93  |
| LASSEN ST         | 020        | MARIN AVE            | EL DORADO AVE              | 2     | 370    | 32    | R            | 44  |
| LATHAM LANE       | 080        | MILLER AVE           | GRIZZLY PEAK               | 2     | 485    | 21    | R            | 45  |
| LATHAM LANE       | 083        | CRESTON RD           | OVERLOOK RD                | 2     | 275    | 23    | R            | 70  |
| LAUREL LN         | 010        | CAPISTRANO AVE       | SAN PEDRO AVE              | 2     | 500    | 20    | R            | 32  |
| LAUREL ST         | 020        | OAK ST               | EUNICE ST                  | 2     | 510    | 32    | R            | 37  |
| LE CONTE AVE      | 074        | SCENIC AVE           | EAST END                   | 2     | 2147   | 36    | R            | 80  |
| LE CONTE AVE      | 072        | ARCH ST & HEARST AVE | SCENIC AVE                 | 2     | 746    | 32    | R            | 90  |
| LE ROY AVE        | 044        | CUL-DE-SAC           | RIDGE RD                   | 2     | 805    | 35    | R            | 26  |
| LE ROY AVE        | 032        | ROSE ST              | HAWTHORNE TERRACE          | 2     | 390    | 30    | R            | 51  |
| LE ROY AVE        | 040        | CEDAR ST             | HILGARD AVE                | 2     | 375    | 34    | R            | 84  |
| LE ROY AVE        | 034        | HAWTHORNE TERRACE    | CEDAR ST                   | 2     | 1235   | 30    | R            | 92  |
| LE ROY AVE        | 048        | RIDGE RD             | HEARST AVE                 | 2     | 350    | 37    | R            | 84  |



| Road Name          | Section ID | Beg Location                 | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|--------------------|------------|------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| LEWISTON AVE       | 070        | WOOLSEY ST                   | ALCATRAZ AVE                | 2     | 880    | 36    | R            | 87  |
| LINCOLN ST         | 045        | ACTON ST                     | SACRAMENTO ST               | 2     | 750    | 24    | R            | 46  |
| LINCOLN ST         | 040        | CHESTNUT ST                  | DEAD END                    | 2     | 440    | 36    | R            | 47  |
| LINCOLN ST         | 050        | SACRAMENTO ST                | GRANT ST                    | 2     | 1935   | 36    | R            | 87  |
| LINCOLN ST         | 060        | MILVIA ST                    | SHATTUCK AVE                | 2     | 665    | 32    | R            | 93  |
| LINDEN AVE         | 070        | ASHBY AVE                    | WEBSTER ST                  | 2     | 660    | 27    | R            | 31  |
| LORINA ST          | 068        | RUSSELL ST                   | ASHBY AVE                   | 2     | 550    | 30    | R            | 55  |
| LOS ANGELES AVE    | 060        | THE ALAMEDA                  | CONTRA COSTA AVE            | 2     | 420    | 48    | R            | 39  |
| LOS ANGELES AVE    | 065        | THE CIRCLE                   | SPRUCE ST                   | 2     | 1755   | 30    | C            | 74  |
| LOS ANGELES AVE    | 065        | CONTRA COSTA AVE             | THE CIRCLE                  | 2     | 845    | 24    | R            | 76  |
| MABEL ST           | 062        | PARKER ST                    | DERBY ST                    | 2     | 650    | 36    | R            | 21  |
| MABEL ST           | 060        | DWIGHT WAY                   | PARKER ST                   | 2     | 645    | 36    | R            | 31  |
| MABEL ST           | 065        | WARD ST                      | RUSSELL ST                  | 2     | 1197   | 36    | R            | 31  |
| MABEL ST           | 064        | DERBY ST                     | WARD ST                     | 2     | 295    | 36    | R            | 33  |
| MABEL ST           | 067        | RUSSELL ST                   | ASHBY AVE                   | 2     | 523    | 36    | R            | 33  |
| MABEL ST           | 070        | ASHBY ST                     | 66TH ST                     | 2     | 1248   | 36    | R            | 74  |
| MADERA ST          | 050        | TULARE AVE                   | COLUSA AVE                  | 2     | 827    | 32    | R            | 75  |
| MAGNOLIA ST        | 070        | ASHBY AVE                    | WEBSTER ST                  | 2     | 660    | 24    | R            | 40  |
| MARIN AVE          | 078        | GRIZZLY PEAK BLVD            | CRESTON RD                  | 2     | 330    | 28    | R            | 19  |
| MARIN AVE          | 079        | CRESTON RD                   | DEAD END (PACIFIC LUTHERAN) | 2     | 450    | 30    | R            | 42  |
| MARIN AVE          | 074        | EUCLID AVE                   | GRIZZLY PEAK BLVD           | 2     | 1078   | 23    | C            | 45  |
| MARIN AVE          | 065        | THE CIRCLE                   | SPRUCE ST                   | 2     | 1646   | 23    | C            | 58  |
| MARIN AVE          | 070        | SPRUCE ST                    | EUCLID AVE                  | 2     | 1050   | 23    | C            | 65  |
| MARIN AVE          | 050        | WEST CITY LIMIT (TULARE AVE) | THE ALAMEDA                 | 2     | 1655   | 60    | A            | 86  |
| MARIN AVE          | 060        | THE ALAMEDA                  | THE CIRCLE                  | 2     | 1150   | 60    | A            | 87  |
| MARINA BLVD        | 010        | SPINNAKER WAY                | UNIVERSITY AVE              | 2     | 2250   | 27    | C            | 39  |
| MARIPOSA AVE       | 020        | LOS ANGELES AVE              | AMADOR AVE                  | 2     | 1070   | 36    | R            | 84  |
| MARTIN LUTHER KING | 075        | 63RD ST                      | MARTIN LUTHER KING JR WAY   | 2     | 520    | 24    | R            | 35  |
| MARTIN LUTHER KING | 050        | UNIVERSITY AVE               | ALLSTON WAY                 | 4     | 1000   | 60    | A            | 41  |
| MARTIN LUTHER KING | 030        | YOLO AVE                     | CEDAR ST                    | 2     | 2610   | 40    | A            | 54  |
| MARTIN LUTHER KING | 060        | DWIGHT WAY                   | ASHBY AVE                   | 4     | 3383   | 56    | A            | 54  |
| MARTIN LUTHER KING | 055        | ALLSTON WAY                  | DWIGHT WAY                  | 4     | 1980   | 56    | A            | 56  |
| MARTIN LUTHER KING | 040        | CEDAR ST                     | UNIVERSITY AVE              | 2     | 2955   | 56    | A            | 64  |
| MARTIN LUTHER KING | 070        | ASHBY AVE                    | WOOLSEY ST & ADELINE ST     | 2     | 985    | 65    | A            | 67  |
| MARTIN LUTHER KING | 078        | ADELINE ST                   | SOUTH CITY LIMIT            | 3     | 335    | 72    | A            | 71  |
| MARYLAND AVE       | 060        | VERMONT AVE                  | KENTUCKY AVE                | 2     | 635    | 26    | R            | 50  |
| MASONIC AVE        | 030        | NORTH CITY LIMIT             | SANTA FE AVE                | 2     | 480    | 30    | R            | 88  |
| MATHEWS ST         | 060        | DWIGHT WAY                   | PARKER ST                   | 2     | 645    | 36    | R            | 17  |
| MATHEWS ST         | 063        | PARKER ST                    | WARD ST                     | 2     | 954    | 36    | R            | 20  |
| MATHEWS ST         | 066        | WARD ST                      | RUSSELL ST                  | 2     | 1208   | 36    | R            | 29  |
| MC GEE AVE         | 035        | ROSE ST                      | CEDAR ST                    | 2     | 1105   | 36    | R            | 14  |
| MC GEE AVE         | 050        | UNIVERSITY AVE               | DWIGHT WAY                  | 2     | 3005   | 42    | R            | 32  |
| MC GEE AVE         | 040        | CEDAR ST                     | VIRGINIA ST                 | 2     | 645    | 36    | R            | 42  |
| MC GEE AVE         | 043        | VIRGINIA ST                  | OHLONE PARK                 | 2     | 848    | 36    | R            | 43  |
| MC GEE AVE         | 065        | DERBY ST                     | RUSSELL ST                  | 2     | 1343   | 36    | R            | 49  |
| MC GEE AVE         | 030        | HOPKINS ST                   | ROSE ST                     | 2     | 807    | 36    | R            | 50  |

| Road Name        | Section ID | Beg Location               | End Location            | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|----------------------------|-------------------------|-------|--------|-------|--------------|-----|
| MC GEE AVE       | 060        | DWIGHT WAY                 | DERBY ST                | 2     | 1350   | 36    | R            | 60  |
| MC GEE AVE       | 047        | HEARST AVE                 | UNIVERSITY AVE          | 2     | 600    | 36    | R            | 63  |
| MC KINLEY AVE    | 050        | ADDISON ST                 | DWIGHT WAY              | 2     | 2670   | 42    | R            | 41  |
| MENDOCINO AVE    | 015        | ARLINGTON AVE              | LOS ANGELES AVE         | 2     | 1650   | 24    | R            | 23  |
| MENDOCINO PL     | 017        | MENDOCINO AVE              | LOS ANGELES AVE         | 2     | 110    | 26    | R            | 25  |
| MENLO PL         | 050        | THOUSAND OAKS BLVD         | SANTA ROSA AVE          | 2     | 490    | 24    | R            | 93  |
| MENLO PL         | 055        | SANTA ROSA AVE             | THE ALAMEDA             | 2     | 450    | 24    | R            | 93  |
| MERCED ST        | 020        | MADERA ST                  | SONOMA AVE              | 2     | 965    | 32    | R            | 24  |
| MICHIGAN AVE     | 010        | MARYLAND AVE               | SPRUCE ST               | 2     | 1480   | 24    | R            | 100 |
| MIDDLEFIELD RD   | 022        | THE CROSSWAYS              | THE SHORTCUT            | 2     | 360    | 21    | R            | 60  |
| MIDDLEFIELD RD   | 025        | THE SHORTCUT               | PARK HILLS RD           | 2     | 545    | 21    | R            | 82  |
| MIDDLEFIELD RD   | 020        | DEAD END                   | THE CROSSWAYS           | 2     | 415    | 18    | R            | 86  |
| MILLER AVE       | 070        | POPPY LN                   | SHASTA RD               | 2     | 3510   | 21    | R            | 45  |
| MILVIA ST        | 034        | ROSE ST                    | CEDAR ST                | 2     | 1325   | 36    | R            | 24  |
| MILVIA ST        | 040        | CEDAR ST                   | HEARST AVE              | 2     | 1665   | 36    | C            | 31  |
| MILVIA ST        | 025        | YOLO AVE                   | EUNICE ST               | 2     | 217    | 32    | R            | 53  |
| MILVIA ST        | 047        | HEARST AVE                 | UNIVERSITY AVE          | 2     | 615    | 40    | C            | 69  |
| MILVIA ST        | 058        | CHANNING WAY               | BLAKE ST                | 2     | 990    | 36    | C            | 85  |
| MILVIA ST        | 050        | UNIVERSITY AVE             | CENTER ST               | 2     | 660    | 40    | C            | 86  |
| MILVIA ST        | 052        | CENTER ST                  | CHANNING WAY            | 2     | 1655   | 51    | C            | 88  |
| MILVIA ST        | 030        | EUNICE ST                  | BERRYMAN ST             | 2     | 670    | 26    | R            | 90  |
| MILVIA ST        | 032        | BERRYMAN ST                | ROSE ST                 | 2     | 665    | 36    | R            | 90  |
| MILVIA ST        | 020        | HOPKINS ST                 | YOLO AVE                | 2     | 435    | 32    | R            | 91  |
| MILVIA ST        | 060        | BLAKE ST                   | RUSSELL ST              | 2     | 2340   | 36    | R            | 100 |
| MIRAMAR AVE      | 010        | SAN LORENZO AVE            | CAPISTRANO AVE          | 2     | 380    | 26    | R            | 40  |
| MIRAMONTE CT     | 030        | ADA ST                     | SOUTH DEAD END (ADA ST) | 2     | 180    | 21    | R            | 71  |
| MODOC ST         | 020        | SOLANO AVE                 | MARIN AVE               | 2     | 560    | 36    | R            | 97  |
| MONTEREY AVE     | 020        | MARIN AVE                  | THE ALAMEDA             | 2     | 500    | 61    | C            | 93  |
| MONTEREY AVE     | 022        | THE ALAMEDA                | HOPKINS ST              | 2     | 3035   | 48    | C            | 100 |
| MONTROSE RD      | 060        | SAN LUIS RD                | SANTA BARBARA RD        | 2     | 375    | 23    | R            | 45  |
| MONTROSE RD      | 065        | SANTA BARBARA RD           | SPRUCE ST               | 2     | 640    | 24    | R            | 51  |
| MOSSWOOD RD      | 070        | PANORAMIC WAY              | DEAD END ABOVE ARDEN RD | 2     | 800    | 15    | R            | 97  |
| MUIR WAY         | 080        | GRIZZLY PEAK BLVD          | PARK HILLS RD           | 2     | 385    | 25    | R            | 63  |
| MURRAY ST        | 030        | 7TH ST                     | SAN PABLO AVE           | 2     | 1322   | 29    | R            | 97  |
| MYSTIC ST        | 080        | ROCKWELL ST                | DEAD END NR ETON CT     | 2     | 110    | 26    | R            | 78  |
| NAPA AVE         | 060        | HOPKINS ST                 | BLOCKADE @ THE ALAMEDA  | 2     | 970    | 32    | R            | 42  |
| NEILSON ST       | 030        | NORTH CITY LIMIT           | BARTD                   | 2     | 890    | 26    | R            | 14  |
| NEILSON ST       | 035        | BARTD                      | HOPKINS ST              | 2     | 1200   | 26    | R            | 24  |
| NEILSON ST       | 010        | VISALIA AVE                | SOLANO AVE              | 2     | 2635   | 26    | R            | 71  |
| NEWBURY ST       | 068        | RUSSELL ST                 | ASHBY AVE               | 2     | 550    | 30    | R            | 55  |
| NOGALES ST       | 070        | THE PLAZA DR               | PARKSIDE DR             | 2     | 285    | 40    | R            | 77  |
| NORTH ST         | 035        | NORTH DEAD END (JAYNES ST) | JAYNES ST               | 2     | 155    | 24    | R            | 94  |
| NORTH VALLEY ST  | 050        | NORTH DEAD END (ALLSTON)   | ALLSTON WAY             | 2     | 375    | 23    | R            | 73  |
| NORTHAMPTON AVE  | 060        | SANTA BARBARA RD           | SPRUCE ST               | 2     | 1150   | 23    | R            | 27  |
| NORTHBRAE TUNNEL | 065        | CONTRA COSTA AVE           | DEL NORTE ST            | 2     | 1410   | 24    | C            | 95  |
| NORTHGATE AVE    | 080        | DEAD END (NORTHGATE PATH)  | SHASTA RD               | 2     | 880    | 21    | R            | 86  |

| Road Name         | Section ID | Beg Location                  | End Location               | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|-------------------------------|----------------------------|-------|--------|-------|--------------|-----|
| NORTHSIDE AVE     | 035        | BARTD                         | HOPKINS ST                 | 2     | 880    | 30    | R            | 27  |
| NORTHSIDE AVE     | 030        | GILMAN ST                     | BARTD                      | 2     | 430    | 30    | R            | 29  |
| OAK KNOLL TERRACE | 060        | GARBER ST                     | AVALON AVE                 | 2     | 475    | 36    | R            | 21  |
| OAK RIDGE RD      | 070        | TUNNEL RD                     | DEAD END (OAK RIDGE STEPS) | 2     | 1200   | 17    | R            | 81  |
| OAK ST            | 075        | WEST END                      | HIGH CT                    | 2     | 141    | 24    | R            | 8   |
| OAK ST            | 070        | ARCH ST                       | GLEN ANE                   | 2     | 313    | 24    | R            | 11  |
| OAKVALE AVE       | 090        | CLAREMONT AVE                 | DOMINGO AVE                | 2     | 1190   | 30    | R            | 87  |
| OLYMPUS AVE       | 035        | FAIRLAWN DR                   | DEAD END (U C PLOT 82)     | 2     | 760    | 21    | R            | 20  |
| OLYMPUS AVE       | 030        | AVENIDA DR                    | FAIRLAWN DR                | 2     | 825    | 25    | R            | 31  |
| ORDWAY ST         | 030        | NORTH CITY LIMIT              | HOPKINS ST                 | 2     | 1390   | 36    | R            | 24  |
| ORDWAY ST         | 035        | HOPKINS ST                    | ROSE ST                    | 2     | 490    | 26    | R            | 67  |
| OREGON ST         | 052        | CALIFORNIA ST                 | GRANT ST                   | 2     | 1319   | 36    | R            | 13  |
| OREGON ST         | 040        | SAN PABLO AVE                 | MABEL ST                   | 2     | 790    | 36    | R            | 18  |
| OREGON ST         | 045        | PARK ST                       | SACRAMENTO ST              | 2     | 977    | 36    | R            | 24  |
| OREGON ST         | 055        | GRANT ST                      | MARTIN LUTHER KING JR WAY  | 2     | 450    | 36    | R            | 36  |
| OREGON ST         | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                  | 2     | 675    | 42    | R            | 39  |
| OREGON ST         | 066        | SHATTUCK AVE                  | FULTON ST                  | 2     | 850    | 36    | R            | 40  |
| OREGON ST         | 063        | MILVIA ST                     | ADELINE ST                 | 2     | 560    | 42    | R            | 60  |
| OREGON ST         | 064        | ADELINE ST                    | SHATTUCK AVE               | 2     | 262    | 42    | R            | 76  |
| OREGON ST         | 070        | FULTON ST                     | REGENT ST                  | 2     | 2050   | 36    | R            | 79  |
| OREGON ST         | 050        | SACRAMENTO ST                 | CALIFORNIA ST              | 2     | 620    | 36    | R            | 86  |
| OTIS ST           | 065        | RUSSELL ST                    | ASHBY AVE                  | 2     | 700    | 36    | R            | 40  |
| OVERLOOK RD       | 020        | END NORTH OF THE<br>CROSSWAYS | PARK HILLS RD              | 2     | 1715   | 22    | R            | 60  |
| OXFORD ST         | 010        | INDIAN ROCK AVE               | MARIN AVE                  | 2     | 975    | 23    | R            | 46  |
| OXFORD ST         | 041        | CEDAR ST                      | 161' N/O HEARST AVE        | 2     | 1326   | 43    | A            | 48  |
| OXFORD ST         | 030        | EUNICE ST                     | ROSE ST                    | 2     | 1350   | 36    | R            | 50  |
| OXFORD ST         | 035        | ROSE ST                       | CEDAR ST                   | 2     | 1318   | 33    | A            | 63  |
| OXFORD ST         | 048        | BERKELEY WAY                  | UNIVERSITY AVE             | 4     | 315    | 69    | A            | 72  |
| OXFORD ST         | 020        | MARIN AVE                     | LOS ANGELES AVE            | 2     | 1400   | 23    | R            | 76  |
| OXFORD ST         | 025        | LOS ANGELES AVE               | EUNICE ST                  | 2     | 1170   | 30    | R            | 79  |
| OXFORD ST         | 052        | UNIVERSITY AVE                | ADDISON ST                 | 4     | 350    | 64    | A            | 80  |
| OXFORD ST         | 054        | ADDISON ST                    | KITTREDGE ST               | 4     | 1015   | 62    | A            | 82  |
| OXFORD ST         | 045        | HEARST AVE                    | BERKELEY WAY               | 4     | 290    | 68    | A            | 83  |
| OXFORD ST         | 042        | 161' N/O HEARST AVE           | HEARST AVE                 | 2     | 161    | 43    | A            | 100 |
| PAGE ST           | 040        | SAN PABLO AVE                 | CORNELL AVE                | 2     | 765    | 36    | R            | 43  |
| PAGE ST           | 035        | 10TH ST                       | SAN PABLO AVE              | 2     | 335    | 36    | R            | 54  |
| PAGE ST           | 030        | 6TH ST                        | 10TH ST                    | 2     | 1335   | 30    | R            | 69  |
| PAGE ST           | 028        | 4TH ST                        | 6TH ST                     | 2     | 637    | 30    | R            | 71  |
| PAGE ST           | 020        | EAST FRONTAGE RD              | 2ND ST                     | 2     | 270    | 36    | R            | 95  |
| PAGE ST           | 022        | 2ND ST                        | RAILROAD TRACKS            | 2     | 345    | 16    | R            | 95  |
| PAGE ST           | 026        | 3RD ST                        | 4TH ST                     | 2     | 330    | 30    | R            | 97  |
| PALM CT           | 080        | KELSEY ST                     | DEAD END (KELSEY ST)       | 2     | 150    | 25    | R            | 87  |
| PANORAMIC WAY     | 082        | CANYON RD                     | 1ST TURN                   | 2     | 670    | 17    | R            | 97  |
| PANORAMIC WAY     | 084        | 1ST TURN                      | ARDEN RD                   | 2     | 1215   | 15    | R            | 97  |
| PANORAMIC WAY     | 086        | ARDEN RD                      | BEG OF PCC (DWIGHT WAY)    | 2     | 342    | 15    | R            | 97  |
| PANORAMIC WAY     | 090        | END OF PCC                    | EAST CITY LIMIT            | 2     | 836    | 15    | R            | 97  |

| Road Name         | Section ID | Beg Location                     | End Location                   | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|----------------------------------|--------------------------------|-------|--------|-------|--------------|-----|
| PANORAMIC WAY     | 088        | BEG OF PCC (DWIGHT WAY)          | END OF PCC (#222)              | 2     | 517    | 15    | R            | 98  |
| PARDEE ST         | 030        | 7TH ST                           | SAN PABLO AVE                  | 2     | 1330   | 30    | R            | 20  |
| PARK GATE         | 020        | PARK HILLS RD                    | SHASTA RD                      | 2     | 920    | 40    | R            | 86  |
| PARK HILLS RD     | 023        | MIDDLEFIELD RD                   | PARK GATE                      | 2     | 1305   | 22    | R            | 67  |
| PARK HILLS RD     | 025        | PARK GATE                        | SHASTA RD                      | 2     | 920    | 22    | R            | 70  |
| PARK HILLS RD     | 020        | WILDCAT CANYON RD                | MIDDLEFIELD RD                 | 2     | 850    | 22    | R            | 87  |
| PARK ST           | 065        | WARD ST                          | BURNETTE ST                    | 2     | 1363   | 36    | R            | 20  |
| PARK WAY          | 020        | 3RD ST                           | 4TH ST                         | 2     | 250    | 36    | R            | 0   |
| PARKER ST         | 078        | HILLEGASS AVE                    | COLLEGE AVE                    | 2     | 760    | 36    | R            | 8   |
| PARKER ST         | 045        | MABEL ST                         | SACRAMENTO ST                  | 2     | 1320   | 36    | R            | 20  |
| PARKER ST         | 040        | SAN PABLO AVE                    | MATHEWS ST                     | 2     | 560    | 36    | R            | 21  |
| PARKER ST         | 042        | MATHEWS ST                       | MABEL ST                       | 2     | 560    | 36    | R            | 21  |
| PARKER ST         | 074        | ELLSWORTH ST                     | DANA ST                        | 2     | 670    | 36    | R            | 28  |
| PARKER ST         | 075        | DANA ST                          | HILLEGASS AVE                  | 2     | 1175   | 36    | R            | 56  |
| PARKER ST         | 035        | 7TH ST                           | SAN PABLO AVE                  | 2     | 1350   | 36    | R            | 71  |
| PARKER ST         | 030        | 4TH ST                           | 25' W/O 7TH ST                 | 2     | 975    | 36    | NCR          | 77  |
| PARKER ST         | 050        | SACRAMENTO ST                    | MARTIN LUTHER KING JR WAY      | 2     | 2560   | 36    | R            | 78  |
| PARKER ST         | 032        | 25' W/O 7TH ST                   | 7TH ST                         | 4     | 25     | 50    | R            | 78  |
| PARKER ST         | 063        | MILVIA ST                        | SHATTUCK ST                    | 2     | 718    | 42    | R            | 81  |
| PARKER ST         | 060B       | 374' E/O MARTIN LUTHER KING JR W | MILVIA WAY                     | 2     | 291    | 42    | R            | 85  |
| PARKER ST         | 066        | SHATTUCK AVE                     | FULTON ST                      | 2     | 650    | 36    | R            | 88  |
| PARKER ST         | 072        | FULTON ST                        | ELLSWORTH ST                   | 2     | 660    | 36    | R            | 90  |
| PARKER ST         | 060A       | MARTIN LUTHER KING               | 374' E/O MARTIN LUTHER KING JR | 2     | 374    | 42    | R            | 90  |
| PARKER ST         | 085        | PIEDMONT AVE                     | WARRING ST                     | 2     | 325    | 36    | R            | 93  |
| PARKER ST         | 080        | COLLEGE AVE                      | PIEDMONT AVE                   | 2     | 665    | 36    | R            | 94  |
| PARKSIDE DR       | 080        | ENCINA PL                        | THE PLAZA DR                   | 2     | 1700   | 28    | R            | 85  |
| PARNASSUS RD      | 030        | DEL MAR AVE                      | CAMPUS DR                      | 2     | 1145   | 24    | R            | 93  |
| PERALTA AVE       | 030        | NORTH CITY LIMIT                 | HOPKINS ST                     | 2     | 1750   | 42    | R            | 23  |
| PERALTA AVE       | 010        | COLUSA AVE                       | SOLANO AVE                     | 2     | 2250   | 26    | R            | 77  |
| PIEDMONT AVE      | 070        | ASHBY AVE                        | WEBSTER ST                     | 2     | 660    | 34    | R            | 32  |
| PIEDMONT AVE      | 063        | DERBY ST                         | STUART ST                      | 2     | 825    | 36    | R            | 47  |
| PIEDMONT AVE      | 065        | STUART ST                        | RUSSELL ST                     | 2     | 455    | 36    | R            | 60  |
| PIEDMONT AVE      | 040        | AT END OF GAYLEY RD              | BANCROFT WAY                   | 2     | 723    | 46    | C            | 69  |
| PIEDMONT AVE      | 066        | RUSSELL ST                       | ASHBY AVE                      | 2     | 325    | 36    | R            | 76  |
| PIEDMONT AVE      | 060        | BANCROFT WAY                     | DWIGHT WAY                     | 2     | 1392   | 46    | C            | 82  |
| PIEDMONT AVE      | 060        | DWIGHT WAY                       | PARKER ST                      | 2     | 622    | 36    | R            | 93  |
| PIEDMONT AVE      | 062        | PARKER ST                        | DERBY ST                       | 2     | 708    | 36    | R            | 93  |
| PIEDMONT CRESCENT | 060        | DWIGHT WAY                       | WARRING ST                     | 2     | 285    | 56    | C            | 93  |
| PINE AVE          | 070        | ASHBY AVE                        | WEBSTER ST                     | 2     | 660    | 26    | R            | 29  |
| PINE AVE          | 068        | RUSSELL ST                       | ASHBY AVE                      | 2     | 325    | 32    | R            | 45  |
| POE ST            | 040        | BONAR ST                         | DEAD END (BONAR ST)            | 2     | 175    | 30    | R            | 97  |
| POPLAR ST         | 080        | EUCLID AVE                       | HILLDALE AVE                   | 2     | 575    | 20    | R            | 23  |
| POPLAR ST         | 070        | CRAGMONT AVE                     | EUCLID AVE                     | 2     | 545    | 20    | R            | 26  |
| POPPY LANE        | 070        | HILLDALE AVE                     | KEELER AVE                     | 2     | 980    | 22    | R            | 43  |
| PORTLAND AVE      | 050        | WEST CITY LIMIT (NEILSON)        | COLUSA AVE                     | 2     | 1250   | 36    | R            | 60  |
| POSEN AVE         | 050        | WEST CITY LIMIT (MONTEREY)       | COLUSA AVE                     | 2     | 683    | 49    | R            | 88  |

| Road Name     | Section ID | Beg Location                  | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|---------------|------------|-------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| POTTER ST     | 030        | BAY ST                        | I-80 FREEWAY RAMP           | 2     | 700    | 23    | A            | 90  |
| POTTER ST     | 020        | 3RD ST (WESTEND)              | 9TH ST                      | 2     | 1700   | 34    | R            | 93  |
| PRINCE ST     | 070        | TELEGRAPH AVE                 | DANA ST                     | 2     | 406    | 36    | R            | 40  |
| PRINCE ST     | 050        | SACRAMENTO ST                 | MARTIN LUTHER KING JR WAY   | 2     | 2220   | 36    | R            | 45  |
| PRINCE ST     | 075        | DANA ST                       | BATEMAN ST                  | 2     | 771    | 24    | R            | 46  |
| PRINCE ST     | 045        | ACTON ST                      | STANTON ST                  | 2     | 523    | 24    | R            | 90  |
| PRINCE ST     | 080        | CLAREMONT AVE                 | COLLEGE AVE                 | 2     | 1510   | 36    | R            | 93  |
| PRINCE ST     | 065        | TREMONT ST                    | SHATTUCK AVE                | 2     | 601    | 36    | R            | 95  |
| PRINCE ST     | 067        | SHATTUCK AVE                  | TELEGRAPH AVE               | 2     | 1784   | 36    | R            | 97  |
| PROSPECT ST   | 056        | HILLSIDE AVE                  | DWIGHT WAY                  | 2     | 530    | 36    | R            | 92  |
| PROSPECT ST   | 052        | BANCROFT WAY                  | HILLSIDE AVE                | 2     | 710    | 36    | R            | 97  |
| QUAIL AVE     | 085        | CAMPUS DR                     | QUEENS RD                   | 2     | 325    | 23    | R            | 54  |
| QUAIL AVE     | 080        | NORTHGATE AVE                 | CAMPUS DR                   | 2     | 340    | 21    | R            | 82  |
| QUARRY RD     | 030        | DEAD END (LA LOMA AVE)        | LA LOMA AVE                 | 2     | 340    | 12    | R            | 39  |
| QUEENS RD     | 030        | SHASTA RD                     | QUAIL AVE                   | 2     | 640    | 22    | R            | 38  |
| QUEENS RD     | 031        | QUAIL AVE                     | FAIRLAWN DR                 | 2     | 880    | 21    | R            | 38  |
| QUEENS RD     | 033        | FAIRLAWN DR                   | AVENIDA DR                  | 2     | 975    | 21    | R            | 51  |
| REGAL RD      | 070        | SPRUCE ST                     | MARIN AVE                   | 2     | 1050   | 24    | R            | 21  |
| REGAL RD      | 075        | MARIN AVE                     | EUCLID AVE                  | 2     | 550    | 24    | R            | 32  |
| REGAL RD      | 076        | EUCLID AVE                    | CRAGMONT AVE                | 2     | 1325   | 22    | R            | 34  |
| REGENT ST     | 065        | WILLARD PARK SCHOOL (WARD ST) | ASHBY AVE                   | 2     | 1440   | 36    | R            | 32  |
| REGENT ST     | 060        | DWIGHT WAY                    | DERBY ST                    | 2     | 1345   | 36    | R            | 36  |
| REGENT ST     | 070        | ASHBY AVE                     | DEAD END                    | 2     | 720    | 36    | R            | 66  |
| REGENT ST     | 075        | DEAD END                      | CITY LIMIT (WOOLSEY ST)     | 2     | 370    | 36    | R            | 69  |
| RIDGE RD      | 070        | SCENIC AVE                    | EUCLID AVE                  | 2     | 670    | 36    | R            | 93  |
| RIDGE RD      | 072        | EUCLID AVE                    | LA LOMA AVE                 | 2     | 975    | 36    | R            | 93  |
| RIDGE RD      | 077        | LA LOMA AVE                   | HIGHLAND PL                 | 2     | 340    | 36    | R            | 93  |
| ROANOKE RD    | 070        | HILLCREST RD & THE UPLANDS    | SOUTH CITY LIMIT            | 2     | 300    | 24    | R            | 41  |
| ROBLE CT      | 090        | DEAD END (ROBLE RD)           | ROBLE RD                    | 2     | 430    | 24    | R            | 8   |
| ROBLE RD      | 070        | TUNNEL RD                     | SOUTH CITY LIMIT (ROBLE CT) | 2     | 920    | 24    | R            | 95  |
| ROCK LANE     | 010        | POPLAR ST                     | CRAGMONT AVE                | 2     | 800    | 22    | R            | 20  |
| ROOSEVELT AVE | 050        | ADDISON ST                    | CHANNING WAY                | 2     | 1995   | 42    | R            | 29  |
| ROOSEVELT AVE | 058        | CHANNING WAY                  | DWIGHT WAY                  | 2     | 660    | 42    | R            | 70  |
| ROSE ST       | 050        | SACRAMENTO ST                 | MARTIN LUTHER KING JR WAY   | 2     | 2559   | 36    | C            | 21  |
| ROSE ST       | 065        | SHATTUCK AVE                  | SPRUCE ST                   | 2     | 945    | 36    | C            | 87  |
| ROSE ST       | 040        | HOPKINS ST                    | CHESTNUT ST                 | 2     | 703    | 36    | R            | 90  |
| ROSE ST       | 070        | SPRUCE ST                     | ARCH ST                     | 2     | 315    | 36    | R            | 90  |
| ROSE ST       | 063        | MILVIA ST                     | SHATTUCK AVE                | 2     | 675    | 40    | C            | 90  |
| ROSE ST       | 072        | ARCH ST                       | SCENIC AVE                  | 2     | 455    | 24    | R            | 91  |
| ROSE ST       | 044        | CHESTNUT ST                   | ORDWAY                      | 2     | 655    | 36    | R            | 93  |
| ROSE ST       | 045        | ORDWAY ST                     | SACRAMENTO ST               | 2     | 1250   | 36    | R            | 93  |
| ROSE ST       | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                   | 2     | 665    | 40    | C            | 93  |
| ROSE ST       | 075        | LE ROY AVE                    | EAST END                    | 2     | 750    | 18    | R            | 100 |
| ROSEMONT AVE  | 070        | CRESTON RD                    | VISTAMONT AVE               | 2     | 540    | 24    | R            | 38  |
| ROSLYN CT     | 080        | THE SOUTH CROSSWAYS           | CHABOLYN TERRACE            | 2     | 150    | 20    | R            | 90  |
| RUGBY AVE     | 010        | NORTH CITY LIMIT (VERMONT)    | VERMONT AVE                 | 2     | 210    | 25    | R            | 97  |

| Road Name          | Section ID | Beg Location                  | End Location                  | Lanes | Length | Width | Funct. Class | PCI |
|--------------------|------------|-------------------------------|-------------------------------|-------|--------|-------|--------------|-----|
| RUSSELL ST         | 040        | SAN PABLO AVE                 | PARK ST                       | 2     | 1230   | 36    | R            | 29  |
| RUSSELL ST         | 045        | PARK ST                       | SACRAMENTO ST                 | 2     | 1021   | 36    | R            | 31  |
| RUSSELL ST         | 063        | SHATTUCK AVE                  | FULTON ST                     | 2     | 855    | 36    | R            | 32  |
| RUSSELL ST         | 070        | FULTON ST                     | TELEGRAPH AVE                 | 2     | 1265   | 36    | R            | 32  |
| RUSSELL ST         | 088        | CLAREMONT BLVD                | EAST CITY LIMIT (DOMINGO AVE) | 2     | 135    | 36    | R            | 35  |
| RUSSELL ST         | 062        | ADELINE ST                    | SHATTUCK AVE                  | 2     | 465    | 36    | R            | 44  |
| RUSSELL ST         | 080        | COLLEGE AVE                   | PIEDMONT AVE                  | 2     | 585    | 36    | R            | 59  |
| RUSSELL ST         | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                     | 2     | 715    | 36    | R            | 71  |
| RUSSELL ST         | 075        | TELEGRAPH AVE                 | HILLEGASS AVE                 | 2     | 1125   | 35    | R            | 72  |
| RUSSELL ST         | 085        | PIEDMONT AVE                  | CLAREMONT BLVD                | 2     | 1590   | 36    | R            | 73  |
| RUSSELL ST         | 076        | HILLEGASS AVE                 | BENVENUE AVE                  | 2     | 360    | 35    | R            | 76  |
| RUSSELL ST         | 077        | BENVENUE AVE                  | COLLEGE AVE                   | 2     | 360    | 35    | R            | 93  |
| RUSSELL ST         | 050        | SACRAMENTO ST                 | MARTIN LUTHER KING JR WAY     | 2     | 2375   | 36    | R            | 93  |
| RUSSELL ST         | 061        | MILVIA ST                     | ADELINE ST                    | 2     | 115    | 38    | R            | 98  |
| SACRAMENTO ST      | 035        | CEDAR ST                      | VIRGINIA ST                   | 2     | 660    | 68    | A            | 50  |
| SACRAMENTO ST      | 030        | HOPKINS ST                    | ROSE ST                       | 2     | 789    | 36    | A            | 60  |
| SACRAMENTO ST      | 034        | ROSE ST                       | CEDAR ST                      | 4     | 845    | 66    | A            | 69  |
| SACRAMENTO ST      | 050        | UNIVERSITY AVE                | DWIGHT WAY                    | 4     | 3001   | 56    | A            | 76  |
| SACRAMENTO ST      | 070        | ASHBY AVE                     | SOUTH CITY LIMIT (ALCATRAZ)   | 4     | 2164   | 64    | A            | 89  |
| SACRAMENTO ST      | 064        | OREGON ST                     | ASHBY AVE                     | 4     | 1021   | 63    | A            | 90  |
| SACRAMENTO ST      | 040        | VIRGINIA ST                   | UNIVERSITY AVE                | 2     | 1587   | 80    | A            | 93  |
| SACRAMENTO ST (NB) | 062        | OREGON ST                     | DWIGHT WAY                    | 2     | 2310   | 33    | A            | 87  |
| SACRAMENTO ST (SB) | 060        | DWIGHT WAY                    | OREGON ST                     | 2     | 2310   | 32    | A            | 78  |
| SAN ANTONIO AVE    | 062        | ARLINGTON AVE                 | 300 FT +/- EAST OF AVIS RD    | 2     | 525    | 17    | R            | 34  |
| SAN ANTONIO AVE    | 060        | SAN RAMON AVE & THE ALAMEDA   | ARLINGTON AVE                 | 2     | 865    | 24    | R            | 70  |
| SAN BENITO RD      | 020        | MARIN AVE                     | SPRUCE ST                     | 2     | 810    | 24    | R            | 61  |
| SAN DIEGO RD       | 010        | SOUTHAMPTON AVE               | INDIAN ROCK AVE               | 2     | 1850   | 19    | R            | 56  |
| SAN FERNANDO AVE   | 010        | ARLINGTON AVE                 | YOSEMITE RD                   | 2     | 1055   | 24    | R            | 87  |
| SAN JUAN AVE       | 060        | SANTA CLARA AVE               | SAN FERNANDO AVE              | 2     | 900    | 24    | R            | 91  |
| SAN LORENZO AVE    | 052        | PERALTA AVE                   | THE ALAMEDA                   | 2     | 2145   | 26    | R            | 56  |
| SAN LORENZO AVE    | 050        | WEST CITY LIMIT (NEILSON)     | PERALTA AVE                   | 2     | 370    | 26    | R            | 70  |
| SAN LUIS RD        | 010        | ARLINGTON AVE                 | INDIAN ROCK AVE               | 2     | 3430   | 22    | R            | 64  |
| SAN MATEO RD       | 010        | DEAD END (CUL-DE-SAC)         | INDIAN ROCK AVE               | 2     | 780    | 24    | R            | 18  |
| SAN MIGUEL AVE     | 010        | THOUSAND OAKS BLVD            | SANTA ROSA AVE                | 2     | 470    | 22    | R            | 88  |
| SAN PEDRO AVE      | 050        | COLUSA AVE                    | THE ALAMEDA                   | 2     | 1050   | 26    | R            | 81  |
| SAN RAMON AVE      | 060        | SAN ANTONIO AVE & THE ALAMEDA | SAN FERNANDO AVE              | 2     | 1060   | 24    | R            | 34  |
| SANTA BARBARA RD   | 025        | SPRUCE ST                     | CRAGMONT AVE                  | 2     | 605    | 24    | R            | 20  |
| SANTA BARBARA RD   | 010        | ARLINGTON AVE                 | FLORIDA AVE                   | 2     | 1040   | 26    | R            | 40  |
| SANTA BARBARA RD   | 020        | MARIN AVE                     | SPRUCE ST                     | 2     | 510    | 24    | R            | 61  |
| SANTA BARBARA RD   | 012        | FLORIDA AVE                   | MARIN AVE                     | 2     | 3250   | 26    | R            | 62  |
| SANTA CLARA AVE    | 010        | SAN RAMON AVE                 | THOUSAND OAKS BLVD            | 2     | 870    | 24    | R            | 91  |
| SANTA FE AVE       | 030        | NORTH CITY LIMIT              | GILMAN ST                     | 2     | 587    | 30    | R            | 97  |
| SANTA FE AVE       | 035        | GILMAN ST                     | CORNELL AVE & PAGE ST         | 2     | 1450   | 31    | R            | 100 |
| SANTA ROSA AVE     | 020        | THOUSAND OAKS BLVD            | SAN LORENZO AVE               | 2     | 1280   | 24    | R            | 86  |
| SANTA ROSA AVE     | 015        | MENLO PLACE                   | THOUSAND OAKS BLVD            | 2     | 455    | 22    | R            | 87  |
| SCENIC AVE         | 040        | CEDAR ST                      | HEARST AVE                    | 2     | 1600   | 36    | R            | 90  |

| Road Name           | Section ID | Beg Location                 | End Location                  | Lanes | Length | Width | Funct. Class | PCI |
|---------------------|------------|------------------------------|-------------------------------|-------|--------|-------|--------------|-----|
| SCENIC AVE          | 030        | BAYVIEW PL/ ROSE ST          | VINE ST                       | 2     | 1030   | 24    | R            | 66  |
| SCENIC AVE          | 035        | VINE ST                      | CEDAR ST                      | 2     | 645    | 36    | R            | 82  |
| SEAWALL DR          | 010        | NORTH END                    | UNIVERSITY AVE                | 2     | 1350   | 28    | R            | 22  |
| SEAWALL DR          | 020        | UNIVERSITY AVE               | SOUTH END                     | 2     | 1100   | 31    | R            | 23  |
| SENIOR AVE          | 080        | FAIRLAWN DR                  | GRIZZLY PEAK BLVD             | 2     | 700    | 24    | R            | 31  |
| SHASTA RD           | 072        | TAMALPAIS RD                 | KEITH AVE                     | 2     | 565    | 20    | R            | 51  |
| SHASTA RD           | 070        | TAMALPAIS RD AND ROSE ST     | TAMALPAIS RD                  | 2     | 1540   | 22    | R            | 51  |
| SHASTA RD           | 073        | KEITH AVE                    | CRAGMONT AVE                  | 2     | 1000   | 24    | C            | 56  |
| SHASTA RD           | 076        | QUEENS RD                    | GRIZZLY PEAK BLVD             | 2     | 1130   | 25    | C            | 75  |
| SHASTA RD           | 074        | CRAGMONT AVE                 | KEELER AVE                    | 2     | 680    | 25    | C            | 87  |
| SHASTA RD           | 075        | KEELER AVE                   | QUEENS RD                     | 2     | 1315   | 24    | C            | 90  |
| SHASTA RD           | 077        | GRIZZLY PEAK BLVD            | PARK GATE                     | 2     | 250    | 29    | C            | 100 |
| SHASTA RD           | 079        | PARK GATE                    | EAST CITY LIMIT (GOLF COURSE) | 2     | 565    | 20    | C            | 100 |
| SHATTUCK AVE        | 038        | VINE ST                      | CEDAR ST                      | 4     | 660    | 60    | A            | 23  |
| SHATTUCK AVE        | 040        | CEDAR ST                     | HEARST AVE                    | 4     | 1670   | 60    | A            | 23  |
| SHATTUCK AVE        | 036        | ROSE ST                      | VINE ST                       | 4     | 660    | 60    | A            | 33  |
| SHATTUCK AVE        | 010        | INDIAN ROCK AVE              | MARIN AVE                     | 2     | 615    | 24    | R            | 35  |
| SHATTUCK AVE        | 048        | HEARST AVE                   | UNIVERSITY AVE                | 4     | 620    | 60    | A            | 35  |
| SHATTUCK AVE        | 030        | EUNICE ST                    | ROSE ST                       | 2     | 1335   | 40    | R            | 48  |
| SHATTUCK AVE        | 050        | ALLSTON WAY                  | DWIGHT WAY                    | 4     | 1980   | 48    | A            | 49  |
| SHATTUCK AVE        | 070        | ASHBY AVE                    | CITY LIMIT (WOOLSEY ST)       | 2     | 1210   | 46    | C            | 54  |
| SHATTUCK AVE        | 060        | DWIGHT WAY                   | WARD ST                       | 4     | 1340   | 48    | A            | 57  |
| SHATTUCK AVE        | 066        | WARD ST                      | ASHBY AVE                     | 2     | 1510   | 46    | C            | 64  |
| SHATTUCK AVE        | 025        | LOS ANGELES AVE              | EUNICE ST                     | 2     | 1590   | 30    | R            | 77  |
| SHATTUCK AVE        | 020        | MARIN AVE                    | LOS ANGELES AVE               | 2     | 950    | 24    | R            | 80  |
| SHATTUCK AVE        | 055        | CENTER ST                    | ALLSTON WAY                   | 4     | 340    | 69    | A            | 100 |
| SHATTUCK AVE (SB)   | 057        | UNIVERSITY AVE               | CENTER ST                     | 3     | 660    | 52    | A            | 100 |
| SHATTUCK PL         | 030        | HENRY ST & ROSE ST           | SHATTUCK AVE                  | 4     | 525    | 61    | A            | 24  |
| SHORT ST            | 045        | DELAWARE ST                  | HEARST ST                     | 2     | 345    | 36    | R            | 23  |
| SHORT ST            | 040        | LINCOLN AVE                  | VIRGINIA ST                   | 2     | 360    | 30    | R            | 87  |
| SIERRA ST           | 020        | MADERA ST                    | SONOMA AVE                    | 2     | 940    | 30    | R            | 58  |
| SOJOURNER TRUTH CT  | 065        | WARD ST                      | CUL DE SAC                    | 2     | 440    | 30    | R            | 67  |
| SOLANO AVE          | 060        | THE ALAMEDA                  | CONTRA COSTA AVE              | 2     | 510    | 43    | C            | 71  |
| SOLANO AVE          | 055        | COLUSA AVE                   | THE ALAMEDA                   | 2     | 756    | 60    | C            | 82  |
| SOLANO AVE          | 050        | TULARE AVE                   | COLUSA AVE                    | 2     | 762    | 57    | C            | 83  |
| SOMERSET PL         | 060        | SOUTHAMPTON AVE              | DEAD END (JOHN HINKEL PARK)   | 2     | 425    | 22    | R            | 84  |
| SONOMA AVE          | 050        | WEST CITY LIMIT (TULARE AVE) | JOSEPHINE ST                  | 2     | 1975   | 36    | R            | 80  |
| SOUTH HOSPITAL DRIV | 075        | COLBY ST                     | REGENT ST                     | 2     | 300    | 30    | R            | 66  |
| SOUTHAMPTON AVE     | 068        | SAN LUIS RD                  | SANTA BARBARA RD              | 2     | 400    | 24    | R            | 76  |
| SOUTHAMPTON AVE     | 060        | ARLINGTON AVE                | SAN LUIS RD                   | 2     | 2050   | 24    | R            | 84  |
| SPAULDING AVE       | 050        | ADDISON ST                   | DWIGHT WAY                    | 2     | 2675   | 48    | R            | 36  |
| SPINNAKER WAY       | 010        | BREAKWATER DR                | MARINA BLVD                   | 2     | 1500   | 40    | R            | 18  |
| SPRING WAY          | 030        | DEAD END                     | SCENIC AVE                    | 2     | 220    | 18    | R            | 85  |
| SPRUCE ST           | 025        | ARCH ST                      | EUNICE ST                     | 2     | 980    | 37    | C            | 37  |
| SPRUCE ST           | 030        | EUNICE ST                    | ROSE ST                       | 2     | 1365   | 36    | C            | 66  |
| SPRUCE ST           | 045        | VIRGINIA ST                  | HEARST AVE                    | 2     | 1040   | 36    | R            | 69  |

| Road Name     | Section ID | Beg Location              | End Location                 | Lanes | Length | Width | Funct. Class | PCI |
|---------------|------------|---------------------------|------------------------------|-------|--------|-------|--------------|-----|
| SPRUCE ST     | 036        | VINE ST                   | CEDAR ST                     | 2     | 660    | 36    | R            | 69  |
| SPRUCE ST     | 033        | ROSE ST                   | VINE ST                      | 2     | 665    | 36    | R            | 71  |
| SPRUCE ST     | 010        | GRIZZLY PEAK AVE          | ALTA RD                      | 2     | 800    | 36    | C            | 75  |
| SPRUCE ST     | 015        | ALTA RD                   | MARIN AVE                    | 2     | 4375   | 36    | C            | 79  |
| SPRUCE ST     | 020        | MARIN AVE                 | ARCH ST                      | 2     | 1738   | 36    | C            | 85  |
| SPRUCE ST     | 040        | CEDAR ST                  | VIRGINIA ST                  | 2     | 670    | 36    | R            | 93  |
| STANNAGE AVE  | 038        | HOPKINS ST                | CEDAR ST                     | 2     | 210    | 30    | R            | 63  |
| STANNAGE AVE  | 034        | GILMAN ST                 | HOPKINS ST                   | 2     | 1685   | 30    | R            | 82  |
| STANNAGE AVE  | 040        | CEDAR ST                  | VIRGINIA ST                  | 2     | 660    | 30    | R            | 83  |
| STANNAGE AVE  | 030        | NORTH CITY LIMIT          | GILMAN ST                    | 2     | 700    | 30    | R            | 85  |
| STANTON ST    | 067        | RUSSELL ST                | ASHBY AVE                    | 2     | 560    | 26    | R            | 71  |
| STANTON ST    | 070        | ASHBY AVE                 | PRINCE ST                    | 2     | 706    | 26    | R            | 73  |
| STANTON ST    | 065        | OREGON ST                 | RUSSELL ST                   | 2     | 428    | 30    | R            | 74  |
| STATION PL    | 010        | CATALINA AVE              | SOUTH DEAD END (CATALINA AV  | 2     | 210    | 36    | R            | 97  |
| STERLING AVE  | 020        | KEELER AVE                | SHASTA RD                    | 2     | 2310   | 20    | R            | 35  |
| STEVENSON AVE | 020        | GRIZZLY PEAK BLVD         | MILLER AVE                   | 2     | 520    | 24    | R            | 49  |
| STODDARD WAY  | 020        | DEAD END                  | GRIZZLY PEAK BLVD            | 2     | 260    | 20    | R            | 24  |
| STUART ST     | 050        | SACRAMENTO ST             | MARTIN LUTHER KING JR WAY    | 2     | 2405   | 36    | R            | 20  |
| STUART ST     | 060        | MARTIN LUTHER KING JR WAY | MILVIA ST                    | 2     | 660    | 42    | R            | 28  |
| STUART ST     | 078        | HILLEGASS AVE             | COLLEGE AVE                  | 2     | 715    | 36    | R            | 30  |
| STUART ST     | 070        | FULTON ST                 | HILLEGASS AVE                | 2     | 2450   | 36    | R            | 37  |
| STUART ST     | 065        | ADELINE ST                | FULTON ST                    | 2     | 995    | 36    | R            | 43  |
| STUART ST     | 080        | COLLEGE AVE               | KELSEY ST & PALM CT          | 2     | 900    | 36    | R            | 56  |
| STUART ST     | 063        | MILVIA ST                 | ADELINE ST                   | 2     | 385    | 42    | R            | 56  |
| SUMMER ST     | 070        | SPRUCE ST                 | GLEN AVE                     | 2     | 660    | 25    | R            | 18  |
| SUMMIT LANE   | 030        | SUMMIT RD NR GRIZZLY PEAK | DEAD END                     | 2     | 180    | 6     | R            | 21  |
| SUMMIT RD     | 038        | GRIZZLY PEAK BLVD         | END SOUTH OF GRIZZLY PEAK BL | 2     | 740    | 26    | R            | 13  |
| SUMMIT RD     | 032        | ATLAS PL                  | GRIZZLY PEAK BLVD            | 2     | 2530   | 23    | R            | 18  |
| SUMMIT RD     | 030        | AJAX LANE                 | ATLAS PL                     | 2     | 240    | 20    | R            | 20  |
| SUNSET LANE   | 075        | GRIZZLY PEAK BLVD         | WOODMONT RD                  | 2     | 344    | 22    | R            | 20  |
| SUNSET LANE   | 070        | WOODMONT RD               | WILDCAT CANYON RD            | 2     | 370    | 17    | R            | 27  |
| SUTTER ST     | 020        | DEL NORTE ST              | EUNICE ST                    | 4     | 1340   | 50    | A            | 28  |
| TACOMA AVE    | 055        | COLUSA AVE                | THE ALAMEDA                  | 2     | 1010   | 26    | R            | 42  |
| TACOMA AVE    | 050        | SOLANO AVE                | COLUSA AVE                   | 2     | 1360   | 26    | R            | 73  |
| TALBOT AVE    | 030        | NORTH CITY LIMIT          | SANTA FE AVE                 | 2     | 1350   | 30    | R            | 85  |
| TAMALPAIS RD  | 030        | SHASTA RD                 | ROSE ST                      | 2     | 2075   | 22    | R            | 43  |
| TANGLEWOOD RD | 060        | BELROSE AVE               | EAST CITY LIMIT (CLAREMONT)  | 2     | 900    | 26    | R            | 39  |
| TELEGRAPH AVE | 065        | WARD ST                   | ASHBY AVE                    | 4     | 1580   | 74    | A            | 25  |
| TELEGRAPH AVE | 060        | DWIGHT WAY                | WARD ST                      | 4     | 1725   | 68    | A            | 26  |
| TELEGRAPH AVE | 050        | DWIGHT WAY                | BANCROFT WAY                 | 2     | 1320   | 31    | C            | 38  |
| TELEGRAPH AVE | 070        | ASHBY AVE                 | CITY LIMIT (WOOLSEY ST)      | 4     | 1255   | 68    | A            | 39  |
| TEVLIN ST     | 035        | WATKINS ST                | END SOUTH OF GILMAN ST       | 2     | 425    | 25    | R            | 3   |
| TEVLIN ST     | 030        | NORTH END                 | WATKINS ST                   | 2     | 300    | 21    | R            | 6   |
| THE ALAMEDA   | 028        | HOPKINS ST                | YOLO AVE                     | 2     | 210    | 66    | A            | 71  |
| THE ALAMEDA   | 015        | CAPISTRANO AVE            | TACOMA AVE                   | 2     | 245    | 36    | R            | 75  |
| THE ALAMEDA   | 012        | THOUSAND OAKS BLVD        | CAPISTRANO AVE               | 2     | 1510   | 28    | R            | 92  |



| Road Name           | Section ID | Beg Location                  | End Location                | Lanes | Length | Width | Funct. Class | PCI |
|---------------------|------------|-------------------------------|-----------------------------|-------|--------|-------|--------------|-----|
| THE ALAMEDA         | 010        | SAN ANTONIO AVE               | THOUSAND OAKS BLVD          | 2     | 1385   | 24    | R            | 78  |
| THE ALAMEDA         | 016        | TACOMA AVE                    | SOLANO AVE                  | 2     | 1250   | 36    | R            | 95  |
| THE ALAMEDA         | 018        | SOLANO AVE                    | MARIN AVE                   | 2     | 935    | 60    | A            | 95  |
| THE ALAMEDA         | 020        | MARIN AVE                     | HOPKINS ST                  | 4     | 1370   | 61    | A            | 95  |
| THE CIRCLE          | 060        | INTERSECTION MARIN AVE, ETC.  | INTERSECTION ARLINGTON AVE  | 2     | 246    | 50    | A            | 75  |
| THE CRESCENT        | 020        | PARK HILLS RD (NORTH)         | PARK HILLS RD (SOUTH)       | 2     | 1020   | 23    | R            | 88  |
| THE CROSSWAYS       | 080        | OVERLOOK RD                   | MIDDLEFIELD RD              | 2     | 230    | 21    | R            | 58  |
| THE PLAZA DR        | 080        | ENCINA PL                     | PARKSIDE DR                 | 2     | 1380   | 40    | R            | 85  |
| THE SHORT CUT       | 080        | MIDDLEFIELD RD                | PARK HILLS RD               | 2     | 200    | 22    | R            | 85  |
| THE SPIRAL          | 080        | DEAD END                      | WILDCAT CANYON RD           | 2     | 305    | 25    | R            | 93  |
| THE UPLANDS         | 099        | TUNNEL RD                     | DEAD END                    | 2     | 340    | 14    | R            | 20  |
| THE UPLANDS         | 090        | CLAREMONT AVE                 | ENCINA PL                   | 2     | 320    | 56    | R            | 39  |
| THE UPLANDS         | 093        | HILLCREST RD                  | EL CAMINO REAL              | 2     | 495    | 28    | R            | 39  |
| THE UPLANDS         | 097        | EL CAMINO REAL                | TUNNEL RD                   | 2     | 1048   | 25    | R            | 40  |
| THE UPLANDS         | 091        | ENCINA PL                     | HILLCREST RD                | 2     | 1685   | 28    | R            | 61  |
| THOUSAND OAKS BLVD  | 050        | WEST CITY LIMIT (NEILSON)     | COLUSA AVE                  | 2     | 450    | 36    | R            | 48  |
| THOUSAND OAKS BLVD  | 055        | VINCENTE AVE                  | THE ALAMEDA                 | 2     | 850    | 24    | C            | 73  |
| THOUSAND OAKS BLVD  | 053        | COLUSA AVE                    | VINCENTE AVE                | 2     | 380    | 24    | C            | 76  |
| THOUSAND OAKS BLVD  | 060        | THE ALAMEDA                   | ARLINGTON AVE               | 2     | 1605   | 26    | C            | 79  |
| TOMLEE DR           | 045        | JUANITA WAY                   | ACTON ST                    | 2     | 330    | 25    | R            | 19  |
| TREMONT ST          | 070        | EMERSON ST                    | CITY LIMIT (WOOLSEY ST)     | 2     | 925    | 34    | R            | 29  |
| TULARE AVE          | 020        | SOLANO AVE                    | SONOMA AVE                  | 2     | 1715   | 36    | R            | 95  |
| TWAIN AVE           | 070        | KEELER AVE                    | STERLING AVE                | 2     | 740    | 20    | R            | 26  |
| TYLER ST            | 050        | SACRAMENTO ST                 | KING ST                     | 2     | 1333   | 36    | R            | 29  |
| UNIVERSITY AVE      | 015        | MARINA BLVD                   | WEST FRONTAGE RD            | 2     | 1600   | 66    | C            | 8   |
| UNIVERSITY AVE      | 010        | SEAWALL DR                    | MARINA BLVD                 | 2     | 1950   | 40    | C            | 31  |
| UNIVERSITY AVE      | 060        | MARTIN LUTHER KING JR WAY     | MILVIA ST                   | 4     | 715    | 63    | A            | 36  |
| UNIVERSITY AVE      | 063        | MILVIA ST                     | SHATTUCK AVE                | 4     | 630    | 63    | A            | 37  |
| UNIVERSITY AVE      | 025        | 3RD ST                        | 5TH ST                      | 4     | 400    | 115   | A            | 52  |
| UNIVERSITY AVE      | 028        | 5TH ST                        | 6TH ST                      | 4     | 185    | 84    | A            | 52  |
| UNIVERSITY AVE      | 040        | SAN PABLO AVE                 | SACRAMENTO ST               | 4     | 2940   | 69    | A            | 54  |
| UNIVERSITY AVE      | 064        | SHATTUCK AVE                  | SHATTUCK AVE                | 4     | 260    | 70    | A            | 55  |
| UNIVERSITY AVE      | 065        | SHATTUCK AVE                  | OXFORD ST                   | 4     | 450    | 65    | A            | 59  |
| UNIVERSITY AVE      | 030        | 6TH ST                        | SAN PABLO AVE               | 4     | 1638   | 72    | A            | 66  |
| UNIVERSITY AVE      | 052        | SACRAMENTO ST                 | MCGEE AVE                   | 4     | 1325   | 73    | A            | 72  |
| UNIVERSITY AVE      | 055        | MCGEE AVE                     | MARTIN LUTHER KING JR WAY   | 4     | 1329   | 63    | A            | 72  |
| UNIVERSITY AVE OVER | 018        | I-80 ON/OFF RAMPS             | 6TH ST                      | 4     | 2100   | 52    | A            | 46  |
| VALLEJO ST          | 060        | THE ALAMEDA                   | SAN RAMON AVE               | 2     | 460    | 24    | R            | 30  |
| VALLEY ST           | 055        | NORTH DEAD END (BANCROFT)     | DWIGHT WAY                  | 2     | 1245   | 36    | R            | 45  |
| VASSAR AVE (NB)     | 010        | NORTH CITY LIMIT (KENTUCKY)   | KENTUCKY AVE                | 2     | 375    | 19    | R            | 78  |
| VASSAR AVE (NB)     | 012        | KENTUCKY AVE                  | SPRUCE ST                   | 2     | 1160   | 16    | R            | 79  |
| VASSAR AVE (SB)     | 011        | KENTUCKY AVE                  | NORTH CITY LIMIT (KENTUCKY) | 2     | 375    | 17    | R            | 78  |
| VASSAR AVE (SB)     | 013        | SPRUCE ST                     | KENTUCKY AVE                | 2     | 1160   | 14    | R            | 79  |
| VERMONT AVE         | 015        | MARYLAND AVE                  | COLORADO AVE                | 2     | 750    | 25    | R            | 27  |
| VERMONT AVE         | 010        | NORTH WEST DEAD END (RUGBY)   | MARYLAND AVE                | 2     | 770    | 23    | R            | 97  |
| VICENTE RD          | 075        | EAST CITY LIMIT NR GRAND VIEW | TUNNEL RD                   | 2     | 1310   | 24    | R            | 93  |

| Road Name        | Section ID | Beg Location                     | End Location                  | Lanes | Length | Width | Funct. Class | PCI |
|------------------|------------|----------------------------------|-------------------------------|-------|--------|-------|--------------|-----|
| VICENTE RD       | 070        | ALVARADO RD                      | EAST CITY LIMIT NR GRAND VIEW | 2     | 550    | 24    | R            | 45  |
| VINCENTE AVE     | 013        | THOUSAND OAKS BLVD               | COLUSA AVE                    | 2     | 1165   | 24    | R            | 70  |
| VINCENTE AVE     | 010        | NORTH END (VINCENTE WALK)        | THOUSAND OAKS BLVD            | 2     | 1400   | 24    | R            | 75  |
| VINCENTE AVE     | 016        | COLUSA AVE                       | PERALTA AVE                   | 2     | 1000   | 24    | R            | 77  |
| VINE ST          | 063        | MILVIA ST                        | SHATTUCK AVE                  | 2     | 670    | 36    | R            | 25  |
| VINE ST          | 055        | GRANT ST                         | MARTIN LUTHER KING JR WAY     | 2     | 665    | 36    | R            | 29  |
| VINE ST          | 060        | MARTIN LUTHER KING JR WAY        | MILVIA ST                     | 2     | 665    | 36    | R            | 32  |
| VINE ST          | 052        | EDITH ST                         | GRANT ST                      | 2     | 335    | 36    | R            | 33  |
| VINE ST          | 065        | SHATTUCK AVE                     | WALNUT ST                     | 2     | 335    | 36    | R            | 49  |
| VINE ST          | 067        | WALNUT ST                        | SPRUCE ST                     | 2     | 665    | 36    | R            | 63  |
| VINE ST          | 070        | SPRUCE ST                        | SCENIC AVE                    | 2     | 635    | 36    | R            | 68  |
| VINE ST          | 050        | MC GEE AVE                       | EDITH ST                      | 2     | 575    | 26    | R            | 91  |
| VINE ST          | 080        | SCENIC AVE                       | HAWTHORNE TERRACE             | 2     | 315    | 30    | R            | 95  |
| VIRGINIA GARDENS | 040        | NORTH DEAD END (CEDAR)           | VIRGINIA ST                   | 2     | 470    | 20    | R            | 90  |
| VIRGINIA ST      | 030        | 6TH ST                           | SAN PABLO AVE                 | 2     | 1650   | 36    | R            | 36  |
| VIRGINIA ST      | 030        | 2ND ST                           | 6TH ST                        | 2     | 1325   | 36    | R            | 39  |
| VIRGINIA ST      | 076        | EUCLID AVE                       | LA LOMA AVE                   | 2     | 1000   | 34    | R            | 47  |
| VIRGINIA ST      | 050        | SACRAMENTO ST                    | MC GEE AVE                    | 2     | 1270   | 36    | C            | 54  |
| VIRGINIA ST      | 055        | MC GEE AVE                       | GRANT ST                      | 2     | 665    | 36    | C            | 66  |
| VIRGINIA ST      | 064        | SHATTUCK AVE                     | SPRUCE ST                     | 2     | 1000   | 36    | R            | 67  |
| VIRGINIA ST      | 070        | SPRUCE ST                        | ARCH ST                       | 2     | 450    | 36    | R            | 68  |
| VIRGINIA ST      | 072        | ARCH ST                          | EUCLID AVE                    | 2     | 1060   | 36    | R            | 68  |
| VIRGINIA ST      | 060        | MARTIN LUTHER KING JR WAY        | MILVIA ST                     | 2     | 680    | 36    | R            | 71  |
| VIRGINIA ST      | 047        | ACTON ST                         | SACRAMENTO ST                 | 2     | 710    | 51    | R            | 76  |
| VIRGINIA ST      | 057        | GRANT ST                         | MARTIN LUTHER KING JR WAY     | 2     | 670    | 36    | C            | 83  |
| VIRGINIA ST      | 062        | MILVIA ST                        | SHATTUCK AVE                  | 2     | 615    | 36    | R            | 83  |
| VIRGINIA ST      | 040        | SAN PABLO AVE                    | ACTON ST                      | 2     | 2500   | 36    | R            | 85  |
| VIRGINIA ST      | 078        | LA LOMA AVE                      | DEAD END (AT LA VEREDA)       | 2     | 220    | 17    | R            | 95  |
| VIRGINIA ST      | 020        | EAST FRONTAGE RD (STATE P/L)     | 2ND ST                        | 2     | 350    | 37    | R            | 98  |
| VISALIA AVE      | 053        | WEST CITY LIMIT COP W/O NEIL SON | COLUSA AVE                    | 2     | 325    | 24    | R            | 27  |
| VISALIA AVE      | 055        | COLUSA AVE                       | VINCENTE AVE                  | 2     | 890    | 24    | R            | 48  |
| VISTAMONT AVE    | 110        | NORTH END                        | WOODMONT AVE                  | 2     | 415    | 22    | R            | 14  |
| VISTAMONT AVE    | 010        | WOODMONT AVE                     | WOODMONT AVE NR SUNSET LA     | 2     | 1340   | 22    | R            | 42  |
| WALKER ST        | 060        | DERBY ST                         | WARD ST                       | 2     | 330    | 18    | R            | 40  |
| WALLACE ST       | 065        | WARD ST                          | RUSSELL ST                    | 2     | 1220   | 35    | R            | 18  |
| WALNUT ST        | 049        | BERKELEY WAY                     | UNIVERSITY AVE                | 2     | 315    | 36    | R            | 20  |
| WALNUT ST        | 020        | SHATTUCK AVE                     | EUNICE ST                     | 2     | 900    | 33    | R            | 27  |
| WALNUT ST        | 030        | EUNICE ST                        | CEDAR ST                      | 2     | 2645   | 36    | R            | 44  |
| WALNUT ST        | 040        | CEDAR ST                         | HEARST AVE                    | 2     | 1680   | 36    | R            | 54  |
| WARD ST          | 075        | ELLSWORTH ST                     | TELEGRAPH AVE                 | 2     | 880    | 36    | R            | 14  |
| WARD ST          | 046        | ACTON ST                         | SACRAMENTO ST                 | 2     | 727    | 36    | R            | 18  |
| WARD ST          | 070        | FULTON ST                        | ELLSWORTH ST                  | 2     | 660    | 36    | R            | 21  |
| WARD ST          | 050        | SACRAMENTO ST                    | MARTIN LUTHER KING JR WAY     | 2     | 2437   | 36    | R            | 25  |
| WARD ST          | 060        | MARTIN LUTHER KING JR WAY        | MILVIA ST                     | 2     | 660    | 42    | R            | 27  |
| WARD ST          | 066        | SHATTUCK AVE                     | FULTON ST                     | 2     | 780    | 36    | R            | 30  |
| WARD ST          | 063        | MILVIA ST                        | ADELIN ST                     | 2     | 500    | 45    | R            | 42  |

| Road Name         | Section ID | Beg Location                  | End Location                   | Lanes | Length | Width | Funct. Class | PCI |
|-------------------|------------|-------------------------------|--------------------------------|-------|--------|-------|--------------|-----|
| WARD ST           | 040        | SAN PABLO AVE                 | ACTON ST                       | 2     | 1658   | 36    | R            | 100 |
| WARRING ST        | 050        | BANCROFT WAY                  | DWIGHT WAY                     | 2     | 1270   | 36    | R            | 27  |
| WARRING ST        | 060        | DWIGHT WAY                    | DERBY ST                       | 2     | 1545   | 43    | C            | 95  |
| WATKINS ST        | 040        | NEILSON ST                    | TEVLIN ST                      | 2     | 250    | 26    | R            | 21  |
| WEBSTER ST        | 078        | HILLEGASS AVE                 | COLLEGE AVE                    | 2     | 600    | 36    | R            | 59  |
| WEBSTER ST        | 074        | TELEGRAPH AVE                 | COLBY ST                       | 2     | 645    | 36    | R            | 63  |
| WEBSTER ST        | 076        | REGENT ST                     | DEAD END                       | 2     | 202    | 20    | R            | 85  |
| WEBSTER ST        | 077        | DEAD END                      | HILLEGASS AVE                  | 2     | 268    | 36    | R            | 85  |
| WEBSTER ST        | 080        | COLLEGE AVE                   | CLAREMONT AVE                  | 2     | 1760   | 36    | R            | 92  |
| WEBSTER ST        | 072        | DEAKIN ST                     | TELEGRAPH AVE                  | 2     | 670    | 36    | R            | 93  |
| WEST BOLIVAR DR   | 050        | GATE                          | END NR ANTHONY ST              | 2     | 6515   | 22    | R            | 83  |
| WEST BOLIVAR DR   | 040        | PARKER ST                     | GATE                           | 2     | 50     | 22    | R            | 89  |
| WEST FRONTAGE RD  | 040        | GILMAN ST                     | UNIVERSITY AVE                 | 2     | 4400   | 30    | C            | 55  |
| WEST FRONTAGE RD  | 050        | UNIVERSITY AVE                | OPP DWIGHT WAY                 | 2     | 3170   | 26    | C            | 59  |
| WEST FRONTAGE RD  | 060        | OPP DWIGHT WAY                | SOUTH CITY LIMIT               | 2     | 4250   | 26    | C            | 59  |
| WEST PARNASSUS CT | 080        | PARNASSUS PATH                | PARNASSUS RD                   | 2     | 230    | 22    | R            | 93  |
| WEST ST           | 053        | ADDISON ST                    | DEAD END                       | 2     | 265    | 21    | R            | 93  |
| WEST ST           | 055        | BANCROFT WAY                  | DWIGHT WAY                     | 2     | 1325   | 32    | R            | 100 |
| WHEELER ST        | 068        | RUSSELL ST                    | ASHBY AVE                      | 2     | 530    | 36    | R            | 30  |
| WHEELER ST        | 070        | ASHBY AVE                     | WOOLSEY ST                     | 2     | 1105   | 36    | R            | 72  |
| WHITAKER AVE      | 020        | MILLER AVE                    | STERLING AVE                   | 2     | 550    | 18    | R            | 35  |
| WHITNEY ST        | 070        | WOOLSEY ST                    | SOUTH CITY LIMIT               | 2     | 130    | 36    | R            | 75  |
| WILDCAT CANYON RD | 025        | THE SPIRAL                    | EAST CITY LIMIT (NR SHASTA RD) | 2     | 3590   | 28    | C            | 77  |
| WILDCAT CANYON RD | 020        | SUNSET LN                     | THE SPIRAL                     | 2     | 2400   | 27    | C            | 79  |
| WILDCAT CANYON RD | 010        | GRIZZLY PEAK BLVD             | SUNSET LANE                    | 2     | 3730   | 29    | C            | 81  |
| WILSON CIRCLE     | 080        | OLYMPUS DR                    | CUL-DE-SAC                     | 2     | 180    | 23    | R            | 40  |
| WOODMONT AVE      | 012        | WILDCAT CANYON & GRIZZLY PEAK | ROSEMONT AVE                   | 2     | 1175   | 20    | R            | 24  |
| WOODMONT AVE      | 020        | SUNSET LANE                   | DEAD END                       | 2     | 175    | 12    | R            | 43  |
| WOODMONT AVE      | 014        | ROSEMONT AVE                  | SUNSET LANE                    | 2     | 1700   | 20    | R            | 55  |
| WOODMONT CT       | 070        | WOODMONT AVE (NORTH)          | WOODMONT AVE (SOUTH)           | 2     | 285    | 23    | R            | 42  |
| WOODSIDE RD       | 020        | THE CRESCENT                  | PARK HILLS RD                  | 2     | 1450   | 24    | R            | 41  |
| WOOLSEY ST        | 078        | HILLEGASS AVE                 | COLLEGE AVE                    | 2     | 600    | 37    | R            | 18  |
| WOOLSEY ST        | 080        | COLLEGE ST                    | CLAREMONT AVE                  | 2     | 1250   | 36    | R            | 20  |
| WOOLSEY ST        | 050        | SACRAMENTO ST                 | KING ST                        | 2     | 1275   | 36    | R            | 50  |
| WOOLSEY ST        | 065        | TREMONT ST                    | SHATTUCK AVE                   | 2     | 579    | 42    | R            | 59  |
| WOOLSEY ST        | 066        | SHATTUCK AVE                  | WHEELER ST                     | 2     | 680    | 42    | R            | 63  |
| WOOLSEY ST        | 067        | WHEELER ST                    | TELEGRAPH AVE                  | 2     | 1036   | 36    | R            | 63  |
| WOOLSEY ST        | 055        | KING ST                       | MARTIN LUTHER KING JR WAY      | 2     | 905    | 36    | R            | 79  |
| WOOLSEY ST        | 072        | TELEGRAPH AVE                 | HILLEGASS AVE                  | 2     | 1555   | 36    | R            | 90  |
| WOOLSEY ST        | 060        | ADELIN ST                     | TREMONT ST                     | 2     | 600    | 42    | R            | 90  |
| YOLO AVE          | 060        | THE ALAMEDA                   | MILVIA ST                      | 2     | 570    | 36    | R            | 93  |
| YOLO AVE          | 065        | MILVIA AVE                    | SUTTER ST                      | 2     | 375    | 36    | R            | 93  |
| YOSEMITE RD       | 064        | SAN FERNANDO AVE              | CONTRA COSTA AVE               | 2     | 400    | 26    | R            | 37  |
| YOSEMITE RD       | 066        | CONTRA COSTA AVE              | ARLINGTON AVE                  | 2     | 1090   | 24    | R            | 48  |
| YOSEMITE RD       | 062        | THE ALAMEDA                   | SAN FERNANDO AVE               | 2     | 870    | 26    | R            | 91  |



**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: *Bench Donation: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds*

RECOMMENDATION:

Adopt a Resolution approving the expenditure of funds, including \$3500 from Vice Mayor Bartlett for creating a community bench in memory of the efforts of community members made in 2020 on the Black Lives Matter movement, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.

BACKGROUND:

In 2013, three female Black organizers — Alicia Garza, Patrisse Cullors, and Opal Tometi — created a Black-centered political project called Black Lives Matter<sup>1</sup>. It began with a social media hashtag, #BlackLivesMatter, after the acquittal of George Zimmerman in the shooting death of Trayvon Martin in 2012. The movement grew nationally in 2014 after the deaths of Michael Brown in Missouri and Eric Garner in New York. Since then, it has established itself as a worldwide movement, particularly after the death of George Floyd at the hands of police in Minneapolis, MN. Most recently, the organization has spearheaded demonstrations worldwide protesting police brutality and systematic racism that overwhelmingly affects the Black community.

In the City of Berkeley, after the death of George Floyd, community members rose and marched to address police brutality happening throughout the nation<sup>2</sup>. Amidst the pandemic in 2020, the City of Berkeley had various demonstrations expressing the importance of addressing this issue in pursuing justice and safety for all. And so, the George Floyd Community Safety Act was established in Berkeley<sup>3</sup>. Through this act, the City of Berkeley

<sup>1</sup> Campbell, Adina. "What Is Black Lives Matter and What Are the Aims?" BBC News, 12 June 2021, [www.bbc.com/news/explainers-53337780](http://www.bbc.com/news/explainers-53337780).

<sup>2</sup>Samway, Katharine Davies. "Thousands Turn out for Huge Demonstration in Berkeley for Black Lives Matter." Oakland Voices, 15 Sept. 2022, [oaklandvoices.us/2020/06/09/thousands-turn-out-for-huge-demonstration-in-berkeley-for-black-lives-matter/](http://oaklandvoices.us/2020/06/09/thousands-turn-out-for-huge-demonstration-in-berkeley-for-black-lives-matter/).

<sup>3</sup>Bartlett, Ben. "Safety for All: George Floyd Community Safety Act." Medium, 25 Sept. 2020, [medium.com/@benbartlett/safety-for-all-george-floyd-community-safety-act-8dbf9de37b89](https://medium.com/@benbartlett/safety-for-all-george-floyd-community-safety-act-8dbf9de37b89).



**BEN BARTLETT**

VICE MAYOR

pledged to implement initiatives and reforms to reduce the footprint of the Police Department and reassign non-criminal matters to Specialized Care Units (SCU); rectify the current aspects of the Police Department to hold better its officers accountable for their actions, and institute progressive training protocols; and invest the savings from the reduced footprint into SCU's into wellness programs addressing endemic disparities in health, housing, and education.

In commemorating tens of the thousands of Berkeley community members who marched for justice for the deaths of Black Americans who have suffered police brutality, we hope to establish a bench made in honor of all of those whose contributions have led to reform and beneficial change for our Berkeley community.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$3500 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

|                            |              |
|----------------------------|--------------|
| Councilmember Ben Bartlett | 510-981-7130 |
| James Chang                | 510-981-7131 |

CONTACT PERSON:

1. Resolution No. XXXXX



**BEN BARTLETT**

VICE MAYOR

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO THE BERKELEY PUBLIC SCHOOLS FUND TO PROVIDE AWARDS TO STUDENTS FOR THEIR WORK ON HIGHLIGHTING BLACK INVENTORS.

**WHEREAS**, Councilmember Ben Bartlett has surplus funds in his office expenditure account; and

**WHEREAS**, The City of Berkeley Public Works will receive funds in the amount of \$3500 from Councilmember Ben Bartlett's office expenditure account; and

**WHEREAS**, the Black Lives Matter movement provided the Berkeley community with awareness and education to address police brutality; and

**WHEREAS**, the bench would provide a commemoration for the efforts of all community members who contributed to the Black Lives Movement;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to The City of Berkeley Public Works for this purpose of providing a bench to commemorate the efforts made through the Black Lives Matter Movement.





**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett, Councilmember Sophie Hahn

Subject: *Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds*

RECOMMENDATION:

Adopt a Resolution approving the expenditure of funds, including \$1000 from Vice Mayor Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Vice Mayor Bartlett and any other Councilmembers who would like to contribute.

BACKGROUND:

President Lincoln issued his Emancipation Proclamation on January 1, 1863, but people in bondage in Texas remained unaware of their freedom until 1865, as their captors withheld this information from them. On June 18, 1865, Major General Gordon Granger of the Union Army arrived in Galveston, Texas, with 1,800 soldiers on a mission to force the captors to release the people in bondage, whose population had swelled to over a quarter million.

And so the following year, newly-freed people in Texas flooded the streets, celebrating June 19th as their own emancipation day. Local groups kept the Juneteenth tradition alive, and in 1979, the passage of H.B. 1016 made June 19th, Black Heritage Day, an official Texas holiday. Nationwide, this date is celebrated in commemoration of the centuries of struggle and progress led by abolitionists, educators, civil rights advocates, lawyers, activists, trade unionists, religious leaders, and public officials who have brought and fought for the rights of all. Also, this date serves as a day of celebration to honor the power and resilience of Black Americans who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America. In June of 2021, President Biden formally declared Juneteenth a federal holiday.

The Berkeley Juneteenth Festival was founded by R.D. Bonds, Bradley Walters, and Sam Dyke. They began the Festival celebration to promote community pride and bring together South Berkeley businesses and residents to celebrate a major African American cultural event. The establishment of Berkeley Juneteenth Association, Inc. (BJAI) culminated in the first annual Festival in 1987. Former City Councilmembers Mary Wainwright and the late Maudell Shirek were instrumental in obtaining City sponsorship.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1000 is available from the discretionary council office budget of Vice-Mayor Ben Bartlett.

CONTACT PERSON:

|                            |              |
|----------------------------|--------------|
| Councilmember Ben Bartlett | 510-981-7130 |
| James Chang                | 510-981-7131 |

CONTACT PERSON:

1. Resolution No. XXXXX

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO THE BERKELEY PUBLIC SCHOOLS FUND TO PROVIDE AWARDS TO STUDENTS FOR THEIR WORK ON HIGHLIGHTING BLACK INVENTORS.

**WHEREAS**, Councilmember Ben Bartlett has surplus funds in his office expenditure account; and

**WHEREAS**, Berkeley Juneteenth Association, a California non-profit organization, will receive funds in the amount of \$1000 from Councilmember Ben Bartlett's office expenditure account; and

**WHEREAS**, Juneteenth was established when the newly-freed people in Texas flooded the streets, celebrating June 19th as their own emancipation day; and

**WHEREAS**, the Juneteenth festival in Berkeley promotes community pride and brings together all Berkeley businesses and residents in the celebration of a major African American cultural event; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember shall be granted to Berkeley Juneteenth Association for the purpose of providing support for the celebration of the Juneteenth festival





Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR

June 6, 2023

To: Honorable Members of the City Council

From: Councilmember Harrison, Councilmember Hahn

Subject: Refer \$7,000 to the June 2023 Budget Process to Purchase Marking Equipment to Engrave Identification Numbers onto Catalytic Converters

RECOMMENDATION

Referral to the June 2023 Budget Process for \$7,000 to purchase marking equipment to engrave identification numbers onto catalytic converters to deter theft and assist with investigations and recovery efforts.

BACKGROUND

Catalytic converters are standard technology that help reduce toxic pollution from gasoline and hybrid vehicles. Catalytic converters are made from precious metals, making them targets of theft. Repair and replacement can cost owners thousands of dollars.

Nationally and locally, communities are experiencing unprecedented rates of vehicle-related crime. In Berkeley, catalytic converter theft rose 5,500% between 2017 and 2022.<sup>1</sup> Concerningly, there have been a few instances in the last year where attempted vehicle theft has turned violent and Berkeley residents have had guns pulled on and fired at them. To get at the root of the issue, it is critical to address statewide and national crime syndicates. Investigatory tools such as etching machines are critical.

One of the reasons catalytic converters are targets of theft is because most are not serialized, making it hard to trace and recover stolen converters. To address this issue, many California cities have developed public programs to offer free etching and engraving services to any resident who wants to serialize their catalytic converter. Providing a public program prevents crime by making converters identifiable and traceable, deterring theft, and providing law enforcement more tools for finding stolen catalytic converters. While etching will not ultimately eliminate property theft, it has been shown to decrease it. The California Bureau of Automotive Repair encourages etching identification numbers onto catalytic converters, considering it one of the four top

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<sup>1</sup> Raguso, Emilie. "Armed Catalytic Converter Thieves Confront Berkeley Man." The Berkeley Scanner, April 27, 2023. <https://www.berkeleyscanner.com/2023/04/27/crime/berkeley-catalytic-converter-thieves-guns-dog-walk/>.

methods of theft prevention: "Engraving or etching your catalytic converter with your vehicle identification number (VIN) or license plate number may deter theft. It may also alert a reputable scrap dealer that the device is stolen and can help to identify the owner."<sup>2</sup> With local, state, and federal intervention, we can help protect our community from impactful, violating, and sometimes violent theft.

Los Altos, California is one of the many cities that has a free, public engraving program through the police department that assists residents in preventing car theft. Their program also partners with local autobody shops. San Jose, California is another city that has developed and implemented a catalytic converter etching program. San Jose Police Foundation President Rob Fisher states, "This program is a great example of a public-private partnership that will make a difference in the lives of San José residents."<sup>3</sup> The San Jose Police Department owns an engraving machine that rotates between different local autobody shops, so that customers can easily request free etching while their car is already getting serviced.

#### FISCAL IMPACTS OF RECOMMENDATION

\$7,000 in General Funds for the purchase of marking equipment to engrave identification numbers onto catalytic converters to deter theft and assist with investigations and recovery efforts.

#### ENVIRONMENTAL SUSTAINABILITY

Cars without catalytic converters emit toxic gas into the atmosphere and the mining associated with and manufacture of replacing converters contributes to greenhouse gas emissions.

#### CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

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<sup>2</sup> California, State of. "Catalytic Converter Theft and the Smog Check Program." Bureau of Automotive Repair, March 8, 2023. <https://www.bar.ca.gov/consumer/smog-check-program/catalytic-converter-theft#:~:text=Mark%20your%20catalytic%20converter%20%E2%80%93%20Engraving,help%20to%20identify%20the%20owner.>

<sup>3</sup> "San Jose Police Unveil Catalytic Converter Etching Program to Help Deter Widespread Theft." CBS News, February 14, 2022. <https://www.cbsnews.com/sanfrancisco/news/san-jose-police-unveil-catalytic-converter-etching-program-to-help-deter-widespread-theft/>.



Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Referring \$15,000 to the June 2023 Budget Process for a City Recreational Vehicle Pump-Out Station

RECOMMENDATION

Refer \$15,000 to the June 2023 Budget Process in Measure P funds for City recreational vehicle pump-out station, including minimal staffing costs, liability, maintenance, and replacement costs to allow individuals to discharge effluent waste directly into the City's sewer system.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

This budget referral is being submitted to the June Budget Process to fund a Policy Committee item currently before the Budget Committee. The Homeless Services Panel of Experts recommended that the City “develop a waste management plan to be implemented for RVs currently on the streets” in response to the closure of the Grayson St. SPARK shelter. Staff also issued a companion report stating: “[s]taff do not disagree with the spirit of the Homeless Services Panel of Experts recommendation to...develop a management plan to be implemented for RVs currently on the streets...we recommend sending this request to the Budget and Finance Committee for consideration in the budget process.”<sup>1</sup> As detailed in the background section below, this item reflects a long legislative history by the Mayor and Council in advocating for a permanent waste pump station, including approval of an allocation in the 2020-21 budget year that was forestalled because of the need to address emergency COVID-relief programs.

It is in the public interest to implement this recommendation expeditiously to prevent effluent from entering watersheds and provide vehicle dwellers urgent and basic human services.

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<sup>1</sup> Recommendation for RV Lot and Waste Management on Streets for RVs, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-05-16%20Agenda%20Packet%20-%20Budget.pdf>. See also Companion Report to Recommendation for RV Lot and Waste Management on Streets for RVs.

**BACKGROUND**

On February 28, 2019 the City Manager's office submitted an item to Council entitled "Referral Response: Managing Recreational Vehicle (RV) Parking" outlining options to facilitate recreational vehicle waste dumping/pumping.<sup>2</sup> Staff noted in their response that they had "learned of a pump station option which could be installed for approximately \$11,000, which would allow individuals to discharge directly into the City's sewer system," for approximately 100 RVs per week with minimal to no staffing costs. They also noted that the City has capacity within its sewer system for additional waste.<sup>3</sup> The charge for dumping the sewage by East Bay Municipal Utility District (EBMUD) is calculated in proportion to the amount of fresh water used to clean and refill the tank.

Subsequently, the Mayor included \$15,000 for the pump-out facility in his FY 2020-2021 budget noting: "[w]e will also be providing \$15,000 to a recreational vehicle mobile pump-out to make sure that any sewage is properly disposed of instead of entering our creeks and Bay." His budget responded to a budget referral from Councilmembers Davila and Harrison 2019 entitled: "Short-term referral to City Manager and budget referral for creation of a 'vehicle dweller program' in Berkeley."<sup>4</sup> The City did not implement the mobile pump-out program.

However, in 2022 Rebuilding Together began managing a time limited six-week free RV pump-out trial program at the Grayson St. shelter. The program provided access to urgent basic human needs with approximately 3.5 pump-outs per week for a total of 21 vehicle dwellers, and the station likely prevented many gallons of effluent from entering watersheds such as our creeks, Aquatic Park and the Bay. Uptake during the trial was relatively limited due to the impending closure of the Grayson St. shelter. The trial also featured a mobile tank solution to assist inoperable vehicles. EBMUD provided access to sewer drains no cost with a permit for environmental mitigation. A fixed site as envisioned by this item would help facilitate easy disposal of any mobile tanks. The

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<sup>2</sup> On September 25, 2018, City Council approved a recommendation to "Refer to the City Manager to look into how other cities use permitting to manage RV parking..." On December 11, 2018 the City Council approved a recommendation to "Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, including consideration of method of pump out, cost, locations, and capacity, and refer costs associated with the facility to the FY 2020/21 Budget Process." See Paul Buddenhagen, Deputy City Manager, "Referral Responses: Managing Recreational Vehicle (RV)," February 28, 2019, <https://records.cityofberkeley.info/PublicAccess/api/Document/AXPchO9%C3%89LXUoVput35boN%C3%89D7pl%C3%891pCTgOP2Co5VkjvcPoiwHCaDjzPhJIRBotX5cdWEBTJK%C3%89FHycp8ckEsLZ7CQ%3D/>.

<sup>3</sup> Id.

<sup>4</sup> Councilmembers Cheryl Davila and Kate Harrison, "Short-term referral to City Manager and budget referral for creation of a "vehicle dweller program" in Berkeley," April 2, 2019, <https://records.cityofberkeley.info/PublicAccess/api/Document/AYMbvLHwd8GrqSd%C3%89DemZVY2aP9xRTlo9FZ5GjFKyy08nQNbO%C3%89ZkjiMI9k%C3%891VqS0ZS8xGf7TRvn%C3%89JNvcS6GwOn%C3%891n0%3D/>.



Referring \$15,000 to the June 2023 Budget Process for a City Recreational Vehicle  
Pump-Out Station

CONSENT CALENDAR  
June 6, 2023

Marin Sanitary Service already operates such a station, which includes a fresh water hose to clean out and refill tanks.

FISCAL IMPACTS OF RECOMMENDATION

\$15,000 in Measure P funds.

ENVIRONMENTAL SUSTAINABILITY

A dedicated pump-out would make sure that any effluent is properly disposed of instead of entering our creeks and Bay.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor),  
Councilmember Hahn (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)

Subject: Support for SB-233 (Skinner)

RECOMMENDATION

Approve a letter to Senator Skinner in support of SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment: bidirectional capability, and send copies to Assemblymember Wicks and Governor Newsom.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

SB-233 would require all new electric vehicles (EVs), beginning in model year 2027, and electric vehicle service equipment sold in California after January 1, 2027 to be capable of bidirectional charging, with limited exceptions. The bill's new definition of bidirectional charging means charging capability that enables an electric vehicle to be charged by the electrical grid, or to discharge stored battery energy to the electrical grid or to serve an adjacent home or building.

Authored by Senator Nancy Skinner and sponsored by The Climate Center and the Union of Concerned Scientists, SB 233 aims to make bidirectional charging for EVs the norm ahead of the mandate to make all new cars and light trucks sold in the state be electric by 2035.

The bill requires the State Energy Resources Conservation and Development Commission, in consultation with the State Air Resources Board, on or before June 30, 2024, to convene a stakeholder workgroup to examine challenges and opportunities associated with using an electric vehicle as a mobile battery to power a home or building or providing electricity to the electrical grid. It would also require the Energy Commission, in consultation with the stakeholder workgroup, on or before January 1, 2025, to submit a report to the Governor and Legislature that includes specified information related to the bidirectional capability of electric vehicles and electric vehicle service equipment.

Support for SB-233

CONSENT CALENDAR  
June 6, 2023

Bidirectional charging makes it possible for electric vehicles to become “batteries on wheels” — capable of using the energy stored in their batteries to back up the power grid, homes, and businesses.

According to the California Energy Commission, the state expects to have 8 million electric vehicles on the road by 2030. Currently, only a small fraction of California’s electric vehicle fleet has bidirectional capability. By requiring that most EVs sold by 2027 are bidirectional, California can harness the momentum of a market moving swiftly toward an electrified future.

ENVIRONMENTAL SUSTAINABILITY

Bidirectional charging is an essential component to vehicle-to-grid (V2G) integration which provides grid resiliency by turning EV batteries into mobile storage. V2G accelerates EV adoption by lowering the total cost of ownership by enabling EV owners to earn revenue through electricity exports during times when the grid is under stress. V2G is also essential to keep the cost of energy equitable while supporting EV deployment.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Letter of Support

2: [SB-233 as amended](#)

June 6, 2023

The Honorable Nancy Skinner  
California State Senate  
State Capitol, Suite 8630  
Sacramento, CA 95814

**RE: SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment:  
bidirectional capability  
Support from the Berkeley City Council**

Dear Senator Skinner:

On behalf of the Berkeley City Council, I want to express our support for SB-233 (Skinner) Electric vehicles and electric vehicle supply equipment: bidirectional capability.

SB233, addresses an urgent and important crisis in electricity reliability.

SB233 will enable California to address multiple challenges at once through harnessing the untapped battery storage capacity of electric vehicles (EVs). The electrification of transportation creates a once-in-a-generation opportunity for EVs to not only decarbonize transportation, but also keep the lights on during power outages, lower energy bills for Californians, and make our electricity system more reliable on a daily basis. EVs capable of bidirectional charging can store abundant renewable energy when it is available and provide power back to the grid at peak times when it is most needed.

Thank you for your leadership on this important policy topic.

Sincerely,

Susan Wengraf  
Councilmember  
City of Berkeley

CC: Assembly Member Buffy Wicks  
Governor Newsom

5/15/23, 9:54 AM

Today's Law As Amended - SB-233 Electric vehicles and electric vehicle supply equipment: bidirectional capability.



*California.*  
LEGISLATIVE INFORMATION

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## SB-233 Electric vehicles and electric vehicle supply equipment: bidirectional capability. (2023-2024)

### As Amends the Law Today

#### SECTION 1. The Legislature finds and declares all of the following:

- (a) California was the first state to adopt an energy storage procurement mandate to assist renewable energy integration and electrical grid reliability.
- (b) Batteries in electric vehicles are storage resources and have the potential to be deployed to assist in renewable energy integration and electrical grid reliability and during emergencies, including power outages.
- (c) Wildfires, heatwaves, and other climate change-fueled extreme weather events pose an increasing threat to the reliability of California's electrical grid.
- (d) One response to power outages in California has been to rely on fossil-fueled backup generators, which contribute to the emissions of greenhouse gases and local air pollution.
- (e) Development of bidirectional electric vehicle infrastructure will provide access to a significant reserve of dispatchable electricity that will help ensure continuous electrical service for California. In 2022, the State Air Resources Board adopted the Advanced Clean Cars II rule that requires 100 percent of electric vehicle sales by 2035 and, in 2020, the State Air Resources Board adopted the Advanced Clean Truck rule that requires increasing percentages of electric vehicle sales starting in 2024. These electric vehicles could provide critical electricity to the electrical grid if enabled to do so.
- (f) As California builds out electric vehicle service equipment in order to meet the charging needs of an anticipated 8,000,000 electric vehicles by 2030, there is a unique opportunity to leverage significant federal, state, and private sector investments in electric vehicles and electric vehicle service equipment to ensure they are bidirectionally capable.
- (g) Peak electricity demand is the primary driver behind the use of fossil fuel peaker power plants, the emissions of which disproportionately impact disadvantaged communities.
- (h) The charging cycle of bidirectional-capable electric vehicles can be scheduled away from peak demand times to periods with excess and lower cost renewable electricity generation, allowing the dispatchable energy capacity of bidirectional-capable electric vehicles to serve as an alternative to fossil fuel peaker power plants, mitigating the air pollution and public health impacts on disadvantaged communities.
- (i) Supporting market scalability of bidirectional charging has the potential to lower electricity costs in California and maximize reliability and resilience benefits to consumers and the electrical grid, especially when bidirectional-capable electric vehicles are colocated with distributed onsite energy resources.

SEC. 2. Chapter 8.8 (commencing with Section 44269) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

#### CHAPTER 8.8. Electric Vehicles

44269. (a) For purposes of this chapter, the following definitions apply:

- (1) "Beneficial bidirectional-capable use case" means the usage of bidirectional-capable electric vehicles and bidirectional electric vehicle service equipment in a manner that results in electrical reliability and resiliency benefits.
- (2) "Bidirectional capable" means the ability of an electric vehicle to both charge and discharge electricity through electric vehicle service equipment, as modified pursuant to Section 44269.3.
- (3) "Bidirectional charging" means charging capability that enables an electric vehicle to either be charged by the electrical grid or an onsite energy resource, or discharge stored energy capacity to the electrical grid or to serve an adjacent home or building.

[https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill\\_id=202320240SB233&showamends=false](https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240SB233&showamends=false)

1/2

5/15/23, 9:54 AM

Today's Law As Amended - SB-233 Electric vehicles and electric vehicle supply equipment: bidirectional capability.

(4) "Bidirectional electric vehicle service equipment" means electric vehicle service equipment capable of both charging and discharging electricity from an electric vehicle.

(5) "Board" means the State Air Resources Board.

(6) "Commission" means the State Energy Resources Conservation and Development Commission.

(7) "Electric vehicle" means a battery electric or hybrid vehicle that uses an electric battery and electric motor for mobility.

(8) "Electric vehicle service equipment" has the same meaning as defined in Section 44268.

(9) "Interoperability" has the same meaning as described in Section 680.108 of Title 23 of the Code of Federal Regulations.

(10) "Light-duty motor vehicle" has the same meaning as defined in Section 2211 of Title 13 of the California Code of Regulations.

(b) The definitions provided in this section may be modified or updated pursuant to Section 44269.3.

**44269.1.** (a) The commission, in consultation with the board, shall, on or before June 30, 2024, convene a stakeholder workgroup to examine challenges and opportunities associated with using an electric vehicle as a mobile battery to power a home (vehicle-to-home) or building (vehicle-to-building) or providing electricity to the electrical grid (vehicle-to-grid).

(b) The commission, in consultation with the stakeholder workgroup, on or before January 1, 2025, shall submit a report to the Governor and Legislature that includes all of the following:

(1) Potential costs and benefits associated with requiring bidirectional capability for electric vehicle service equipment.

(2) Mechanisms to ensure interoperability between bidirectional capable electric vehicles and bidirectional electric vehicle service equipment.

(3) The resources needed from the electricity sector to facilitate vehicle-to-building and vehicle-to-grid practices.

(c) (1) The report to be submitted pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2028.

**44269.3.** (a) On or before December 31, 2024, the board, in consultation with the commission and the Public Utilities Commission, shall, by regulation, modify the definition of "bidirectional capable" for electric vehicles in order to specify nonproprietary technical interoperability requirements to support electrical grid reliability and resilience by providing emergency backup electricity or electrical grid services to comply with this chapter. As part of that modified definition, at the time of sale, all necessary electric vehicle components, and their operational parameters, shall be required to support and enable bidirectional capability for purposes of compliance with this chapter.

(b) The board may periodically update the definition of "bidirectional capable" and other definitions, including those provided in Section 44269, to ensure the definitions align with current technologies in bidirectional charging and account for ongoing innovation.

(c) On or before December 31, 2024, the board, in consultation with the commission and the Public Utilities Commission, shall, by regulation, modify and further clarify the definition of "beneficial bidirectional-capable use case" for electric vehicles in order to provide additional guidance for determining which electric vehicles are required to comply with Section 44269.4.

**44269.4.** (a) Beginning in model year 2027, all new electric vehicles sold in California shall be bidirectional capable, including light-duty motor vehicles and schoolbuses, except as specified in subdivision (b).

(b) The board may exempt from this section vehicles for which it determines there is not a likely beneficial bidirectional-capable use case.







Office of the City Manager

PUBLIC HEARING

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning and Development

Subject: Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt first reading of an ordinance adding Berkeley Municipal Code Section 23.304.150 establishing Bird Safe Building requirements (“bird safe requirements”) for projects that require a building permit.

SUMMARY

On November 12, 2019, the Community Environmental Advisory Commission (CEAC) presented an action item to the City Council recommending that the City of Berkeley amend the Berkeley Municipal Code (BMC) to include a new Chapter establishing bird safety requirements for new construction and significant renovations.

The proposed ordinance (***Attachment 1***) establishes Bird Safe Building requirements (“bird safe requirements”) for development projects in Berkeley that require a building permit. The ordinance would:

- Immediately apply to all transparent and reflective surfaces for all non-residential projects and for larger residential buildings with 10,000 square feet or more gross floor area.
- Be phased-in over a period of two to five years for smaller residential buildings with less than 10,000 square feet gross floor area, certain affordable housing projects, and window replacements on existing buildings (see *Phase-In Periods for Certain Projects*, below).
- Include three compliance paths, ranging from window films and screens, to specialized transparent material containing bird safe patterns through fritting or other treatments.

FISCAL IMPACTS OF RECOMMENDATION

As discussed below in the “Cost and Availability” subsection of this staff report, bird safe materials could increase the cost of private construction projects, as well as public projects undertaken by the City of Berkeley. In addition, enforcement of the proposed ordinance would be undertaken alongside existing zoning and code compliance responsibilities, and may require additional staffing resources depending on the volume of applicable permits and/or complaints received.

CURRENT SITUATION AND ITS EFFECTS

The Bird Safe Building ordinance supports the City’s Strategic Plan goal of being a global leader in protecting the environment.

Birds do not have the same depth perception or contrast sensitivity as humans; as such they cannot see glass. At night, which is when most birds migrate, guided by magnetic sensors in their retinas that pick up on red and warm-white light, light distracts and disorients them, often leading to collisions.<sup>1</sup> A 2014 study from the Cooper Ornithological Society estimated that between one hundred million and one billion birds die every year in collisions with built structures, and the Golden Gate Audubon Society estimates that between 100,000 and 600,000 birds die in Berkeley every year from collisions with existing buildings.<sup>2</sup> Bird collisions with windows are a leading cause of human-induced bird deaths in the United States, second only to outdoor cats.

Berkeley is located within the Pacific Flyway, a major migratory route for birds. When birds encounter unfamiliar urban areas along the migratory path, they are at particular risk for collisions and death. The City is also adjacent to the San Francisco Bay, one of North America’s most ecologically important estuaries and an international biodiversity hotspot because of the large number of birds, animals, and plants found there, many of which are found nowhere else. The region is also recognized as a site of “Hemispheric Importance” for shorebirds by the Western Hemisphere Shorebird Reserve Network.<sup>3</sup>

A handful of jurisdictions, both locally and across the county, have established bird safe requirements in their planning or building codes. Those regulations are summarized in a comparison table in **Attachment 2**. Some recently-approved projects, including Berkeley Commons at 600 Addison Street, the Bayer Campus expansion, and the Residence Inn at 2121 Center Street, include bird safe glass. The proposed ordinance would apply new objective standards within the zoning ordinance by indicating the project types required to include bird safe materials, and verifiable compliance paths.

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<sup>1</sup> <https://www.audubon.org/news/building-collisions-are-greater-danger-some-birds-others>

<sup>2</sup> [http://nas-national-prod.s3.amazonaws.com/documents/loss\\_et\\_al\\_bird-building\\_collisions\\_condor\\_2014.pdf](http://nas-national-prod.s3.amazonaws.com/documents/loss_et_al_bird-building_collisions_condor_2014.pdf); April 18, 2023. Golden Gate Audubon Society letter to Design Review Committee.

<sup>3</sup> <https://ca.audubon.org/conservation/conservation/seas-shores/san-francisco-bay>

**Proposed Ordinance**

The ordinance recommended by the Planning Commission would amend the BMC to include a new section, “BMC Section 23.304.150 Bird Safe Building,” that would include:

***Purpose Statement***

**A. Purpose.** The purpose of this section is to reduce bird mortality from windows and other transparent or reflective buildings or building features known to increase the risk of bird collisions.

Consistent with the style guide adopted as part of the Baseline Zoning Ordinance, the proposed ordinance includes a Purpose Statement. The proposed language is taken largely from the Purpose Statement included in the CEAC’s suggested Bird Safety Ordinance.

***Applicability***

The ordinance would apply to projects that require a building permit and vary based on primary land use and, for residential or mixed-use, the size of the overall building. The requirements would *not* apply to existing windows or other transparent materials that are *not* proposed to be replaced.

Project Type: The ordinance would distinguish between three project types:

1. New construction that includes transparent or reflective material;
2. New or replacement transparent or reflective material on existing buildings; and
3. New or replacement structures or features that are largely transparent or reflective by design (e.g., greenhouses, glass walls, noise barriers).

Primary Land Use and Building Size: The ordinance would distinguish between non-residential and residential/mixed-use projects, and would also distinguish between larger and smaller residential/mixed-use developments (with a 10,000 square foot floor area threshold), consistent with the Planning Commission’s recommendation.

As outlined in **Attachment 2**, while most jurisdictions include exemptions for smaller projects, including single family homes, duplexes, or smaller residential projects up to two stories, the Planning Commission recommended against including any exemptions in Berkeley’s ordinance.

Applicable Building Locations: The ordinance identifies the locations of transparent or reflective material that would be covered by the ordinance for each project type based on their primary land use. Notable aspects of these requirements include:

***All Transparent or Reflective Materials.*** Bird safe requirements would apply to all transparent or reflective materials, regardless of window size.

*100 Feet Above Grade.* Bird safe requirements would apply to eligible transparent or reflective surfaces located between the ground and 100 feet above grade. For comparison, the City of New York’s requirements apply to the first 75 feet above grade, and Mountain View, Oakland, San Francisco and Evanston, Illinois apply their standards to the first 60 feet above grade.

*High-Risk Features – No Grade Limit.* Bird safe requirements would apply to specific transparent or reflective building components that are particularly susceptible to bird-glass collisions, regardless of location above grade. High-risk features are railings, awnings, windbreak/windscreen panels, acoustic barriers, skywalks, greenhouses, glass walls, rooftop appurtenances, balconies and exterior decorative panels or signage. These components were specifically identified by the Planning Commission and Subcommittee as elements to be included due to higher collision risk. A number of jurisdictions, including New York City, Alameda, and Mountain View, take similar steps to regulate these building elements.

Table 1. Bird-Safe Building Requirements

| <b>Project Type</b>                                                                      | <b>Applicable Building Location(s)</b>                                                     |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Non-Residential</b>                                                                   |                                                                                            |
| New Construction or Addition                                                             | All transparent or reflective material located between the ground and 100 ft. above grade. |
| New or Replacement Transparent or Reflective Material on Existing Building               | All transparent or reflective material located between the ground and 100 ft. above grade. |
| High-Risk Features                                                                       | All high-risk features located at any grade.                                               |
| <b>Residential or Mixed Use</b>                                                          |                                                                                            |
| New Construction or Addition, Building with 10,000 sq. ft. or more of gross floor area   | All transparent or reflective material located between the ground and 100 ft. above grade. |
| New Construction or Addition, Building with less than 10,000 sq. ft. of gross floor area | All transparent or reflective material located between the ground and 100 ft. above grade. |
| New or Replacement Transparent or Reflective Material on Existing Building               | All transparent or reflective material between the ground and 100 ft. above grade.         |
| High-Risk Features                                                                       | All high-risk features located at any grade.                                               |

Phase-In Periods for Certain Projects:

1. *New Affordable Housing Projects.* The proposed ordinance includes a phase-in for affordable housing projects. Residential or mixed-use residential projects

where more than 50 percent of the residential unit floor area is affordable would be exempt from most of the ordinance requirements until January 1, 2025. Any high-risk feature would be subject to the applicable bird safe requirements.

2. *New Smaller Residential Projects.* Consistent with Planning Commission and Design Review Committee direction to provide a phase-in period for smaller residential projects, the proposed ordinance would not apply to smaller residential projects until January 1, 2025, as long as those projects do not include any façade where 30 percent or more of the façade's area consists of windows or reflective materials. This phase-in period would allow smaller builders and individual property owners to learn about and prepare to meet the requirements, and for the local construction materials market to adjust to make bird safe materials readily available to smaller customers.
3. *Existing Buildings.* The proposed ordinance also includes phase-in provisions for projects that add or replace windows or reflective materials on existing buildings, as long as those projects do not include any façade where 30 percent or more of the façade's area consists of windows or reflective materials. For eligible non-residential projects, the phase-in date would be January 1, 2025, and for eligible residential projects, the phase-in date would be January 1, 2028.

Projects that submit compliant SB 330 preliminary applications are vested into rules that are in effect at that time. SB 330 vesting would carry over for compliant projects, including eligible exemptions. For example, if a qualifying affordable housing project submits an SB 330 compliant preliminary application before January 1, 2025, the project would only be subject to the requirements for New or Replacement Transparent Structures or Features.

### ***Bird Safe Requirements***

The ordinance includes the following three methods of compliance for windows, transparent or reflective materials, or any elements or structures covered by the ordinance. There is overlap between the three compliance paths. For example, the American Bird Conservancy Database includes products that would comply with the required patterned glazing treatment and products that are exterior screens.

1. American Bird Conservancy (ABC) Threat Factor Rating: An element or material would comply with the ordinance if it is listed in the ABC's online *Glass Collisions Products and Solutions Database*<sup>4</sup> with a Threat Factor Rating of 30 or less at the time of Building Permit issuance.<sup>5</sup> According to the ABC, a Threat Factor of 30 is the organization's upper threshold for categorizing materials as bird friendly.

<sup>4</sup> <https://abcbirds.org/glass-collisions/products-database/>

<sup>5</sup> ABC's Material Threat Factor (TF) rating system tests, assesses and classifies materials on a scale of 0 to 100 to provide a relative measure of birds' ability to see and avoid patterned glass and other materials. The lower the TF, the more effective the material will be at reducing collisions. For more information, see ABC's Threat Factor page: <https://tinyurl.com/4k2v2stb>.

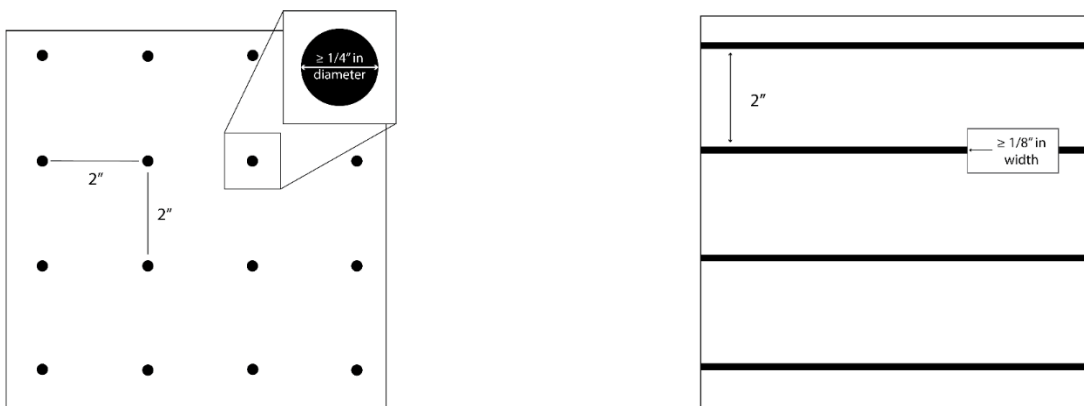
ABC's *Glass Collisions Products and Solutions Database* contains more than 170 products. In addition to windows, the database includes window films, decals, paints, exterior screens and other treatments, each of which includes an assigned Threat Factor and information about the manufacturer.

2. Patterned Glazing Treatments: As an alternative to selecting a product from ABC's *Glass Collisions Products and Solutions Database*, an element or material would comply with the ordinance if it includes patterns that are etched, fritted, stenciled, silk-screened or otherwise permanently incorporated into the transparent material.

The specific language in the draft ordinance related to this compliance path is from staff's initial recommendation to the Planning Commission, and differs from the Planning Commission's recommended language. Project planners are unable to administer requirements for building materials at the technical level of detail included in the Planning Commission—and Golden Gate Audubon—recommendation. See **Attachment 7** containing a redlined version of staff's initial recommendation, revised with Golden Gate Audubon's recommendations.

The proposed ordinance details how patterns must be spaced on the material and upon which window surface (exterior or interior) a pattern must be located. For example, for a pattern that utilizes dots or other isolated solid shapes, each dot or shape must be at least 0.25 inches in diameter and be no more than 2 feet apart in any direction. If the pattern utilizes lines, it must be at least one-eighth of an inch in width and spaced no more than 2 inches apart. Figure 1 illustrates this compliance path.

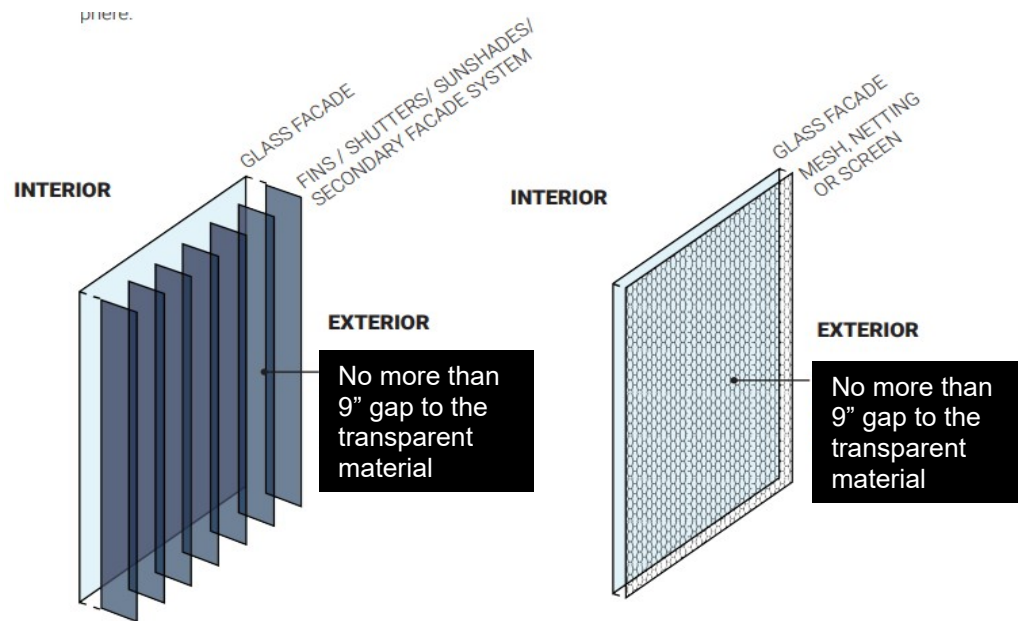
**Figure 1: Patterned Glazing Treatments**



3. External Screens, Shutters or Shading Devices: As an alternative to selecting a product from ABC's *Glass Collisions Products and Solutions Database*, an element or

material would comply with the ordinance if it were covered with an exterior screen, shutter or shading device, or insect or solar screen that was permanently installed on the building exterior. Such a treatment would not create any gaps larger than 9 inches in any dimension (that is, a 9-inch diameter object could not pass through the treatment and strike the window or material). Figure 2 provides an illustration of this compliance path.

**Figure 2: External Screen, Shutter or Shading Device**



**Cost and Availability**

The Planning Commission and the Design Review Committee both requested more information about (a) the relative cost of bird safe materials compared to standard windows and (b) the availability of materials that would comply with the ordinance, particularly for smaller builders and individual homeowners.

Staff conducted research and interviewed builders, architects, glass retailers, and glass manufacturers, and can share the following:

***Berkeley-based businesses do not yet carry bird safe materials***

In February 2023, with the assistance of the City of Berkeley’s Office of Economic Development, staff contacted 13 Berkeley-based building material retailers to inquire into the availability of bird safe products. None of the 13 businesses carried bird safe products, and at least three businesses had not heard of bird safe options for window products. This mirrors research done by a member of the Design Review Committee, who contacted three local residential window suppliers (Ashby Lumber, Associated Building Supply and Glass Concepts) and a territory manager for BMD, a distributor of Marvin windows. None of the local suppliers had experience selling bird safe materials because of the added cost, and most of them had experiences with clients choosing not to use bird safe materials because of cost.

***Bird safe window costs vary***

Given the variety of possible products and project types, staff are unable to precisely quantify how much additional cost bird safe materials would entail in every situation. Additionally, within the market for bird safe materials, some treatments cost less than others. The broad consensus from staff research is that bird safe windows do cost more than standard windows. The table below provides an order-of-magnitude comparison of standard windows and windows that would comply with the proposed ordinance:

| Window Type       | Cost (Price Range Per Square Foot) |
|-------------------|------------------------------------|
| Standard          | \$12 - \$15                        |
| Fritted           | \$15 - \$20                        |
| Etched            | \$25 - \$30                        |
| Ultra Violet (UV) | \$35 - 40                          |

It should be noted that California’s Title 24 Building Efficiency Code includes environmental requirements for windows that may not be met by all bird safe products. In addition, some window treatments such as Low-E windows<sup>6</sup> include a coating on the same window surface where fritting is commonly installed. As a result, costlier custom windows may be required to utilize both Low-E and bird safe elements.

***Window film and tape offer less expensive options, with caveats.***

ABC’s *Glass Collisions Products and Solutions Database* includes a variety of tapes, films and other products that are adhered to standard windows. These solutions cost less than specialized windows and are widely available, and can be delivered within days. For example, SOLYX Bird Safety Window Film costs approximately \$6 per square foot, and –at the time of staff research—can be delivered in about a week. However, the effectiveness and longevity of a tape or film depends on the quality of the installation and its maintenance. There is also the possibility that utilizing a tape or film may void or limit a window’s underlying warranty. Finally, while utilizing window film and tape listed in ABC’s database would comply with the ordinance, they are not considered long-term solutions, as they can be removed.

***Limited selection of bird safe materials may affect design options.***

While there are a number of bird safe materials on the market, the variety of materials is smaller than the market for conventional window products. A reduction in the variety of usable materials and products could therefore reduce the available architectural design options. However, when asked about this possibility, the Design Review Committee did not express concerns about this issue.

**Enforcement**

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<sup>6</sup> Low-E is short for Low-Emissivity or Low-Emittance. Low-E glass contains a microscopic coating that makes a window more thermally efficient.



The ordinance would only apply to projects that require a building permit. Replacing broken windows or individual window panes are considered repairs and do not require a building permit. For example, an existing window broken by an errant baseball would not be subject to the ordinance.

Project plans would be required to include a stamp from the project applicant attesting that the project would comply with the ordinance, and the window schedule for proposed projects would need to indicate the transparent materials subject to the ordinance and the compliance path being selected for each applicable material.

Land Use Planning and Building and Safety staff have limited ability to specifically enforce the ordinance on a project-by-project basis. For example, if a project utilized compliance path 2 (*Patterned Glazing Treatments*, above), Planning or Building staff would not measure the dots, lines or other patterns on each pane of glass after installation to confirm compliance. Compliance with the ordinance, as attested to on the building permit plans, would be an approval requirement, but detailed enforcement, beyond a general confirmation that compliant materials are present, would be on a complaint basis. An individual who suspects that a window or other material is not in compliance with the ordinance would register a code enforcement complaint, which would be investigated and resolved by staff.

### **Public Information Documents**

Upon adoption of the proposed Ordinance, staff will prepare a public information document to explain the Bird Safe requirements and its purpose in common language, and provide guidance to project applicants as to where to obtain compliant materials.

While ABC's Database includes more than 150 rated materials, it does not provide information about where to purchase items or whether they are available in Berkeley or the Greater Bay Area. The public information document would include purchasing options for specific products included in the ABC Database.

### **BACKGROUND**

At its meeting on March 2, 2022 the Planning Commission received a report and presentation on the referral from CEAC, the studied effects of built environments on bird populations, a brief discussion of how Berkeley's particular geography relates to bird populations, and a review of existing regulatory efforts in Bay Area cities regarding bird safety (**Attachment 3**). Staff then presented a draft proposal and received feedback from the Design Review Committee at its September 15, 2022 meeting. At its meeting of October 19, 2022 the Planning Commission received an additional report with a more specific set of policy questions, held a discussion, and established a Subcommittee (**Attachment 4**).

At its meeting on March 1, 2023, the Planning Commission held a public hearing to consider a proposed Bird Safe Requirements Ordinance developed by staff that was informed by feedback from both the Planning Commission, the Planning Commission Subcommittee, and the Design Review Committee (**Attachment 5**). Further information

on the details of the March 1, 2023 meeting are discussed below under “Alternative Actions Considered.”

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The purpose of the ordinance is to reduce bird mortality from windows and other transparent buildings or building features known to increase the risk of bird collisions. As the proposed ordinance does not require the replacement of existing windows with bird safe materials, current bird strike risk may not necessarily be reduced through the ordinance, but the inclusion of bird safe materials in future development and major rehabilitations would reduce bird mortality compared to a build-out scenario that only included standard windows. In addition to the benefits to birds themselves, reducing premature bird mortality would contribute to sustaining local biodiversity.

*Environmental Determination.* California Public Resource Code Section 21065 defines a “project” under CEQA as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed ordinance only includes requirements for the types of windows or other transparent materials that must be included in proposed projects. The proposed ordinance does not consist of a discretionary action that would permit or cause any direct or indirect change in the environment. The proposed ordinance is therefore not a project under CEQA, and further environmental review is not required.

### RATIONALE FOR RECOMMENDATION

There are currently no bird safety measures required for newly constructed or renovated buildings in Berkeley. **Attachment 6**, a memo from the Planning Commission, details its rationale for recommending the proposed ordinance.

### ALTERNATIVE ACTIONS CONSIDERED

At its meeting on March 1, 2023, the Planning Commission held a public hearing to consider a proposed Bird Safe Building ordinance developed by staff that was informed by feedback from both the Planning Commission, the Planning Commission Subcommittee, and the Design Review Committee (**Attachment 5**). The ordinance staff recommended at the March 1 Planning Commission meeting was based on prior Commission advice to propose requirements based on window size (not project size or type), to base the regulations on others adopted regionally, and to differentiate between larger and smaller projects. The ordinance recommended by the Planning Commission (**Attachment 1**) differs from the ordinance recommended by staff at the March 1 Planning Commission meeting. **Attachment 7** is a redlined version of the ordinance recommended by staff at the March 1 Planning Commission meeting, which includes the amendments made by the Planning Commission.

### Applicability

The ordinance recommended by staff at the March 1 Planning Commission meeting, as well as the existing regulations in both Emeryville and Alameda, included a provision that bird safe requirements only apply to transparent materials that are 12 square feet or larger. More recently-adopted ordinances do not include exemptions based on window

size, including those in New York City, Mountain View, and Evanston, Illinois. Public comment at the March 2023 meeting emphasized that windows of any size could pose a hazard and that the size threshold included in staff's proposed ordinance would exempt many windows on new projects. As a result, the Planning Commission unanimously recommended an expansion of the applicability of the ordinance to all windows and transparent surfaces.

### **Project Type**

Given concerns about the cost and availability of bird safe materials, the ordinance recommended by staff at the March 1 Planning Commission meeting limited bird safe requirements for smaller residential projects only to windows on facades where more than 50 percent of the surface area consisted of transparent glass. Initial feedback from the Planning Commission noted that even small projects with larger amounts of glass would likely have the budget to afford bird safe materials. The cities of Richmond and Alameda, as well as the CEAC's proposed ordinance, include the 50 percent threshold as an indication of particularly risky locations for bird collisions.

Based on public comment that this exemption may be too far-reaching, the Planning Commission revised this exemption to only apply to projects without a single façade that included windows on 30 percent or more of its surface area. Also, the Planning Commission limited the duration of the exemption, creating a phase-in for these projects of January 1, 2025.

### **Affordable Housing Exemption**

Consistent with the threshold adopted by the City Council for Transportation Demand Management requirements, the ordinance recommended by staff at the March 1 Planning Commission meeting included an exemption for residential projects that included 50 percent or more of their units as affordable. This exemption was introduced to avoid additional costs for the development of affordable housing. Public comment at the meeting noted that a significant number of anticipated projects (North Berkeley BART, for instance) could reach this affordable housing threshold and that a notable number of future buildings could thereby not include any bird safe materials. The Planning Commission recommendation instead limited the duration of the exemption, creating a phase-in for affordable projects of January 1, 2025.

### **Qualified Biologist**

The ordinance recommended by staff at the March 1 Planning Commission meeting included a compliance pathway that would permit a qualified biologist to indicate that a project's proposed construction methods and materials would reduce the risk of bird collision to an extent comparable to the other compliance paths. This compliance path was introduced to recognize that there may be an alternative method or technology that is not yet listed in the other compliance paths but could be equally effective. Cupertino

and Emeryville's ordinances include an explicit provision for certification by a qualified biologist. Alameda and Oakland, as well as CEAC's proposed ordinance, include provisions for alternative compliance paths that require the input of qualified biologists. However, public and Planning Commissioner comments expressed concern that such a compliance path could be exploited, due to the lack of standardized qualifications for biologists and the risk that an unethical biologist could be hired to certify a project that was in fact not bird safe. The Planning Commission recommendation therefore does not include this compliance path.

CONTACT PERSON

Justin Horner, Associate Planner, Planning and Development, 510-981-7476

Attachments:

- 1: Bird Safe Building Ordinance.
- 2: Adopted Bird Safe Ordinances – Comparison Table.
- 3: Planning Commission Report, March 2, 2022.
- 4: Planning Commission Report, October 19, 2022.
- 5: Planning Commission Report, March 1, 2023.
- 6: Planning Commission Memo, March 23, 2023.
- 7: Redlined Ordinance: Golden Gate Audubon's Recommendations to Staff Planning Commission Recommendation, dated March 1, 2023
- 8: Public Hearing Notice

ORDINANCE NO. -N.S.

BIRD SAFE BUILDING; ADDING BERKELEY MUNICIPAL CODE SECTION 23.304.150

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the Berkeley Municipal Code is amended to add a new Section 23.304.150 to read as follows:

**23.304.150 Bird Safe Building.**

**A. Purpose.** The purpose of this section is to reduce bird mortality from windows and other transparent or reflective buildings or building features known to increase the risk of bird collisions.

**B. Applicability.**

1. *Applicability.* The bird safe building requirements apply to the following types of projects based on the primary land use when such projects require a building permit.

**Table 23.304-10. Bird Safe Building Requirement Applicability**

| <b>Project Type</b>                                                                    | <b>Applicable Building Location(s)</b>                                                     | <b>Supplemental Standards</b>            |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Non-Residential</b>                                                                 |                                                                                            |                                          |
| New Construction or Addition                                                           | All transparent or reflective material located between the ground and 100 ft. above grade. |                                          |
| New or Replacement Transparent or Reflective Material on Existing Building             | All transparent or reflective material located between the ground and 100 ft. above grade. | 23.304.150(B)(2)(a), 23.304.150(B)(2)(b) |
| High-Risk Features                                                                     | All High-Risk Features located at any grade.                                               | 23.304.150(B)(2)(a) 23.304.150(B)(2)(e)  |
| <b>Residential or Mixed Use</b>                                                        |                                                                                            |                                          |
| New Construction or Addition, Building with 10,000 sq. ft. or more of gross floor area | All transparent or reflective material located between the ground and 100 ft. above grade. | 23.304.150(B)(2)(d)                      |
| New Construction or Addition, Building with                                            | All transparent or reflective material located between the                                 | 23.304.150(B)(2)(b), 23.304.150(B)(2)(d) |

|                                                                            |                                                                                            |                                                               |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| less than 10,000 sq. ft. of gross floor area                               | ground and 100 ft. above grade.                                                            |                                                               |
| New or Replacement Transparent or Reflective Material on Existing Building | All transparent or reflective material located between the ground and 100 ft. above grade. | 23.304.150(B)(2)(a), 23.304.150(B)(2)(c), 23.304.150(B)(2)(d) |
| High-Risk Features                                                         | All High-Risk Features located at any grade.                                               | 23.304.150(B)(2)(a) 23.304.150(B)(2)(e)                       |

2. *Phasing and Exemptions; Definitions.*

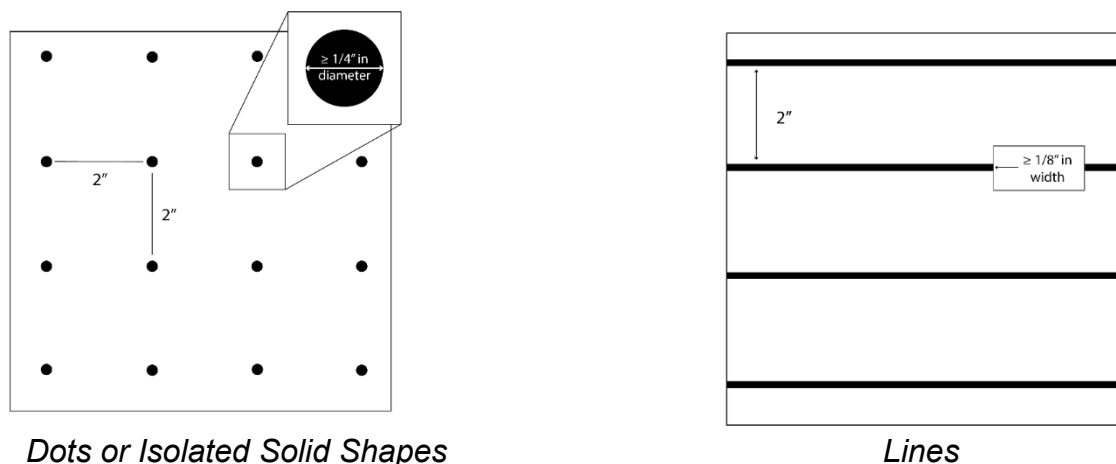
- a. *No Replacement.* The bird safe building requirements do not apply to existing windows or other transparent or reflective materials that are not proposed to be replaced.
- b. *Phase-In for Existing Non-Residential or New Smaller Residential Buildings with Lower Hazard Facades.* Buildings where every façade’s total square footage consists of less than 30 percent transparent or reflective material are exempt through January 1, 2025, except that High-Risk Features are not exempt. If one or more façade contains 30 percent or more transparent material in its total square footage, all transparent or reflective materials shall meet 23.304.150(C) (Bird Safe Requirements).
- c. *Phase-In for Existing Residential Buildings with Lower Hazard Facades.* Buildings where every façade’s total square footage consists of less than 30 percent transparent or reflective material are exempt through January 1, 2028, except that High-Risk Features as described in Table 1 – 23.304-10 are not exempt. If one or more façade contains 30 percent or more transparent material in its total square footage, all transparent or reflective materials shall meet 23.304.150(C) (Bird Safe Requirements)
- d. *Phase-In for Affordable Housing.* Residential projects, including the residential portion of mixed-use projects, where greater than 50 percent of the residential unit floor area are subject to recorded affordability restrictions, are exempt from the provisions of this section until January 1, 2025, except that High-Risk Features are not exempt.

- e. *High-Risk Features Defined.* “High-Risk Features” shall be defined as the following transparent or reflective building components that are particularly susceptible to bird-glass collisions: Railings; Awnings; Windbreak/windscreen panels; Acoustic barriers; Skywalks; Greenhouses; Glass walls; Rooftop appurtenances; Balconies; and Exterior decorative panels or signage.

**C. Bird Safe Requirements.** Any regulated transparent or reflective material must meet at least one of the following conditions:

1. *Threat Factor Rating.* A product with an American Bird Conservancy Threat Factor Rating of 30 or less.
2. *Patterned Glazing Treatment.* Panes with patterns that are etched, fritted, stenciled, silk-screened, or otherwise permanently incorporated into the transparent material. If the pattern utilizes dots or other isolated solid shapes, each dot or shape must be at least a ¼ inch in diameter and be no more than 2 inches apart in any direction (see Figure 23.304-2, left). If the pattern utilizes lines, they must be at least ⅛ inch in width and spaced no more than 2 inches apart (see Figure 23.304-2, left).

**Figure 23.304-2 Patterned Glazing Treatment Requirements**



3. *External Screens, Shutters, or Shading Devices.* Panes with exterior screens, shutters or shading devices installed permanently over windows, structures, or building features such that there is no gap larger than 9 inches in one dimension. Building integrated treatments include, but are not limited to,

metal screens, shutters, fixed solar shading such as louvres, and exterior insect or solar screens.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



ATTACHMENT 2 Bird Safe Comparison Table

|                                  | Planning Commission Recommendation to City Council (6/6/2023) | Planning Staff Proposal (3/1/2023 PC)                   | GG Audubon Society (2/24/2023) | Evanston, IL (2022)                                                                                                                    | Mountain View, CA (2022)                                                                                | Cupertino, CA (2021)                                                                                                                                                                | New York, NY (2020)                                                                       | Emeryville, CA (2020)          | CEAC Model Ordinance (2019)                                                                     | Alameda, CA (2018)                                                                  | Richmond, CA (2016)                                                                       | Oakland, CA (2013)                             | San Francisco, CA (2011)                          |
|----------------------------------|---------------------------------------------------------------|---------------------------------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------|
| <b>Regulatory Document</b>       | Zoning Code                                                   | Zoning Code                                             | <a href="#">Zoning Code</a>    | <a href="#">Zoning Code</a>                                                                                                            | <a href="#">Building Code</a>                                                                           | <a href="#">Zoning Code</a>                                                                                                                                                         | <a href="#">Building Code Admin Code</a>                                                  | <a href="#">Zoning Code</a>    | N/A                                                                                             | <a href="#">Zoning Code</a>                                                         | <a href="#">Zoning Code</a>                                                               | <a href="#">Standard Condition of Approval</a> | <a href="#">Planning Code</a>                     |
| <b>Location</b>                  | Citywide                                                      | Citywide                                                | Citywide                       | Citywide                                                                                                                               | Citywide                                                                                                | Citywide                                                                                                                                                                            | Citywide                                                                                  | Citywide                       | Citywide                                                                                        | Citywide                                                                            | Citywide                                                                                  | Adjacent to water or park ≥ 1 acre             | Within 300 ft of Urban Bird Refuge <sup>1</sup>   |
| <b>Building Height Regulated</b> | 0-100 ft                                                      | 0-100 ft                                                | 0-100 ft                       | <ul style="list-style-type: none"> <li>0-60 ft</li> <li>16 ft above green roof, garden</li> </ul>                                      | Any height <sup>2</sup>                                                                                 | Any height                                                                                                                                                                          | <ul style="list-style-type: none"> <li>0-75 ft</li> <li>12 ft above green roof</li> </ul> | Any height                     | 2 stories or greater                                                                            | 35 ft or greater <sup>3</sup>                                                       | <ul style="list-style-type: none"> <li>0-60 ft</li> <li>60 ft above green roof</li> </ul> | 0-60 ft                                        | 0-60 ft                                           |
| <b>Window Size</b>               | 100% of windows                                               | 100% of continuous transparent material 12 sf or larger | 100% of windows                | 100% of windows                                                                                                                        | 100% of windows                                                                                         | 90% of windows (0-60 ft) or 95% of windows (above 60 ft)                                                                                                                            | 100% of windows                                                                           | 90% of windows 12 sf or larger | 90% of windows 8 sf or larger                                                                   | 90% of windows 12 sf or larger                                                      | 90% of windows 24 sf or larger                                                            | 90% of windows                                 | 90% of windows                                    |
| <b>High-Risk Features</b>        | All features (any height)                                     | ≥ 24 sf (any height)                                    | All features (any height)      | All features (any height)                                                                                                              | All features (any height)                                                                               | N/A                                                                                                                                                                                 | All features (any height)                                                                 | All features (any height)      | ≥ 24 sf (any height)                                                                            | N/A                                                                                 | ≥ 24 sf (any height)                                                                      | N/A                                            | ≥ 24 sf (any height)                              |
| <b>Exemptions</b>                | None <sup>4</sup>                                             | > 50% affordable                                        | >75% affordable                | <ul style="list-style-type: none"> <li>Detached one/two-family du</li> <li>Townhomes/ Residential bldgs less than 3 stories</li> </ul> | <ul style="list-style-type: none"> <li>Residential-only use</li> <li>Buildings &lt;10,000 sf</li> </ul> | <ul style="list-style-type: none"> <li>Historic bldgs</li> <li>Ground floor retail ≥ 15 ft height</li> <li>Residential in R1 not in <a href="#">Bird-Sensitive Areas</a></li> </ul> | 10 sf of every 100 sf of glass                                                            | None                           | Historic bldgs 1-story bldg Ground floor commercial storefront Building with façades <50% glass | Historic bldgs Ground floor commercial storefront Buildings with façades <50% glass | Historic bldgs Buildings ≤10,000 sf Residential <45 ft height with façades <50% glass     | None                                           | Residential <45 ft height with façades <50% glass |
| <b>COMPLIANCE PATHS</b>          |                                                               |                                                         |                                |                                                                                                                                        |                                                                                                         |                                                                                                                                                                                     |                                                                                           |                                |                                                                                                 |                                                                                     |                                                                                           |                                                |                                                   |
| <b>Threat Factor Rating</b>      | ≥ 30                                                          | ≥ 30                                                    | ≥ 30                           | <ul style="list-style-type: none"> <li>≥ 15 (0-60 ft)</li> <li>≥ 30 (above 60 ft and high-risk features)</li> </ul>                    | Planning discretion                                                                                     | Planning discretion                                                                                                                                                                 | ≥ 25                                                                                      | N/A                            | N/A                                                                                             | N/A                                                                                 | N/A                                                                                       | N/A                                            | N/A                                               |
| <b>Patterned Glazing</b>         | Yes                                                           | Yes                                                     | Yes                            | No                                                                                                                                     | Planning discretion                                                                                     | Planning discretion                                                                                                                                                                 | No                                                                                        | Yes                            | Yes                                                                                             | Yes                                                                                 | Yes                                                                                       | Yes                                            | Yes                                               |
| <b>Exterior Devices</b>          | Yes                                                           | Yes                                                     | Yes                            | Yes                                                                                                                                    | Planning discretion                                                                                     | Planning discretion                                                                                                                                                                 | No                                                                                        | Yes                            | Yes                                                                                             | Yes                                                                                 | Yes                                                                                       | Yes                                            | Yes                                               |
| <b>Alternatives</b>              | None                                                          | Qualified Biologist                                     | None                           | None                                                                                                                                   | Planning discretion                                                                                     | Qualified Biologist                                                                                                                                                                 | None                                                                                      | Qualified Biologist            | Alternative Compliance Plan                                                                     | Alternative Compliance Plan                                                         | None                                                                                      | Bird Collision Reduction Plan                  | Zoning Admin. may waive or alter                  |

<sup>1</sup> Urban Bird Refuge is an open space two acres or larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water.

<sup>2</sup> Current maximum building height allowed in Mountain View is 70 ft.

<sup>3</sup> Current maximum building height allowed in Alameda is 60 ft.

<sup>4</sup> January 1, 2025 phase in for greater than 50% affordable projects, existing non-residential or new smaller residential buildings with lower hazard facades. January 1, 2028 phase in for existing residential buildings with lower hazard facades.



Development Department  
Division

## STAFF REPORT

DATE: March 2, 2022

TO: Members of the Planning Commission

FROM: Zoe Covello, Assistant Planner

SUBJECT: Bird Safe Berkeley Requirements Referral

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### SUMMARY

On November 12, 2019, the Community Environmental Advisory Commission presented an action item to the City Council, recommending that the City of Berkeley amend the Berkeley Municipal Code (BMC) to include a new Chapter establishing bird safety requirements for new construction and significant renovations, as well as a new Chapter establishing a Dark Skies Ordinance. City Council unanimously adopted the Bird Safe Berkeley Requirements Referral (see Attachment 1) requesting the City Manager develop a response. This report provides background on bird safety requirements and recommends next steps for Planning Commission's consideration.

### BACKGROUND

Birds do not have the same depth perception or contrast sensitivity as humans; as such they cannot see glass. And at night, which is when most birds migrate, guided by magnetic sensors in their retinas that pick up on red and warm-white light, light distracts and disorients them, often leading to collisions.<sup>1</sup> It's estimated that between one hundred million and one billion birds die every year in collisions with manmade structures.<sup>2</sup> According to the Audubon Society, bird collisions with windows are a leading cause of human-induced bird deaths in the United States, second only to outdoor house cats.

#### Why is it relevant to Berkeley?

Berkeley is located within the Pacific Flyway, a major migratory route for birds. When birds encounter unfamiliar urban areas along the migratory path, they are at particular risk for collisions and death. The City is also adjacent to the San Francisco Bay, one of North America's most ecologically important estuaries and an international biodiversity hotspot because of the large number of birds, animals, and plants found there, many of which are found nowhere else. The region is also recognized as a site of "Hemispheric Importance" for shorebirds by the Western Hemisphere Shorebird Reserve Network.<sup>3</sup> Alameda County has recorded 407 species of resident and migratory bird species,

<sup>1</sup> <https://www.audubon.org/news/building-collisions-are-greater-danger-some-birds-others>

<sup>2</sup> [http://nas-national-prod.s3.amazonaws.com/documents/loss\\_et\\_al\\_bird-building\\_collisions\\_condor\\_2014.pdf](http://nas-national-prod.s3.amazonaws.com/documents/loss_et_al_bird-building_collisions_condor_2014.pdf)

<sup>3</sup> <https://ca.audubon.org/conservation/conservation/seas-shores/san-francisco-bay>

including Least Terns, Ridgway's Rails, and a variety of other uniquely local and/or threatened species.

As pointed out in the CEAC report, new buildings can be designed to reduce bird deaths from collisions without compromising cost or aesthetics. Many compliance methods can be incorporated into design or construction with no additional cost or effort for architects or engineers, and in some cases, bird safe measures help achieve other desirable environmental goals -- like improved building energy efficiency.

#### Existing bird safety regulations in Berkeley

There are currently no bird safety measures required for newly constructed or renovated buildings in Berkeley. There are some zoning regulations providing guidance or limitations on outdoor lighting (see BMC [23.304.100\(E\)](#) [Site Features in Residential Districts], BMC [23.304.130\(C\)\(2\)](#) [Non-residential Districts Abutting a Residential District], as well as the City of Berkeley's Downtown Area Plan and the Southside zoning regulations (BMC [23.204.100\(B\)\(5\)\(c\)\(vii\)](#))), but there is no citywide policy preventing excessive light pollution.

#### What do bird safe requirements look like?

In an effort to mitigate these deaths, municipalities around the country have started adopting bird safety requirements – which primarily take the form of requiring bird safe glass and reducing light pollution at night.

Glass and façade treatments are the most common methods of prevention, and include solutions such as fritted and frosted glass, angled glass, ultra-violet glass, and film and art treatment of glass. The “2 by 4 rule” - patterns of 1/4-inch dots or stripes 4 inches apart horizontally or 1/8-inch dots or stripes 2 inches apart vertically - and other patterns that meet that rule, were found to greatly reduce bird-glass collisions.

Other primary methods of prevention include, but are not limited to:

- Installing exterior screens or netting
- Reducing large areas of transparent or reflective glass
- Keeping curtains or shades drawn
- Turning non-emergency lighting off at night (particularly during migration in February-May and August-November)<sup>4</sup>
- Putting lights on timers or photo-sensitive switches
- Cleaning buildings in the daytime
- Locating greenery away from clear glass
- Site design measures like fine-grained ventilation grates and gardens without mirrors

#### How are municipalities implementing requirements?

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<sup>4</sup> <https://www.bloomberg.com/news/features/2022-01-04/how-to-design-buildings-to-prevent-bird-crashes>

There are a variety of ways these regulations can be implemented. The referral suggests creating a new chapter in the Zoning Ordinance. Here are some other options, as well as the pros and cons of each option, as identified by the City of Emeryville:

- CEQA Review – The city could develop and apply general standards to mitigate potential impacts on migratory wildlife, which is part of the standard CEQA checklist for projects requiring environmental review.
- Project Conditions of Approval – Standard Conditions of Approval for projects could be amended to include new enforceable standards for bird safe measures for applicable projects.
- Design Guidelines – The Design Guidelines could be modified to include a section that would include standards that apply to applicable projects during Design Review. This would provide some flexibility in enforcement, as guidelines are not regulations and projects that bypass discretion are not subject to review or compliance.
- Planning Regulations – The Berkeley Municipal code could be amended to include new standards (as proposed by CEAC), providing consistent application to all projects.

Building Regulations – The Berkeley Municipal Code could be amended to include new standards under a local building code amendment, which would apply to all projects requiring a building permit.

### Existing ordinances in Bay Area cities

San Francisco adopted the first bird-safe building ordinance in the United States in 2011, requiring glass façade treatment be applied to the lower 60 feet of buildings within a 300-foot buffer of two-acre open spaces. Oakland followed San Francisco, adopting measures applicable to buildings adjacent to one-acre open spaces. Similarly, Richmond adopted an ordinance in 2016 requiring the treatment of the lower 60 feet of glass adjacent to one-acre open spaces and panes with areas of 24 feet or more.

Alameda has also developed a bird safety ordinance, adopted in 2018, which applies to new construction and window replacements, as well as lighting. Both Emeryville's 2020 building standards ordinance and CEAC's recommended amendments to the zoning ordinances are modeled after Alameda's. A table detailing bird safe requirements in Alameda, Emeryville, Oakland, and CEAC's recommended ordinance is attached (see Attachment 2).

## **DISCUSSION**

The referral includes two draft ordinances for Planning Commission's consideration. Staff proposes the following approach to this referral:

1. *Identify Implementation Opportunities and Challenges:* As stated above, draft language in the referral is similar to ordinances adopted in Emeryville and Alameda a few years ago. Staff will reach out to planning staff in Emeryville and

Alameda regarding lessons learned from ordinance implementation and suggest any necessary modifications.

2. *Confirm Consistency with California Building Code:* Since California Building Code is amended on a three-year cycle, staff will check with the Berkeley Building Official to ensure there are no conflicts in proposed zoning language and local or California Building Code.
3. *Confirm Consistency with Design Guidelines:* The Design Review Committee (DRC) has reviewed this referral and expressed an interest in seeing it move forward. Staff will work with the Secretary of the DRC to ensure the Committee's comments are addressed and that the Committee is informed of the referrals' progress as it makes its way through the public review.
4. *Redraft Zoning Language According to the BZO Style Guide:* The Baseline Zoning Ordinance or BZO – now referred to as the Zoning Ordinance – included a style guide. Since this referral predated adoption of the BZO, the draft ordinances will need to be modified to follow the style guide.
5. Finally, staff requests that the Commissioners consider the following questions:
  - Does the Commission suggest modifications to staff's proposed approach?
  - Should the standards apply citywide, or near large open spaces with vegetation and/or water?
  - Should the standards apply to the lower 60 feet of buildings or to the entire building?
  - Does the Commission have any other suggestions to inform the drafting of bird safe building standards in Berkeley?

After receiving this information, staff will draft a new ordinance or ordinances that follow the BZO style guide. This draft ordinance will then be shared with Planning Commission for consideration and development of a recommendation to City Council.

## ATTACHMENTS

1. CEAC Report / City Council Referral
2. Local Ordinance Comparison Table



Development Department  
Division

## STAFF REPORT

DATE: October 19, 2022  
TO: Members of the Planning Commission  
FROM: Justin Horner, Associate Planner  
SUBJECT: Bird Safe Berkeley Requirements Referral

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### SUMMARY

At their meeting on March 2, 2022, the Planning Commission, in response to a referral from the Community Environmental Advisory Commission (CEAC) and City Council, provided direction for amendments to the Berkeley Municipal Code (BMC) establishing bird safety requirements for new construction and significant renovations. This report presents a more specific set of policy questions for the Planning Commission's consideration, based on staff's additional research and feedback from the Design Review Committee (DRC) and Golden Gate Audubon.

The policy questions pertain to:

- What types of projects should be required to comply?
- For projects that are subject to the requirements, how much glazing should be required to be bird safe?
- For the purposes of compliance, what materials are considered bird safe?

Staff seeks Planning Commission's direction in order to return to the Commission for a public hearing on December 7, 2022 with specific Zoning Ordinance amendments.

### BACKGROUND

At their meeting on March 2, 2022, the Planning Commission received a report and presentation on the referral from the CEAC, the studied effects of built environments on bird populations, a brief discussion of how Berkeley's particular geography relates to bird populations, and a review of existing regulatory efforts in Bay Area cities regarding bird safety (*Attachment 1*).

After hearing public comment, the Planning Commission provided direction to staff to return with bird safety regulations that are:

- Included in the Berkeley Municipal Code/Zoning Ordinance<sup>1</sup>;
- Applicable to new buildings and major renovations *citywide*; and

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<sup>1</sup> Other options considered and dismissed included adopting bird safe regulations through CEQA review mitigation measures, project conditions of approval, design guidelines, or local building code.

- Based on the most up-to-date science with respect to birds and the built environment.

Accordingly, Commissioners asked staff to analyze recently-adopted bird safe regulations from New York City and Mountain View, and to consult with the Golden Gate Audubon Society.

On September 15, 2022, staff provided an informational presentation on proposed bird safe regulations to the DRC, which provided the following feedback:

- **Costs and feasibility for smaller residential projects.** The DRC expressed concern about the cost of bird safe glass for single family homeowners and builders of smaller residential projects (e.g. 2-4 units) . Committee members also questioned whether bird safe glass was sufficiently available for smaller residential projects. One Committee member contacted three local window retailers, none of whom had experience with requests for bird safe glass. It was noted that bird safe glass could potentially double the cost of a glass order for a smaller project.
- **Phased approach to bird safe requirements.** Given concerns about the availability and cost of bird safe glass for smaller residential projects, DRC members recommended phasing in bird safe requirements. New construction of commercial projects and larger-scale residential and mixed-use projects would be subject to bird safe requirements, while new smaller-scale residential and residential rehabilitation projects would be covered at a later date as the costs and benefits become clearer. The DRC noted that larger projects would be in a better position to absorb any increase in per window cost because the project as a whole is better financed. In addition, larger window orders that would come from larger projects may result in less per-unit costs.
- **Tiered approach to bird safe requirements.** DRC members suggested that bird safe requirements could be tiered to include more features as project size increases. i.e. larger projects could be subject to more comprehensive requirements while smaller residential projects or rehabs could be subject to fewer requirements. For instance, larger projects could be required to use bird safe glass throughout the project while smaller projects could be permitted to use alternative methods or use them on specific portions of the project.
- **Point-of-Sale Requirement:** Existing residences could be required to comply with bird safe requirements at point of sale.
- **Historical Landmarks:** DRC members supported provisions that would require a minimally intrusive compliance option—or exemption—for designated historical landmarks.
- **Public Education:** DRC members recommended a public information campaign to introduce residents to the concept of bird safe building strategies and to raise awareness of future regulations. This would not only include bird safe glass, but lighting, landscaping and other project design elements that encourage bird

safety. Golden Gate Audubon is exploring how they could coordinate such an effort.

Given Planning Commission’s direction in March 2022, and feedback from the DRC, community members, and Golden Gate Audubon, the development of a bird safe ordinance will be informed by answers to the following questions:

- What types of projects should be required to comply?
- For projects that are subject to the requirements, how much glazing should be required to be bird safe?
- For the purposes of compliance, what materials are considered bird safe?

To provide parameters for the Planning Commission’s discussion, Table 1 summarizes the Bird Safety Ordinance recommended by the CEAC and City Council in its referral and the American Bird Conservancy’s (ABC) Model Bird Friendly Ordinance.<sup>2</sup> CEAC’s suggested ordinance was presented in 2019 and was based on the City of Alameda’s regulations. ABC’s Model Bird Friendly Ordinance constitutes a more expansive policy approach which it characterizes as “the leading edge of creating a bird-friendly bird environment.” That said, ABC itself suggests that jurisdictions may feel the need to soften some of its provisions to meet local conditions.

*Table 1. Bird Safe Ordinance Summaries*

|                                            | <b>CEAC’s Proposed Ordinance</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>ABC’s Model Ordinance</b>                                                                                                                                                                                                                                          |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>What types of projects are covered?</b> | <ul style="list-style-type: none"> <li>• For new construction, windows on a façade of a building with 2 or more stories where glass constitutes 50% or more of the façade’s area.</li> <li>• Replacement of existing windows on a façade of a building with 2 or more stories where glass constitutes 50% or more of the façade’s area.</li> <li>• Any new or replaced glass structure (e.g. greenhouse) with any transparent walls 24 sq ft or more in size</li> </ul> | <ul style="list-style-type: none"> <li>• 100% of all new projects</li> <li>• Replacement of at least 50% of existing glass on existing structures</li> <li>• Any new glass on an existing building</li> <li>• All high-risk building features.<sup>3</sup></li> </ul> |
| <b>Exemptions</b>                          | <ul style="list-style-type: none"> <li>• Replacement of existing glass on historic structures</li> </ul>                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• None</li> </ul>                                                                                                                                                                                                              |

<sup>2</sup> <https://abcbirds.org/wp-content/uploads/2020/12/American-Bird-Conservancy-Model-Bird-Friendly-Building-Ordinance.docx>

<sup>3</sup> “High-risk building features” include skyways/walkways and building connectors, transparent outside building corners, areas with parallel glass, courtyards, atria and areas above green roofs.



|                                                 |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                         |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | <ul style="list-style-type: none"> <li>• Glazing on ground floor of commercial storefronts directly fronting a public street, alley or sidewalk</li> <li>• Windows that are smaller than 2ft x 4ft (8 sq ft)</li> </ul>                                                                                       |                                                                                                                                                                                                                                                                         |
| <b>How much glazing is to be bird safe?</b>     | <ul style="list-style-type: none"> <li>• 90% of eligible glazing on any regulated façade or free-standing structure</li> </ul>                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• 100% of glazing within 100 ft from grade</li> <li>• 100% of glazing within three floors adjacent to or above a green roof</li> </ul>                                                                                           |
| <b>What materials are considered bird safe?</b> | <ul style="list-style-type: none"> <li>• Opaque glass or film</li> <li>• Paneled glass</li> <li>• Glass covered with patterns</li> <li>• UV reflective glass</li> <li>• External screens</li> <li>• Light colored blinds or curtains</li> <li>• Other treatments approved by the Planning Director</li> </ul> | <ul style="list-style-type: none"> <li>• Products with an ABC Threat Factor Rating of 30 or less</li> <li>• Glass with obstructions no larger than 12” in any direction</li> <li>• Untinted glass with less than 15% reflectance and contains visual markers</li> </ul> |

**What types of projects should be covered?**

Table 1. Bird Safe Ordinance Summaries provides parameters for the types of projects that could be covered by a bird safe ordinance. While ABC’s model ordinance covers nearly all glazing on all new buildings, CEAC’s proposed ordinance applies only to buildings of 2 or more stories, and only to each building façade that meets a minimum requirement, and then only to windows on that façade that meet minimum size requirements.

As noted above, the DRC was concerned about the feasibility of requiring bird safe glass for single family homes and smaller residential developments. An exemption for projects of only one story could partially address that concern, but it is likely, particularly with proposed implementation programs in the Housing Element Update to encourage residential development including Middle Housing, that a large proportion of future smaller-scale residential development will be at least two stories.

The Planning Commission may want to consider exempting projects by type, as opposed to, or in addition to, by size. For example, the City of Evanston’s (Illinois) recent Bird Friendly Building Design Ordinance<sup>4</sup> exempts detached one- and two-family dwelling and multiple single-family dwellings (townhouses) altogether, as well as residential buildings of three stories or less.

<sup>4</sup> <https://www.cityofevanston.org/home/showpublisheddocument/74672/637993547035470000>

It should be noted that a not insignificant proportion of bird strikes on buildings occur at lower levels, as strikes are common at buildings adjacent to bird habitat, such as street trees and bushes. At the DRC meeting, Berkeley Parks, Recreation and Waterfront Commissioner Erin Diehm noted that approximately 44% of collisions occur at 1-2 story buildings, while 56% occur at 3-11 stories.

An additional option is to limit the applicability of the bird safe requirements to glazing of a certain size, regardless of, or in addition to, overall provisions regarding project size. CEAC's ordinance, for example, applies bird safe requirements only to glazing that is larger than 2 ft by 4 ft, or 8 sq ft. At the DRC meeting, testimony from Golden Gate Audubon's Executive Director identified 1 square meter, or 3.3 ft by 3.3 ft (roughly 11 sq ft), as a common size threshold for glazing.

*Exemption for Historic Resources.* An exemption from, or reduction in, bird safe requirements was included in CEAC's ordinance and noted by the DRC. The Planning Commission may consider a similar exemption, or recommend less stringent requirements for the replacement of windows on such structures. CEAC's ordinance distinguished between replacing existing windows on an historic structure and new construction associated with an historic structure.

*Phasing In Regulations.* A number of DRC members recommended only subjecting new commercial and larger-scale residential projects to bird safe regulations in the short term, while eventually phasing-in smaller-scale residential projects. This would provide time for Berkeley homeowners to learn about and prepare for the introduction of bird safe requirements, while also providing time for the bird safe glass market to ramp up to better serve smaller-scale users. Some members suggested including a specific phase-in date in the ordinance, for predictability and to aid in moving the bird safe window market, while other members suggested expanding the applicability of the ordinance through future amendments.

### **How much glazing should be bird safe?**

ABC's Model Bird Safety Ordinance is "based on a 100/100/100 framework: 100% of all glass and other building materials should be bird friendly in the first 100 feet of 100% of buildings." Many existing ordinances, as well as CEAC's proposed ordinance, however, require 90% of eligible glazing to be bird safe. It is not uncommon to exempt some percentage of otherwise eligible glass (the Leadership in Energy and Environmental Design (LEED) Bird Collision Deterrence credit, for example, exempts up to 5% of eligible glass). The primary reason for these small exemptions is to address concerns some retailers have of the impact of bird safe glass on the look and feel of store frontages. A 10% exemption of eligible glass on a ten-story building, for instance, could exempt the entire ground floor. There may also be other, as yet unforeseen reasons to create some flexibility in requirements.

An additional threshold relates to the height at which bird safe glass is required. ABC's Model Bird Safety Ordinance calls for bird safe glass in the first 100 feet above grade and three stories above or adjacent to any green roof. The City of Evanston's

ordinance requires a more stringent safety standard in the first 60 feet above grade and a lower standard for building surfaces above 60 feet. LEED's credit distinguishes between the first 40 feet above grade, and building surfaces between 40 feet and 100 feet above grade.

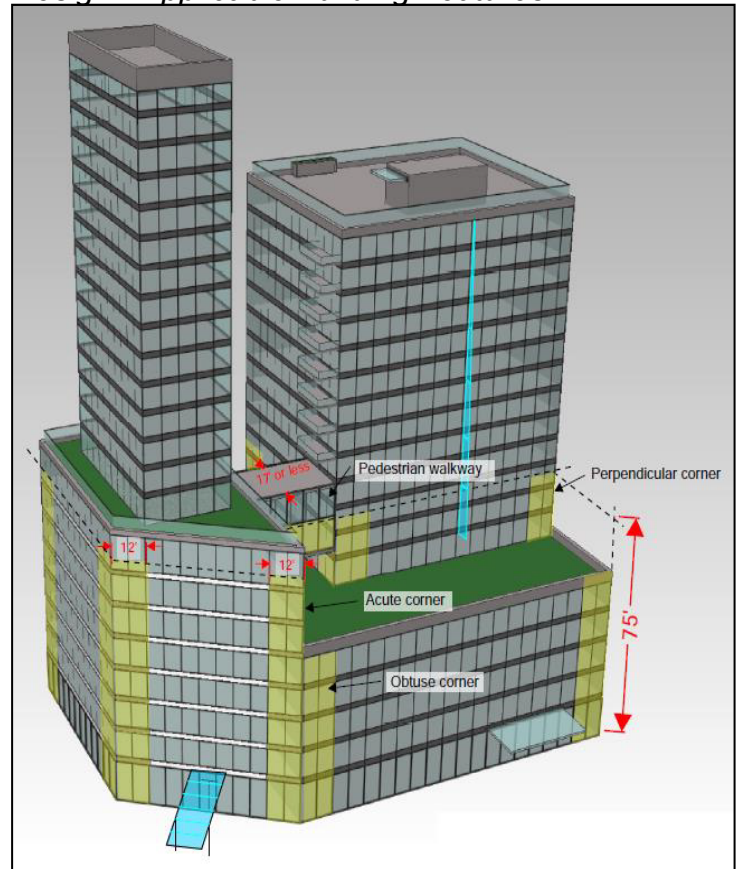
It is also common for ordinances to require bird safe glass on surfaces or building features regardless of their distance from grade. For example, glazing above or adjacent to green roofs in new buildings are often required to be bird safe, as are building corners and other potential "fly through" features.

Common building features that are subject to bird safe requirements include:

- Elevated pedestrian building connections, such as skyways or skybridges;
- Parallel glass walls;
- Glass atriums; and
- Architectural projections, such as railings, balconies, louvers, or noise or wind barriers.

New York City's Bird Friendly Building Design Guidance Document<sup>5</sup> includes a figure (Figure 1) which illustrates how their regulations apply to specific building features. However, this may be difficult to enforce; New York City does not retroactively require retrofitting of windows adjacent to newly—or subsequently—created applicable building features.

*Figure 1. New York City Bird Friendly Building Design - Applicable Building Features*

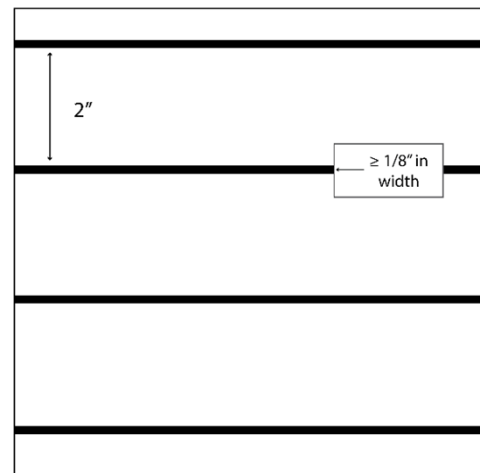
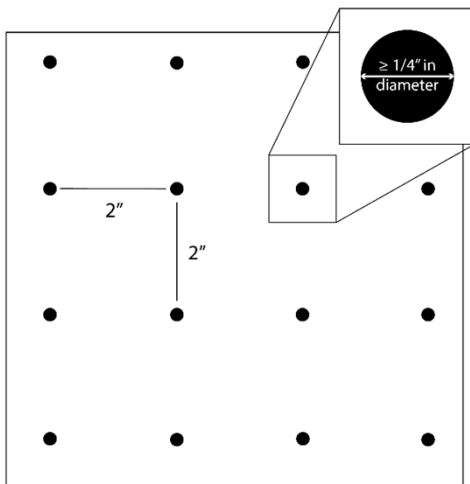
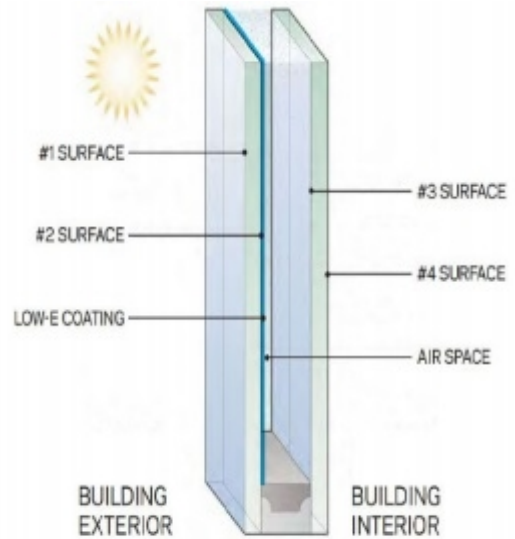


### What materials are considered bird safe?

The American Bird Conservancy's Model Ordinance provides the following definition for bird safe glass.

<sup>5</sup> [www1.nyc.gov/assets/buildings/bldgs\\_bulletins/bird\\_friendly\\_guidance\\_document.pdf](http://www1.nyc.gov/assets/buildings/bldgs_bulletins/bird_friendly_guidance_document.pdf)

- A product with an American Bird Conservancy Material Threat Factor Rating of 30 or less<sup>6</sup>;
- Glass with an exterior surface (surface 1, right) obstructed and effectively covered by building-integrated structures that do not have gaps larger than 12 in. in any dimension, including non-glass double-skin facades, metal screens, fixed solar shading, exterior insect or solar screens, and other features as determined by the Zoning Officer that meet these conditions; or
- Un-tinted glass with an outer total reflectance of no more than 15% that contains a pattern of visual markers that are on the exterior surface (surface 1, right) or the interior surface of a pane of glass on the building exterior (surface 2, right) that conforms to the following rules:
  1. Dots or other isolated solid shapes that are at least a 1/4" in diameter and are no more than 2' apart in any direction (below, left); or
  2. Lines that are at least 1/8" in width and spaced no more than 2" apart (below, right).



<sup>6</sup> ABC's Material Threat Factor (TF) rating system tests, assesses and classifies materials on a scale of 0 to 100 to provide a relative measure of birds' ability to see and avoid patterned glass and other materials. The lower the TF, the more effective the material will be at reducing collisions. For more information, see ABC's Threat Factor page: <https://tinyurl.com/4k2v2stb>. For ABC's regularly updated database of materials, which include TF ratings, see: <https://abcbirds.org/glass-collisions/products-database/>.

ABC's Threat Factor Rating is used by the City of Evanston and LEED's Bird Collision Deterrence Credit, and CEAC's ordinance recommends visual markers consistent with 1), above.

It should be noted that most of these requirements can be met either by specific bird safe glass and window assemblies or by film or adhesives that can be added to existing windows or to newly purchased windows that are not specifically bird-safe. Film can be a more cost-effective compliance path, although there could be instances where the application of a film could affect, or even void, a window's warranty.

Some bird safe regulations also permit the use of blinds or curtains to reduce window transparency. These approaches are considered sub-optimal, however, as they depend on the efforts of individual building users to be effective.

**The Planning Commission is asked to review the Discussion topics above and provide feedback and direction to staff on the preparation of a Bird Safe Ordinance. Specifically, staff requests feedback on the following questions:**

1. *What types of projects should be covered by bird safe requirements?*
  - Should there be provisions made for project size or for small-scale residential projects? What would be the threshold (e.g. above a certain number of units or square footage)?
  - Should certain projects (e.g. designated landmarks) be exempt?
  - Should there be a phase-in period for certain projects within the ordinance or should staff return with amendments to expand requirements, when appropriate?
2. *How much glazing should be bird safe?*
  - To what height should bird safe glazing be required?
  - Should requirements be on a whole-building or per-façade basis?
  - Should bird safe requirements only apply to glass panes of a minimum size?
  - What other building features (e.g. elevated pedestrian building connections, glass walls, glass atriums; and architectural projections, such as railings, balconies, louvers, or noise or wind barriers) should be subject to bird safety requirements?
3. *What materials qualify as bird safe?*
  - Should the ordinance include specific requirements, per ABC's Model Ordinance, or should there be more discretion given to staff to ascertain compliance?

## **NEXT STEPS**

Based on direction provided by the Planning Commission, staff will prepare Zoning Ordinance amendments for a public hearing at the Commission's meeting on December 7, 2022, consistent with BMC Chapter 23.412 Zoning Ordinance Amendments.

**ATTACHMENTS**

1. March 2, 2022, Bird Safe Berkeley Requirements Referral. Planning Commission Report.



Development Department  
Division

## STAFF REPORT

DATE: March 1, 2023  
TO: Members of the Planning Commission  
FROM: Justin Horner, Associate Planner  
SUBJECT: Bird Safe Berkeley Requirements Referral Response

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### SUMMARY

At their meeting on March 2, 2022, the Planning Commission, in response to a referral (Attachment 1) from the Community Environmental Advisory Commission (CEAC) and the City Council, provided direction for amendments to the Berkeley Municipal Code (BMC) establishing bird safety requirements for new construction and significant renovations. At their meeting of October 19, 2022, the Planning Commission established a Subcommittee to develop BMC amendments for consideration by the full Planning Commission. This report presents those amendments and alternatives.

Pursuant to Planning Commission and Subcommittee policy recommendations, with consideration of recent precedent standards from other jurisdictions, the proposed bird-safe requirements apply exclusively to projects based on the primary land use<sup>1</sup> when such projects require a building permit and meet the following criteria:

1. New non-residential buildings, or residential and mixed-use buildings with a total gross floor area<sup>2</sup> of 10,000 square feet (sf) or greater;
2. Materials on the facades of residential and mixed-use buildings of *less than* 10,000 sf where transparent materials consist of more than 50 percent of that façade's<sup>3</sup> total square footage;
3. New or replacement windows on existing buildings;
4. A minimum transparent material size of 12 sf for bird-safe requirements, or 24 sf for transparent buildings or building features.

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<sup>1</sup> BMC 23.502.020(U)(10) Defined Terms (Use, Primary). *The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.* [https://berkeley.municipal.codes/BMC/23.502.020\(U\)\(10\)](https://berkeley.municipal.codes/BMC/23.502.020(U)(10))

<sup>2</sup> BMC 23.106.030 Floor Area, Gross. <https://berkeley.municipal.codes/BMC/23.106.030>

<sup>3</sup> BMC 23.502.020(F)(1) Defined Terms (Façade). *Those portions of a building, including exterior walls, porches, chimneys, balconies, parapets and roof portions, which are visible from a public right-of-way or an adjacent building.* [https://berkeley.municipal.codes/BMC/23.502.020\(F\)\(1\)](https://berkeley.municipal.codes/BMC/23.502.020(F)(1))

Four pathways are provided for compliance with the Ordinance:

1. Threat factor rating. An element or material would comply with the Ordinance if it is listed in the ABC's online *Glass Collisions Products and Solutions Database*<sup>4</sup> with a Threat Factor Rating of 30 or less at the time of Building Permit issuance.
2. Surface treatment. An element or material would comply with the Ordinance if it includes patterns that are etched, fritted, stenciled, silk-screened or otherwise permanently incorporated into the transparent material.
3. Screens and shutters. An element or material would comply with the Ordinance if it were covered with an exterior screen, shutter or shading device, or insect or solar screen that was permanently installed on the building exterior.
4. Biologist certification. A proposed project could also comply with the Ordinance if a qualified biologist were to indicate that the proposed construction methods and materials would reduce the risk of bird collision to an extent comparable to the other compliance paths.

Staff seeks Planning Commission's recommendation to the City Council on the proposed BMC amendments and alternative considerations.

## BACKGROUND

At their meeting on March 2, 2022, the Planning Commission received a report and presentation on the referral from the CEAC, the studied effects of built environments on bird populations, a brief discussion of how Berkeley's particular geography relates to bird populations, and a review of existing regulatory efforts in Bay Area cities regarding bird safety (*Attachment 2*). Staff then presented a draft proposal and received feedback from the Design Review Committee at their September 15, 2022 meeting. At their meeting of October 19, 2022, the Planning Commission received an additional report with a more specific set of policy questions, held a discussion, and established a Subcommittee (*Attachment 3*).

The Planning Commission provided guidance to the Subcommittee that included the following:

- Bird-safe regulations should be based on the **area of a transparent material**, not the size or type of the underlying project; and
- **Non-residential projects and larger mixed-use and residential projects** should be immediately covered by the regulations. Smaller residential projects should be phased in to the regulations.

The Design Review Committee met on September 15, 2022 and provided the following feedback:

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<sup>4</sup> <https://abcbirds.org/glass-collisions/products-database/>



- Bird-safe regulations should apply to **new construction, particularly non-residential and larger residential projects**, due to availability of bird-safe materials. Smaller residential projects should be phased in at a later period.
- Consider the current **costs, availability, and terms of warranty** of bird-safe materials in the regulations.

The Planning Commission Subcommittee met on November 4, 2022 and provided the following feedback:

- Bird-safe regulations should immediately apply to all non-residential projects and residential and mixed-use projects of **10 units or more**;
- For residential and mixed-use project of 9 or fewer units, **bird-safe regulations should apply only** to a façade where transparent materials make up more than 50 percent of the total area of the façade; and
- Small windows of **a square meter or less** should be exempt.

## PROPOSED ZONING ORDINANCE

Based upon guidance provided by the CEAC, the Planning Commission, the Bird-Safe Ordinance Subcommittee, the Design Review Committee, established precedents, and members of the public, staff has drafted a new Ordinance for BMC Section 23.304.150 Bird Safe Buildings (*Attachment 4*). The new Section 23.304.150 would include the following:

### Purpose Statement

**A. Purpose.** The purpose of this section is to reduce bird mortality from windows and other transparent buildings or building features known to increase the risk of bird collisions.

Consistent with the Style Guide adopted as part of the Baseline Zoning Ordinance, the proposed Ordinance includes a Purpose statement. The proposed language is taken largely from the Purpose statement included in the CEAC's suggested Bird Safety Ordinance.

### Applicability

The Ordinance would apply to projects that require a building permit, and vary based on primary land use and, for residential or mixed-use, the size of the overall building, as set forth in Table 1. Note, the requirements would *not* apply to existing windows or other transparent materials that are *not* proposed to be replaced. The Ordinance also includes an exemption for affordable housing projects. Consistent with the threshold adopted for the Transportation Demand Management program, any residential projects, including the residential portions of mixed-use projects, in which the majority of the units are subject to recorded affordability restrictions, would be exempt.

Table 1. Bird-Safe Building Requirements

| Project Type                                                  | Applicable Building Location(s)                                                                                                                                                                  |                                                                                                                                                                                                  |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Non-Residential</b>                                        |                                                                                                                                                                                                  |                                                                                                                                                                                                  |
| New Construction or Addition                                  | Continuous transparent materials of 12 sf or larger located between the ground and 100 feet above grade.                                                                                         |                                                                                                                                                                                                  |
| New or Replacement Transparent Materials on Existing Building | Continuous transparent materials of 12 sf or larger located between the ground and 100 feet above grade where 50% or more of the façade's total square footage consists of transparent material. |                                                                                                                                                                                                  |
| New or Replacement Transparent Structures or Features         | Continuous transparent material of 24 sf or larger, including but not limited to, freestanding glass walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances.  |                                                                                                                                                                                                  |
| <b>Residential or Mixed Use</b>                               |                                                                                                                                                                                                  |                                                                                                                                                                                                  |
| New Construction or Addition                                  | Building with 10,000 sf or more gross floor area                                                                                                                                                 | Continuous transparent materials of 12 sf or larger located between the ground and 100 feet above grade.                                                                                         |
|                                                               | Building with less than 10,000 sf gross floor area                                                                                                                                               | Continuous transparent materials of 12 sf or larger located between the ground and 100 feet above grade where 50% or more of the façade's total square footage consists of transparent material. |
| New or Replacement Transparent Materials on Existing Building | Building with 10,000 sf or more gross floor area                                                                                                                                                 | Continuous transparent materials of 12 sf or larger located between the ground and 100 feet above grade where 50% or more of the façade's total square footage consists of transparent material. |
|                                                               | Building with less than 10,000 sf gross floor area                                                                                                                                               | Not applicable                                                                                                                                                                                   |
| New or Replacement Transparent Structures or Features         | Continuous transparent material of 24 sf or larger, including but not limited to, freestanding glass walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances.  |                                                                                                                                                                                                  |

**Project Type:** The Ordinance would distinguish three project types:

1. New construction that includes transparent material;
2. New or replacement transparent materials on existing buildings; and
3. New or replacement buildings or building features that are largely transparent by design (e.g., greenhouses, glass walls, noise barriers).

**Primary Land Use and Building Size:** The Ordinance would distinguish between non-residential and residential/mixed-use uses, and would also distinguish between larger and smaller residential/mixed-use developments, consistent with the Planning Commission and Subcommittee direction.

While the Subcommittee recommended 10 units as the cut-off between large and small residential/mixed-use projects, staff recommends utilizing 10,000 sf of gross floor area as the threshold to account for units of varying sizes. An average housing unit is often estimated to have a floor area of approximately 900 to 1,000 gross square feet, so 10,000 sf is a comparable estimate. Square footage, as opposed to unit count, will also be the method by which proposed affordable housing requirements are calculated. For

consistency, staff recommends utilizing square footage, not unit count, as the threshold metric.

- **Alternative Option – Building Size.** An alternative approach could be to eliminate the distinction between primary land uses and classify by building size. This would ease administration in the case of possible future land use changes between residential and non-residential uses. In addition, as noted below, the difficulty in locating and obtaining bird safe materials locally may justify requiring them only for larger projects, which may presumably have the capacity to source harder-to-obtain materials. Mountain View, as one example, utilizes a single 10,000 sf threshold for most development types.

***Applicable Building Locations:*** Table 1 summarizes the types and locations of transparent materials that would be covered by the Ordinance for each project type. Notable aspects of these requirements include:

Continuous Transparent Material Panes 12 sf or Larger. Consistent with Planning Commission and Subcommittee direction to base bird-safe requirements on the size of transparent panes, bird-safe requirements would apply to windows or other continuous transparent materials of 12 sf or larger on eligible new construction and replacement projects. For purposes of the Ordinance, “continuous” means a transparent material that is not interrupted by a line, spacer, mullion, grille or other visible materials of at least 1/2” in width. Both Emeryville and the City of Alameda have adopted a 12 sf minimum threshold, and the Subcommittee recommended a 1 square meter threshold, which is roughly 11 sf.

- **Alternative Option – Size of Transparent Material:** The Subcommittee recommended the bird-safe requirements apply to windows and continuous transparent materials of 6 sf or larger, and that transparent materials would be considered “continuous” unless the transparent material was interrupted by a visible material of at least 4” in width.

100 Feet Above Grade. Consistent with the American Bird Conservancy’s (ABC) Model Ordinance and Planning Commission direction, bird-safe requirements would apply to eligible windows located between the ground and 100 feet above grade. For comparison, the City of New York’s requirements apply to the first 75 feet above grade, and Mountain View, Oakland, San Francisco and Evanston, Illinois (adopted June 2022) apply their standards only to the first 60 feet above grade.

Small Mixed-Use/Residential Standards and Window Replacement. Consistent with Planning Commission direction to avoid overly burdening smaller residential projects, the applicability of bird-safe requirements to smaller residential and mixed-use developments, as well as to projects that replace existing windows, would not be as broad as with larger projects. For these smaller projects, and for window replacements, bird-safe requirements would only apply to transparent materials of 12 sf or larger that are also located on facades that include transparent materials on 50 percent or more of

their surface area. In these cases—where the majority of the façade consists of transparent material and therefore constitutes a heightened risk of bird collision—bird-safe requirements would apply even if a project were smaller in scale.

This 50 percent threshold is consistent with the City of Alameda’s bird-safe regulations, as well as the CEAC’s recommended regulations.

- **Alternative Option – Size and Percentage for Smaller Projects:** The Subcommittee recommended that these bird-safe requirements for smaller projects be expanded to apply to materials of 6 sf or larger that are located on facades that include transparent materials as more than 30 percent of their surface area.

Specific Building Elements and Transparent Structures – No Grade Limit. For any continuous transparent material of 24 sf or larger, bird-safe requirements would apply, regardless of the element or structure’s distance from adjacent grade. Examples of these elements include freestanding glass walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances.

These larger transparent elements are a particular collision risk, and a number of them, including noise and wind barriers, were specifically identified by the Planning Commission and Subcommittee as elements to be included. A number of jurisdictions, including New York City, City of Alameda, and Evanston, IL take similar steps to regulate these building elements. The American Bird Conservancy’s Model Ordinance includes them as well.

- **Alternative Option – Size for Transparent Buildings and Building Features:** The Subcommittee recommended that bird-safe requirements apply to any freestanding transparent walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances of any size located anywhere in a project, as well as any corner location where transparent material meets transparent material, creating a total continuous transparent area of 6 sf or larger.

### Bird Safe Requirements

The Ordinance includes the following four methods of compliance for windows, transparent materials or any elements or structures covered by the Ordinance.

**1. American Bird Conservancy Threat Factor Rating:** An element or material would comply with the ordinance if it is listed in the ABC’s online *Glass Collisions Products and Solutions Database*<sup>5</sup> with a Threat Factor Rating of 30 or less at the time of Building Permit issuance.

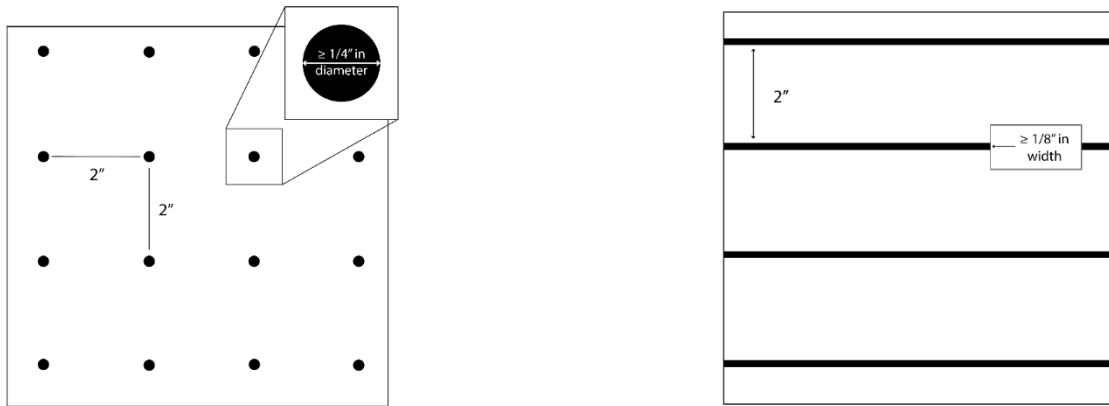
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<sup>5</sup> <https://abcbirds.org/glass-collisions/products-database/>

According to the ABC, a Threat Factor of 30 or less is the organization’s upper threshold for categorizing materials as bird friendly. The ABC included this threshold in their Model Ordinance, and Evanston includes it as their upper threshold in their Bird Safe Guidelines.

**2. Patterned Glazing Treatments:** An element or material would comply with the Ordinance if it includes patterns that are etched, fritted, stenciled, silk-screened or otherwise permanently incorporated into the transparent material. For a pattern that utilizes dots or other isolated solid shapes, each dot or shape must be at least a ¼” in diameter and be no more than 2’ apart in any direction. If the pattern utilizes lines, it must be at least 1/8” in width and spaced no more than 2” apart. Figure 1 illustrates this compliance path.

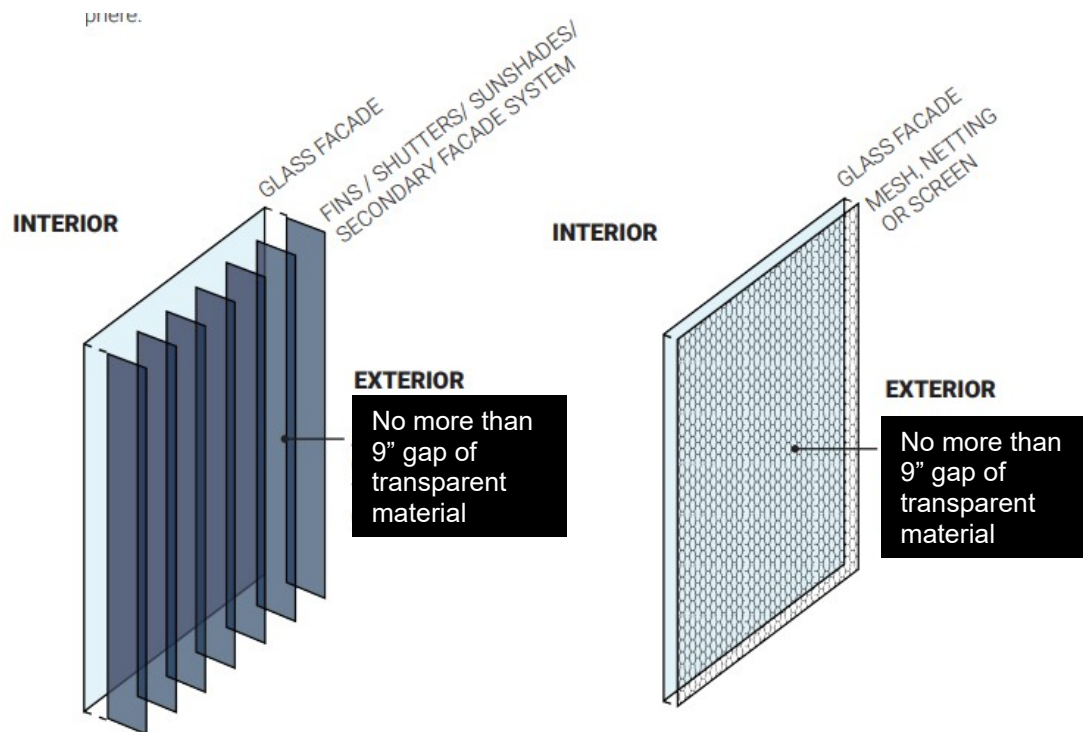
Figure 1. Patterned Glazing Treatments



The ABC Database also includes a number of products that would comply with this requirement.

**3. External Screens, Shutters or Shading Devices:** An element or material would comply with the Ordinance if it were covered with an exterior screen, shutter or shading device, or insect or solar screen that was permanently installed on the building exterior. Such a treatment would not create any gaps larger than 9” in any dimension (that is, a 9” diameter object could not pass through the treatment and strike the window or material). Figure 2 provides an illustration of this compliance path.

Figure 2. External Screens, Shutters or Shades



**4. Biologist Certification:** A project could also comply with the Ordinance if a qualified biologist were to indicate that the proposed construction methods and materials would reduce the risk of bird collision to an extent comparable to the other compliance paths. Staff recognize that there may be an alternative method or technology that is not yet listed in the three compliance paths above but could be equally effective. An ABC Threat Factor Rating of 30 represents a 50 percent reduction in collision risk compared to untreated materials so that threshold could be used by a biologist to determine that a project's methods and materials would meet that standard. Regulations in Mountain View, Emeryville and Alameda include compliance paths that permit biologist certification of bird safe measures.

- **Alternative Option – Remove Biologist Certification Path:** The Subcommittee recommended against including the option of Biologist Certification, believing it could allow a project sponsor to avoid bird safe requirements with unverifiable analysis and unenforceable recommendations. Note, additional standards could be established to require peer review and modification as part of a permit process to address this concern.

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### Phasing Regulations

Both the Planning Commission and the Design Review Committee recommended including a phase-in date in the Ordinance for the regulation of smaller (less than 10,000 sf) residential and mixed-use projects. The recommended phase-in dates ranged from 7 to 10 years from adoption of the Ordinance.

A phase-in date is not included in the proposed Ordinance because staff does not recommend pre-committing future City Councils, and future residents, to new regulations that far into the future, when circumstances may be entirely different and a variety of new factors could impact policy direction. There is also already a process to amend the Zoning Ordinance if future Planning Commissions and City Councils wish to change the requirements of the Ordinance.

### Compliance and Enforcement

The draft Ordinance specifies that Bird Safe requirements would only apply to projects that require a building permit. Replacing broken windows or individual window panes are considered repairs and do not require a building permit. For example, an existing window that needs to be repaired because it was broken by an errant baseball would not be subject to Bird Safe requirements.

Project plans would be required to include a stamp from the project applicant attesting that the project would comply with Bird Safe requirements, and the window schedule for proposed projects would need to indicate the transparent materials subject to Bird Safe requirements and the compliance path being selected for each applicable material.

### Public Information Document

Upon adoption of the proposed Ordinance, staff will prepare a public information document to explain the Bird Safe requirements and its purpose in common language, and provide guidance to project applicants as to where to obtain compliant materials.

While ABC's Database includes more than 150 rated materials, it does not provide information about where to purchase items or whether they are available in Berkeley or the Greater Bay Area. The public information document would include purchasing options for specific products included in the ABC Database.

### Product Availability

Staff does register concern about the current availability of bird safe materials, particularly for smaller-scale residential projects. Both the Design Review Committee and the Planning Commission expressed similar concerns, and the proposed Ordinance strives to address the concern by distinguishing between projects that are larger or smaller than 10,000 square feet.

With the assistance of the City of Berkeley's Office of Economic Development, staff contacted 13 Berkeley-based building material retailers to inquire into the availability of bird safe products. None of the 13 businesses carried bird safe products, and at least three businesses had not heard of bird safe options for window products. This mirrors research done by a member of the Design Review Committee who contacted three local

residential window suppliers (Ashby Lumber, Associated Building Supply and Glass Concepts) and a territory manager for BMD, a distributor of Marvin windows. None of the local suppliers have much experience with bird-safe materials because of the added cost, and most of them had experiences with clients choosing not to use bird-safe materials because of cost.

That said, a number of projects that include bird safe glass have recently been approved in Berkeley. Berkeley Commons consists of two three-story research and development buildings located along the historic Berkeley shoreline. The project developer initially considered sourcing bird safe glass from Interpane, a German company, but switched to Viracon, a US company, due to supply chain issues. A representative approached by staff noted that obtaining glass with ceramic fritting was difficult and added more than \$8 per square foot to their window order. Another non-residential project also needed to switch from their original manufacturer to Viracon once the choice was made to use bird safe glass.

Staff will continue working to identify local retailers of bird safe products, but availability of bird safe materials may be a challenge in the near-term. Staff has requested assistance from Golden Gate Audubon to identify local sources of bird safe materials.

#### **NEXT STEPS AND RECOMMENDATION**

Staff recommends that the Planning Commission conduct a Public Hearing, receive public comment, discuss draft Ordinance amendments, provide direction, and forward a recommendation to City Council, with any changes identified through a vote of the Planning Commission.

#### **ATTACHMENTS**

1. November 12 2019, Bird Safe Referral. City Council.
2. March 2, 2022, Bird Safe Berkeley Requirements Referral. Planning Commission Report.
3. October 19, 2022, Planning Commission Report.
4. Proposed Bird Safe Buildings Ordinance





City of Berkeley  
Planning Commission

To: Honorable Mayor and Members of the City Council  
From: Planning Commission (Jeff Vincent and Alfred Twu)  
Re: Birdsafe Glass Ordinance  
Date: March 23, 2023

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On March 1, 2023, the Planning Commission (PC) took action to recommend a new bird safe glass ordinance for City Council consideration. PC's action was in response to a November 12, 2019 referral from the Community Environmental Advisory Commission (CEAC) and the City Council. The PC discussed this item at three meetings: March 2, 2022, October 19, 2022, and March 1, 2023. The PC also convened a Subcommittee on bird safe requirements. The Subcommittee met on three occasions: November 4, 2022, January 20, 2023 and February 8, 2023. This memo provides context on the Planning Commission's rationale for the recommendation to the City Council.

As described in the referral and the staff reports, bird populations have been declining and collisions with building windows are a major cause. Bird safe glass includes glass with tiny dots or thin lines etched or silk screened onto the glass, spaced a couple inches apart.

In the Bay Area, a handful of cities have adopted Bird Safe Building ordinances. Each of these ordinances differs on specifics (and all have less stringent birdsafe glass requirements compared to model policies currently being advocated for). Most of these ordinances contain exemptions for smaller panes of glass (For example, Emeryville's ordinance exempts glass panes under 12 square feet).

In 2019, New York City passed a relatively more stringent birdsafe glass ordinance. ["Materials other than bird friendly materials shall not exceed an aggregate of 10 square feet (0.93 m<sup>2</sup>) within any 10 feet (3048 mm) by 10 feet (3048 mm) square area of exterior wall below 75 feet (22 860 mm) above grade."<sup>1</sup>

While early drafts for a Berkeley ordinance were modeled on existing ordinances, elements of the staff recommendation were based on more recent ordinances, including Evanston, IL, and on the CEAC's proposed ordinance.

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<sup>1</sup> [https://www.nyc.gov/assets/buildings/bldgs\\_bulletins/bird\\_friendly\\_guidance\\_document.pdf](https://www.nyc.gov/assets/buildings/bldgs_bulletins/bird_friendly_guidance_document.pdf), pg. 11; and the New York City building code: <https://up.codes/s/bird-friendly-materials>

The PC has received much public comment from organizations/individuals urging the City of Berkeley to adopt a strong ordinance similar to New York City's and the model ordinance developed by the Golden Gate Audubon Society.

PC members overwhelmingly support actions that protect birds. Members repeatedly voiced support for a strong, yet implementable, birdsafe glass ordinance. However, we have concerns about feasibility. A central concern is whether cost and /or availability hinder the production of housing, especially affordable housing. We do not feel we have enough information to fully answer this question.

- What is the availability of bird safe glass products?
  - *Answer provided in staff report or during PC meeting discussion:* It appears that birdsafe glass options are becoming more available each year. Large projects buy glass directly from manufacturers, who appear to offer bird safe glass options. Smaller projects, like a house renovation or a new duplex, get premade windows from retailers, most of whom presently do not appear to have bird safe windows. Staff were unable to find any local retailers that carry bird safe windows.
- How much additional cost will this add to projects, especially if materials are not readily and quickly available?
  - *Answer provided in staff report or during PC meeting discussion:* PC determined that current information about cost does not make it prohibitive for large projects and part of the intent of adopting bird safe requirements is that requirements could create a demand for products, thereby reducing costs. One estimate provided to PC by a member of the Golden Gate Audubon Society found “an increase of 0.17% to 0.38% for large new construction projects (e.g., a few hundred dollars for an apartment with a handful of windows).” In response to Staff inquiry, a representative for the Berkeley Commons project noted that obtaining glass with ceramic fritting added more than \$8 per square foot to their window order. Staff were unable to find any estimates for small residential projects due to lack of local availability.
- How soon should an ordinance be put in place?
  - *Answer provided in staff report or during PC meeting discussion:* Given the concerns about cost and availability, the PC tried to solve this by suggesting that the ordinance be phased in based on type and size of building and size of percentage of glass on surface, etc. [For example, the NYC ordinance had a one-year phase-in, see: [https://www.nyc.gov/assets/buildings/local\\_laws/ll15of2020.pdf](https://www.nyc.gov/assets/buildings/local_laws/ll15of2020.pdf), pg 3.

The PC unanimously recommended that the CC adopt the Golden Gate Audubon Society's proposal for birdsafe regulations, with the following amendments (in **bold**), which PC felt would balance the urgency of protecting birds with the practical need of giving the construction supply chain enough time to adapt:

- (Non-Residential/New or Replacement Transparent Materials on Existing Buildings). Buildings where every façade's total square footage consists of less than ~~50%~~**30%** transparent material are exempt through January 1, ~~2028~~**2025**.
- (Residential or Mixed Use/New Construction or Addition/Buildings with less than 10,000 sf gross floor area) Buildings where every façade's total square footage consists of less than ~~50%~~**30%** transparent material are exempt through January 1, ~~2028~~**2025**.
- (New or Replacement Transparent Materials on Existing Building) Buildings where every façade's total square footage consists of less than ~~50%~~**30%** transparent material are exempt through January 1, 2028.
- (Exemptions) Residential projects, including the residential portion of mixed-use projects, where greater than ~~75%~~**50%** of the units are subject to recorded affordability restrictions, **are exempt from the requirements of this ordinance until January 1, 2025**, except that New or Replacement Transparent Building Features as described in Table 1-23.304.XX are not exempt.
- The removal of a provision that would allow for determination by a qualified biologist. PC felt that because there is no licensing for biologists (unlike architects or engineers), this may create a loophole that could be exploited. There remains a path for new materials to be certified by standards agencies that certify bird safe glass products for the entire country.

**23.304.150 Bird Safe Buildings.**

**A. Purpose.** The purpose of this section is to reduce bird mortality from windows and other transparent buildings or building features known to increase the risk of bird collisions.

**B. Applicability.**

1. *Applicability.* The bird safe building requirements apply to the following types of projects based on the primary land use when such projects require a building permit.

**Table 1 - 23.304.XX. Bird Safe Building Requirement Applicability**

| Project Type                                                                        | Applicable Building Location(s)                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Non-Residential</b>                                                              |                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                         |
| New Construction or Addition                                                        | <del>Continuous-All</del> transparent <u>or reflective</u> materials <del>of 12 sf or larger</del> located between the ground and 100 feet above grade.                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                         |
| New or Replacement Transparent <u>and Reflective</u> Materials on Existing Building | <del>Continuous-All</del> transparent <u>or reflective</u> materials <del>of 12 sf or larger</del> located between the ground and 100 feet above grade<br><br><u>Buildings where every façade’s total square footage consists of less than where 5030% or more of the elevation’s total square footage consists of transparent material are exempt through January 1, 2025.</u> |                                                                                                                                                                                                                                                                                                                                                                         |
| New or Replacement Transparent <u>and Reflective</u> Buildings or Features          | <del>Continuous-All</del> transparent material <del>of 24 sf or larger</del> , including but not limited to, freestanding glass walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances. <u>No exemptions for these high hazard features.</u>                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Residential or Mixed Use</b>                                                     |                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                         |
| New Construction or Addition                                                        | Building with 10,000 sf or more gross floor area                                                                                                                                                                                                                                                                                                                                | <del>Continuous-All</del> transparent <u>or reflective</u> materials <del>of 12 sf or larger</del> located between the ground and 100 feet above grade.                                                                                                                                                                                                                 |
|                                                                                     | Building with less than 10,000 sf gross floor area                                                                                                                                                                                                                                                                                                                              | <del>Continuous-All</del> transparent <u>or reflective</u> materials <del>of 12 sf or larger</del> located between the ground and 100 feet above grade.<br><br><u>Buildings where every façade’s total square footage consists of less than 5030% or more of the façade’s total square footage consists of transparent material are exempt through January 1, 2025.</u> |
| New or Replacement Transparent Materials on Existing Building                       | <del>Building with 10,000 sf or more gross floor area</del>                                                                                                                                                                                                                                                                                                                     | <del>Continuous-All</del> transparent <u>or reflective</u> materials <del>of 12 sf or larger</del> located between the ground and 100 feet above grade.                                                                                                                                                                                                                 |

|                                                      |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                             |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      |                                                                                                                                                                                                                                                                     | <del>where</del> Buildings where every façade's total square footage consists of less than 50% <del>30%</del> or more of the façade's total square footage consists of transparent material are exempt through January 1, <del>2028</del> . |
|                                                      | Building with less than 10,000 sf gross floor area                                                                                                                                                                                                                  | Not applicable                                                                                                                                                                                                                              |
| New or Replacement Transparent Buildings or Features | <del>Continuous</del> All transparent material of 24 sf or larger, including but not limited to, freestanding glass walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances. <u>No exemptions for these high-hazard features.</u> |                                                                                                                                                                                                                                             |

2. Exemptions.

- a. The bird safe building requirements do not apply to existing windows or other transparent materials that are not proposed to be replaced.
- b. Residential projects, including the residential portion of mixed-use projects, ~~with the majority~~ where greater than 50% of the units are subject to recorded affordability restrictions are exempt from the provisions of this section until January 1, 2025, except that. If added to an existing building or property, the entire building or property is exempt. New or Replacement Transparent Building Features as described in Table 1 – 23.304.XX are not exempt.

~~3. Continuous Transparent Material. Transparent material that is not interrupted by a line, spacer, mullion, grille or other visible material at least 1/2" in width.~~

**C. Bird Safe Requirements.** Any regulated continuous transparent material must meet at least one of the following conditions:

1. *Threat Factor Rating.* A product with an American Bird Conservancy Threat Factor Rating of 30 or less.
2. *Patterned Glazing Treatment.* The glass assembly must have all the following characteristics:
  - a. Visible Light Reflectance from the Exterior ≤ 15%;

b. Frit, ceramic ink, or other marker types must be opaque (or have a Visible Contrast Level > .0 from BirdVis app (<http://3.140.67.204:3838/Luro>, 2021)

c. As viewed from Surface 1, all low-e coatings must be behind the pattern;

d. Clear or low-iron glass;

e. A pattern that is made up of one of the following elements or a combination:

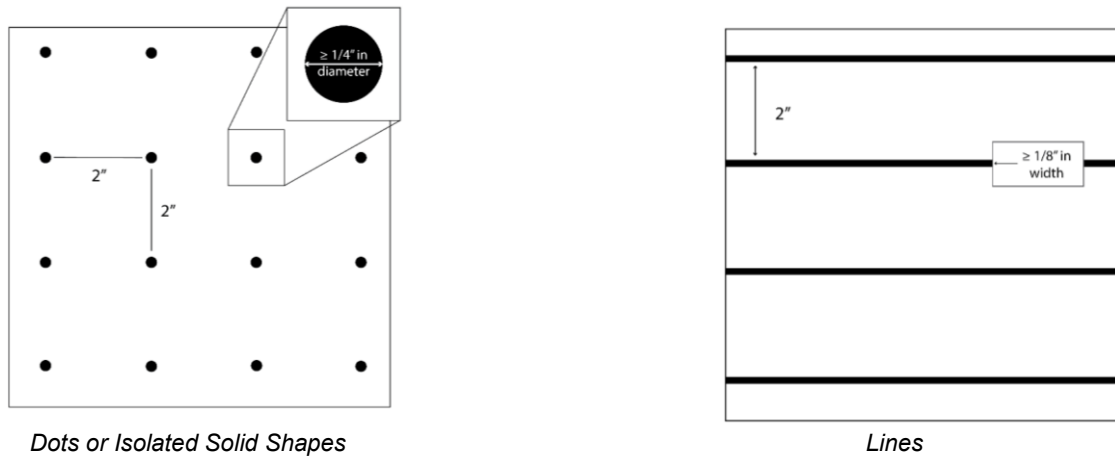
1. Continuous lines at least 1/8" wide, nowhere more than 2" apart, measures edge to edge (see Figure 23.304.XXX, right);

2. Circular, square, or irregular solid shapes that are nowhere more than 2" from another shape, measured horizontally or vertically, (edge to edge) or 2.83" diagonally (see Figure 23.304.XXX, left). Each shape must have a minimum area of  $\geq 0.20$  square inches, which corresponds approximately with circles of diameter  $\frac{1}{4}$ "; and

f. Patterns on side 1 or side 2 only.

~~2. Panes with patterns that are etched, fritted, stenciled, silk-screened, or otherwise permanently incorporated into the transparent material. If the pattern utilizes dots or other isolated solid shapes, each dot or shape must be at least a  $\frac{1}{4}$ " in diameter and be no more than 2' apart in any direction (see Figure 23.304.XXX, left). If the pattern utilizes lines, they must be at least  $\frac{1}{6}$ " in width and spaced no more than 2" apart (see Figure 23.304.XXX, left).~~

Figure 23.304.XXX Patterned Glazing Treatment Requirements



3. *External Screens, Shutters, or Shading Devices.* Panes with exterior screens, shutters or shading devices installed permanently over windows, structures, or building features such that there is no gap larger than 9 inches in one dimension. Building integrated treatments include, but are not limited to, metal screens, shutters, fixed solar shading such as louvres, and exterior insect or solar screens.

~~4. *Biologist Certification.* Analysis by a qualified biologist indicating that the proposed construction would reduce collision risk to an extent comparable to the requirements of this section.~~

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**ZONING ORDINANCE AMENDMENTS TO ADD A NEW BERKELEY  
MUNICIPAL CODE SECTION 23.304.150 (BIRD SAFE BUILDINGS)**

The Department of Planning and Development is proposing zoning amendments to the Berkeley Municipal Code (BMC) establishing bird safety requirements for new construction and significant renovations to reduce the incidence of bird strikes on Berkeley buildings. The zoning amendments would define bird-safe requirements and the types of projects that would be subject to these requirements. Bird-safe requirements include rated transparent material, glazing treatment, and external screens, shutters, or shading devices.

The hearing will be held on, TUESDAY, JUNE 6, 2023 at 6:00 p.m. in the School District Board Room, 1231 Addison Street, Berkeley, CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at [www.berkeleyca.gov](http://www.berkeleyca.gov) as of **May 25, 2023**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Justin Horner, Associate Planner at 510-981-7476.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** May 26, 2023 – The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 25, 2023.

Mark Numainville, City Clerk



Office of the City Manager

ACTION CALENDAR
June 6, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jennifer Louis, Chief of Police
 Subject: 2022 Police Equipment & Community Safety Ordinance Annual Report

RECOMMENDATION

Adopt a Resolution approving the 2022 Equipment Ordinance Annual Report.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts are limited to staff time for reporting and continuous training.

CURRENT SITUATION AND ITS EFFECTS

On May 11, 2021 the City of Berkeley adopted the Police Equipment and Community Safety Ordinance, Ordinance NO. 7,760-N.S. The Police Equipment and Community Safety Ordinance requires the Police Department submit to Council for approval an annual report for the usage of specified equipment “for as long as the Controlled Equipment is available for use.” Pursuant to the ordinance, this annual report shall be provided to the Police Accountability Board for review. After review by the Police Accountability Board, the Berkeley Police Department must submit the Annual Report to the City Council indicating the Police Accountability Board’s approval or lack of compliance.

BACKGROUND

On February 17, 2023 the Equipment Ordinance Annual Report was provided to the Police Accountability Board Director. On April 21, 2023 the Police Accountability Board communicated to the Police Department, via the attached memo, that the Police Accountability Board has recommended that City Council accept the report provided that minor edits were made to the report.

The Berkeley Police Department has amended the annual report to reflect the Police Accountability Board’s required recommendations.

Additionally, pursuant to the ordinance the Department shall also make each annual report publicly available on its website for as long as the Controlled Equipment is available for use. The 2022 Equipment Ordinance Annual Report will be posted on the Berkeley Police Department website.

Annual Reporting and Impact Statements:
Police Equipment and Community
Safety Ordinance

ACTION CALENDAR
June 6, 2023

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The Police Equipment and Community Safety Ordinance Annual Report requires the approval of the City Council.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510) 981-5700

Attachments:

- 1: Resolution
- 2: 2022 Equipment Ordinance Annual Report
- 3: Police Accountability Board Memorandum

Annual Reporting and Impact Statements:
Police Equipment and Community
Safety Ordinance

ACTION CALENDAR
June 6, 2023

RESOLUTION NO. ##,###-N.S.

ANNUAL REPORTING AND IMPACT STATEMENTS: POLICE EQUIPMENT AND
COMMUNITY SAFETY ORDINANCE

WHEREAS, the Berkeley City Council adopted Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance on May 11, 2021; and

WHEREAS, Section 2.100.050 of the ordinance mandates an annual report for the deployment of military equipment that the Berkeley Police Department possesses; and

WHEREAS, per city ordinance, the Berkeley Police Department shall submit the annual report to the Police Accountability Board for review; and

WHEREAS, the Police Accountability Board has communicated their approval of the Annual Report provided the Berkeley Police Department make the recommended edits; and

WHEREAS, the Berkeley Police Department has amended the Annual Report based on the Police Accountability Board's recommendations; and

WHEREAS, Section 2.100.050 (3) of the ordinance requires the Berkeley Police Department to submit the Annual Report to the City Council for approval indicating the Police Accountability Board's approval or lack thereof.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the Berkeley Police Department's 2022 Equipment Ordinance Annual Report.

Police Equipment and Community Safety Ordinance 2022 Annual Report



INTRODUCTION

On May 11, 2021 the Berkeley City Council passed Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance. Section 2.100.050 of the ordinance mandates an annual report for the deployment of specific equipment the Berkeley Police Department possesses. Below is a list and inventory of the reportable equipment under the city ordinance:

- Patrol Rifle (96)
 - Associated .223 duty and training rounds (129,720)
- Less Lethal single 40MM launcher (20)
- Less Lethal Milkor LTL 40 MM multi-launcher (2)
 - Associated 40mm rounds (724)
- Less Lethal FN 303 Launcher (8)
 - Associated FN rounds (5,445)
 - Associated FN Pava rounds (150)
- Oleoresin capsicum (OC spray) (190)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum (204)
- Remington 700 Precision Rifle (6)
 - Associated .308 rounds (4460)
- Light/sound distraction device (50)
- Long Range Acoustic Device (LRAD) (2)
- 36" batons (195)
- Barret Model 99 Precision Rifle (1)
 - Associated .50 rounds (20)

The annual report on the controlled equipment shall contain the following information per Ordinance NO. 7,760N.S.:

- (a) Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department's possession.
- (b) A summary of how Controlled Equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.

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- (c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
- (d) A summary of any complaints or concerns received concerning Controlled Equipment.
- (e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

There have been no internal audits (other than those conducted to gather and confirm data for this report), identified violations of equipment use, or any complaints concerning the above listed equipment.

Section 2.100.020 (D) defines deployment as “to utilize or employ Controlled Equipment for a deliberate purpose in the presence of members of the public during management or control of crowds, during any Special Response Team deployment or to affect some response from members of the public during any other operation or critical response. “Deployed” shall not mean an officer merely wearing a piece of Controlled Equipment on their belt or elsewhere on their person.” Deployment means the display of the equipment to affect some response from members of the public. The equipment does not have to be used (I.E. less lethal projectile actually launched and struck a suspect); simply having it and in view of a person to specifically affect a response would be considered a deployment. Deployments are to be reported per the ordinance and the table on page 5 of this report reflects both deployments and utilization of equipment.

The Blue Team system and Equipment Ordinance system are the two systems that captures all utilizations and deployments of equipment enabling the Police Department to fulfill the obligations set forth by the ordinance. The Blue Team system documents all uses of force which includes patrol rifle deployments and utilization of less-lethal systems (I.E. less lethal projectile actually launched and struck a suspect). This system is maintained by the Internal Affairs Bureau. The

Equipment Ordinance system captures deployments of all equipment outlined in the ordinance.

The Police Department responded to over 62,245 calls from the community in 2022. Of the 62,245 calls received, 88 of them resulted in the deployment of either a patrol rifle or a less-lethal system capable of launching a rubber projectile or a projectile similar to that of a paintball. For details on these systems refer to the Impact Statements located on the Berkeley Police Department website.

The table on page 5 details each of the 88-equipment deployment incidents extracted from the Blue Team and EO systems. Each row within the table represents an incident where a specified equipment was deployed or utilized. The number of specified equipment deployed per incident is not represented. The table includes the service of 5 search warrants; 3 of which were served by the Special Response Team in cases involving a violent suspect. Equipment that is not outlined in the table was not deployed or used in 2022.

It should be noted that all equipment deployments in 2022, except for five, were incidents where the Berkeley Police Department responded to a call for service made by community members or in the service of search warrants. Incident #27, #43, #44, #59, and #75 are the exceptions. #27, #43, #59, and #75 were incidents where officers located a stolen vehicle with the suspect still inside the car. Incident #44 is an incident where an officer attempted to stop a vehicle driving on the wrong side of the roadway. The vehicle fled from officers, collided with a tree, and then one of the occupants discarded a firearm.

The three incidents where less-lethal systems were actually utilized (less lethal projectile actually launched and struck a suspect) are highlighted in yellow. The incidents are listed in chronological order.

It is important to note that information provided to police dispatchers by victims, witnesses, and community members dictate police responses. Officers and supervisors make decisions on deployment of equipment based on community members observations and reports.

#	Equipment	Summary	Beat
1.	40MM Launcher, FN303	Mother/Victim called the police to report that her son had physically assaulted her and threatened to kill her. She reported that he had brandished her with a handgun recently. Screaming was heard by Dispatch. When officers arrived on scene they heard screaming and sounds of a physical fight inside the residence. 40mm launcher and FN303 deployed. Subject was contacted inside agitated and said, "We can all die in here today." Subject was taken into custody.	9
2.	40MM Launcher	Subject called the police and reported his suicide attempt. Subject had stabbed himself and reported that he was unable to distance himself from the knife. 40MM launcher deployed as was contacted and medical aid was immediately provided. He was placed on a psychiatric evaluation hold.	4
3.	Patrol Rifle, 40MM Launcher	The owner of a restaurant called the police while he was witnessing a burglary in progress through the security cameras' live feed. He witnessed the suspect break through the drive-through window and climb inside. The suspect broke the alarm keypad and entered the restaurant's safe. Officers arrived and surrounded the business. 40mm launcher and rifle were deployed. The subject was ordered out of the business and arrested for burglary without incident.	12
4.	LRAD	A volcanic eruption in the southwest Pacific Ocean produced a tsunami that affected the entire Pacific Ocean. A tsunami warning was issued. Police officers responded code-3 (emergency response) to evacuate the marina. The LRAD was utilized to help with the evacuation.	14
5.	Patrol Rifle	Officers responded to multiple reports of a shooting. Officers arrived on scene and located a victim who is connected with a local gang. Surveillance cameras captured the shooting and showed a shootout between several suspects. Officers deployed patrol rifles during a search for the suspects.	11
6.	40MM Launcher	Caller reported that his housemate was high on methamphetamine and was destroying the house. The subject was screaming and throwing things. Officers responded and utilized de-escalation tactics. They attempted to negotiate with the subject and calm him, but he displayed the inability to calm down and yelled at the officers to shoot him. 40mm deployed. The subject yelled "there's a pedo inside the house and I'm going to kill him. I am ready to die." He launched several items at the officers including a wrench and screwdriver. Had the objects hit the officers it would have caused a significant injury. An officer launched the 40mm round at the subject. He immediately complied and was placed on a psychiatric evaluation hold after medical attention was provided.	8
7.	Patrol Rifle	Caller reported a subject with a gun in hand entering into the driver seat of a vehicle. Suspect and vehicle descriptions were provided as well as the specific location of the car. Officers located the vehicle and driver. Patrol rifle deployed during the detention of the reportedly armed subject with a handgun. No firearm was located.	12
8.	Patrol Rifle	Caller/store employee reported a man with a gun. Officers located the suspect and gave him orders, but the suspect ignored the officer's instructions and then ran away. Officers chased after the suspect and were able to cut him off. Patrol rifle deployed for the detainment. A methamphetamine pipe was located. The suspect was placed on a psychiatric evaluation hold.	12

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9.	FN303	Berkeley Fire Fighters requested code 3 (emergency) response to assist with a suspect who had burglarized the Fire Department's warehouse. The suspect was located and was extremely confrontational, threatening and non-compliant with Officers' orders. FN 303 was deployed. The suspect was ultimately detained after officers successfully deescalated the situation.	11
10.	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher,	The Special Response Team served a search warrant in connection to multiple armed robbery cases from Berkeley and from another jurisdiction. The LRAD was used to communicate with occupants in the residence. Evidence was located during the search warrant service.	Outside City Limits
11.	FN303, 40MM Launcher	Multiple callers reported a subject on a busy street with a knife gesturing like he was stabbing himself. Officers arrived at the location and located the subject who was holding a large knife and swinging it around himself. The subject refused to drop the knife and walked away from officers. Officers negotiated with the subject for 25 minutes before the subject finally dropped the knife. The subject was placed on a psychiatric evaluation hold.	6
12.	FN303	Caller/gas station employee reported that someone had entered the gas station refusing to wear a mask. When the employee asked the subject to leave the subject threw a glass bottle onto the ground shattering it and threatened to stab the employee. The subject left the store, but brought out a large knife and stabbed at the gas station window. Officers arrived and deployed a 40mm launcher and gave orders to the suspect. She complied with the commands and was arrested.	12
13.	40MM Launcher	A 12-year-old child and her sisters locked themselves in a room for safety and called the police to report their older brother experiencing a mental health crisis. She reported that the brother was delusional and armed with a large knife and had a gun. 40mm launcher deployed as Officers contacted the subject near the front door. Methamphetamine was located on the subject. The subject was placed on a psychiatric evaluation hold.	16
14.	40MM Launcher, Patrol Rifle	Victim/Employee reported being stabbed in an attempted murder incident. The VICTIM/Employee and witnesses provided a suspect and vehicle description. Officers located a vehicle and driver that matched the description provided. A felony car stop was initiated on the possible attempted homicide suspect. 40MM launcher and the patrol rifle were deployed during the felony stop. After further investigation it was determined that the detained subject was not the attempted murder suspect.	6
15.	Patrol Rifle	Multiple callers reported hearing gunshots, glass break, and people screaming in the Doe Library on the UC Berkeley campus. Patrol rifles were deployed as BPD officers responded to assist UCPD with an active shooter. At the conclusion of the investigation it was determined that balloons were being popped and people in the library mistaken it as gunshots. They broke windows to escape and were injured in the process.	Outside City Limits
16.	40MM Launcher	Victim reported his friend was on drugs and threatened to stab him. Victim stated his friend was still armed with the knife and was just outside of a bar. Officers responded and deployed a 40mm launcher as they detained the subject. The subject was arrested for being drunk in public.	12

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17.	FN303, 40MM Launcher	Officers responded to reports of a disturbance and domestic violence. The mother of the suspect reported that the suspect was breaking things in the house. Officers arrived and heard yelling inside and things breaking. The suspect had destroyed his brother's residence; holes were punched into the walls, closet doors broken, and mirrors shattered. 40mm launcher deployed as contact was made at the residence. The suspect was located and arrested.	9
18.	FN303	Mother/caller reported her son was intoxicated and possibly experiencing a mental health crisis. She reported the son "flipping out" and destroying things. Dispatch heard yelling in the background and then the phone disconnected. During the call back, there was an open line and dispatch heard the mother say, "stop it, get away. Stop." The mother told dispatch that her son was throwing things out the window. The line disconnected again. Officers arrived and deployed an FN 303 as they detained the subject. The mother asked that her son not be arrested. The son stated that he would do counseling and to begin detox. Information containing resources were provided to the family.	5
19.	40MM Launcher	Mother/caller reported her son was experiencing a mental health crisis. Subject naked in the house, destroying things, and had a history of mental health crisis. Subject threatened to harm himself. 40mm launcher deployed as the subject was detained. The subject was placed on a psychiatric hold.	2
20.	40MM Launcher	Witness/caller reported a dispute between two individuals, one armed with a metal pole and the other armed with a knife. They were threatening to kill each other. 40mm launcher deployed when officers arrived on scene and detained both subjects. After talking to witnesses, both suspects were arrested.	16
21.	FN303	Security guard/victim called the police and reported a robbery and the suspect was armed with a knife. The suspect placed the knife against the victim's throat during the robbery. The victim provided a suspect description to the officers. FN 303 launcher deployed when officers searched the area for the suspect. He was located and safely taken into custody for armed robbery.	4
22.	Patrol Rifle, 40MM Launcher	A victim of an armed (firearm) carjacking that occurred in Fremont called the Berkeley police and reported he had located his stolen vehicle. The car was unoccupied. He then saw four individuals enter his car and drive it away. He was able to track his vehicle with a car App. Officers responded to the location and located the stolen car and the four suspects that attempted to evade the police. Patrol rifle and a 40 mm launcher were deployed during the detention. A loaded handgun was located in the backseat of the stolen car. All four suspects were arrested.	14
23.	FN303	Victim/caller reported that her son had forced his way into her residence by prying a window open and damaging it. The son does not live there and he was not allowed on the property. The victim was afraid and barricaded herself in the bathroom. When the police arrived, the victim fled the house. She told the officers that her son had warrants for his arrest and had fled from the police recently. A records check showed several arrest warrants for violent crimes from another county. Officers ordered the subject out of the residence. FN 303 launcher deployed during the detention of the subject. He was detained and arrested for burglary and the arrest warrants.	10
24.	40MM Launcher	Victim reported that a trespasser had entered his residence and refused to leave. Officers arrived on scene and was let into the residence by the victim.	12

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		The subject yelled at the officers and threatened to kill them. The subject was inside of a bedroom and squirted hand sanitizing fluid onto the officers. Attempts to deescalate the situation were unsuccessful. The subject was near a screwdriver and other items that could be used as a weapon. The subject also picked up a laser and shined it into officers' eyes. A 40mm launcher was deployed during the detention of the subject. He was ultimately arrested after a brief struggle with officers.	
25.	Patrol Rifle	Officers responded to Contra Costa Sheriff's Deputies' request for emergency help after the deputies pursued an armed carjacking suspect into Berkeley. The suspects crashed the car and fled on foot. Patrol rifles were deployed by officers while searching for the armed carjacking suspect. Officers located and detained the three suspects. All three were arrested.	15
26.	40MM Launcher	A staff member at a rehabilitation center called the police and reported a subject experiencing a mental health crisis. The subject was threatening self-harm with a knife. Officers arrived and deployed a 40mm launcher as they verbally deescalated the subject and detained him. He was placed on a psychiatric evaluation hold.	2
27.	Patrol Rifle	Officers located a stolen vehicle. Patrol rifle deployed as a high-risk felony car stop was initiated. The driver was detained and discovered to be the registered owner of the vehicle. According to the driver, he was carjacked a few days prior and his vehicle was entered into the Stolen Vehicle System. Another police agency located his vehicle and released it back to him. That agency told the registered owner that the car was removed from the Stolen Vehicle System, but it was not. Berkeley police ensured the vehicle was removed from the system and the driver was immediately released at the scene.	Outside City Limits
28.	40MM Launcher	An employee of a business told a subject that she could not use the bathroom. In response to this the subject threw a large rock through the window of the business. The subject fled the area, but was located by an officer. She refused to stop for the officer and fled into the backyard of a residence. This subject was armed with a sledge hammer. 40mm launcher deployed as the subject was detained in the backyard. The subject was placed on a psychiatric evaluation hold.	16
29.	Patrol Rifle	Caller reported returning home and finding her front door open. She stated that her roommates did not answer their phones and she was concerned it was a burglary. Patrol rifle was deployed for the building search. Roommates were sleeping inside, but did not pick up the caller's phone calls. No suspect located inside.	5
30.	40MM Launcher	Hospital staff called the police after a patient brought out a large kitchen knife from her purse and threatened security and the nurse. 40mm launcher was deployed as contact was made with the subject. The suspect was safely detained and arrested.	8
31.	Patrol Rifle, 40MM Launcher	Victim called and reported her ex brandished a knife at her after an argument. There was also a court order protecting the victim from the ex. Officers responded to this domestic violence call. 40mm launcher and patrol rifle deployed as officers formed a perimeter at the victim's residence; however, the suspect fled from the house as the officers were setting up the perimeter. He was located half a block away and arrested.	10

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32.	40MM Launcher	Caller reported a disturbance where a subject brandished a knife. The caller provided a detailed suspect description and location. An officer located the subject walking who was still armed with the knife. 40mm launcher deployed for the detainment of the subject. He was safely detained, but officers were unable to locate the caller and the caller did not answer phone calls. The knife was confiscated, but no arrest made since no victim was located.	3
33.	40MM Launcher	Friends called the police and reported concerns for their friend who had attempted suicide several times in the past. The subject was at home and had locked the deadbolt. They believed the subject had taken multiple pills. Subject had access to knives and a katana sword inside of the residence. 40mm launcher deployed as contact was made. Subject was located and evaluated; proved ok.	4
34.	Patrol Rifle	Officers located a stolen vehicle where the suspect fled on foot. Patrol rifle deployed during a building search for the suspect. He was located and arrested. A handgun and bullets were also located. He was arrested for being in possession of a firearm, stealing a car, and burglary.	15
35.	40MM Launcher	An employee called the police and reported that a person in the store was bothering customers, breaking glass, and armed with a knife. Officers arrived and saw the subject in the back of the store screaming unintelligible things. Officers gave commands to the subject, but were ignored. 40mm launcher was deployed as officers detained the subject who resisted. The subject was placed on a psychiatric evaluation hold.	16
36.	Patrol Rifle	Hospital staff reported a disturbance after an upset patient pointed a handgun at several hospital staff members. The victims feared for their lives. Police responded to this "man with a gun" call. Patrol rifle deployed as officers went to detain the suspect. The handgun turned out to be a replica handgun. He was arrested.	8
37.	40MM Launcher	Investigators served an arrest warrant on a subject wanted for manufacturing explosives and firearms and threatened to bomb a school. 40mm launcher deployed while serving the arrest warrant. The suspect was not at the house, but was arrested at a later date by investigators.	8
38.	FN303	The jail requested additional officers due to a prisoner's resistance while being removed from the cell for transportation to Santa Rita Jail. The prisoner was extremely agitated and it appeared that he was going to be combative. FN303 launcher deployed. The prisoner eventually complied. He was transported with no further incident.	4
39.	Patrol Rifle	A security guard at a business reported a suspect threatened him with a gun. He provided a suspect description and location. Patrol rifle deployed as an officer located the suspect inside the business and gave commands to the suspect. The suspect complied and was detained. A gun was not located. The security guard did not press charges. All parties were released at the scene.	4
40.	Patrol Rifle	Victim called the police and reported that her vehicle was stolen in Oakland and she tracked it into Berkeley. Officers responded and located the stolen car and it was occupied. Patrol rifle deployed as a high-risk stop was conducted. The driver was safely detained and was arrested for vehicle theft.	15
41.	40MM, FN303	Officers responded to a call of an assault with a deadly weapon after victim was attacked with a knife. The Berkeley Fire Department rendered aid to the victim	15

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		as the officers located the suspect. 40mm and FN303 launcher were deployed as officers detained the suspect. He was arrested for felony assault with a deadly weapon.	
42.	40MM Launcher	Caller reported a suspect threw a rock through her neighbor's window and entered the house. Officers responded to this burglary in progress call and surrounded the residence. 40mm launcher deployed as officers attempted to contact the suspect. The suspect ultimately surrendered and was arrested for burglary.	16
43.	Patrol Rifle	An officer located an occupied stolen vehicle parked on the street. A high-risk car stop was initiated. Patrol rifle deployed as the driver was detained. Further investigation revealed that the car belongs to the subject's girlfriend and was stolen several months back, but was recovered by another police department. The vehicle was never taken out of the stolen vehicle system by that agency and was still registered as stolen. Subject released at the scene.	Outside City Limits
44.	Patrol Rifle, 40MM Launcher	Officers attempted to conduct a car stop on a vehicle that had its headlights off at night and traveling on the wrong side of the roadway. The vehicle failed to stop and fled from officers at a high rate of speed. The vehicle then collided with several cars and trees. Three occupants fled from the car and one dropped a handgun. Patrol rifle and 40mm launcher were deployed during a search for suspects. Two were located and arrested.	8
45.	Patrol Rifle	Several callers reported multiple individuals in a fight and 8 were armed with handguns. One caller reported it was gang related. Patrol rifle deployed as officers searched for the suspect. No armed suspects located, but one person was arrested for public intoxication.	14
46.	Patrol Rifle	Officer located a suspect vehicle that was used in several armed robberies in Berkeley. The officer recognized the vehicle make and model, license plate, and suspects, so he initiated a vehicle stop when backup arrived. One passenger fled on foot as the driver threw a handgun out of the window. The driver then fled in his car colliding with two police cars. A block search was conducted and patrol rifle deployed. The suspects got away, but were located and arrested for armed robbery at a later date.	Outside City Limits
47.	Patrol Rifle	Officers responded to a call of a man with a rifle in public. A suspect description and exact location were provided. Officers arrived on scene and located the suspect and saw that he was armed with a rifle. Patrol rifle deployed as officers ordered the subject to drop the gun. He complied and was detained. Officers located a large amount of methamphetamine on his person. The rifle he was holding was a realistic replica of a rifle. The subject was arrested.	6
48.	40MM Launcher	Caller/father reported his son was threatening to hit his family with a hammer. The caller reported that his son was recently placed on a psychiatric evaluation hold a week prior and has physically resisted police officers in the past. Officers responded. 40mm launcher deployed as contact was made with the subject and he was safely detained. He was placed on a psychiatric evaluation hold.	12
49.	Patrol Rifle	Contra Costa County Deputies located and attempted to stop a vehicle involved in an armed robbery. Three occupants fled the vehicle and into a residential neighborhood. A rifle was located in the backseat of the car. The suspects were considered armed and dangerous. The deputies requested for emergency	7

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		response from Berkeley Police. Patrol rifle deployed as officers searched for the suspects. One of the suspects was located and arrested.	
50.	Patrol Rifle, 40MM Launcher	A hotel employee called the police when he witnessed an altercation between a male and female. When he tried to intervene, the suspect said he would shoot him and went to his car looking for his gun. The employee fled. When officers arrived, the employee pointed out the suspect vehicle. Officers conducted a high risk stop on the possibly armed driver. 40mm launcher and patrol rifle were deployed. The driver was detained, but no firearm was located. The female was unharmed. No prosecution was requested by the employee. No arrest made.	14
51.	Patrol Rifle,40MM Launcher	Four armed suspects robbed a victim and during the robbery shots were fired. An officer located the suspect's car fleeing the area. The suspect crashed the car and four suspects fled on foot; at least one was running with a handgun still in hand. Three more handguns (one ghost gun with a high capacity magazine, one handgun with a high capacity magazine, and one fully automatic handgun with an extended magazine) and a short-barreled assault rifle (high capacity magazine) were located in the car. 40mm launcher and patrol rifle were deployed during an extensive block search. All four suspects were located and arrested for armed robbery and various gun charges.	12
52.	40MM Launcher	A hotel employee called the police to report a vehicle with extensive damage parked in the hotel lot. Officers arrived and discovered that the car was stolen. Investigations led officers to a hotel room where one of the two suspects slammed the door shut on officers. Further investigation showed one suspect has prior arrest history for firearms and the other has several felony arrest warrants for her arrest. A perimeter was established. 40MM launcher and patrol rifle were deployed. The suspect was contacted via telephone and agreed to exit the hotel room. She was arrested on the arrest warrants and possession of a stolen vehicle. The second suspect was not located in the room.	3
53.	Patrol Rifle	A caller, who was monitoring the security cameras for a business, reported seeing a suspicious person outside of the business. The caller reported the subject wearing army fatigues, crouching down near an electrical box, putting items into a brown bag, and also holding onto a rifle. The caller also reported seeing the subject pull out a handgun. The subject was also hiding between buildings. Patrol rifle deployed as officers located the subject and gave orders to him. He was detained and officers located a knife tucked in his waistband. No firearms located. The knife was confiscated. The subject was not arrested.	10
54.	Patrol Rifle, 40MM Launcher	At 4:20AM, a caller reported seeing a suspect with bolt cutters cutting a hole in the chain-link fence to a business. The caller was watching this unfold through the security cameras from a remote location. 40MM launcher and patrol rifle were deployed when officers arrived on scene. Officers established a perimeter for this burglary in-progress incident. They saw the suspect and gave commands that were ignored. The suspect ran from officers. Officers lost sight of the suspect, but located him hiding in the heavily foliaged area of the property. Officers gave more commands and provided ample time for the suspect to complied, but he refused. The suspect's hands were hidden and it was unknown at the time if he was armed. Officers warned the suspect that 40mm launcher would be utilized, but the suspect continued to ignore the officers. Both officers	13

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		launched a single 40mm round each at the suspect. One projectile missed and the other hit the suspect's thigh. The suspect immediately surrendered and complied. Medical aid was provided. Officers located two screw drivers and a window smashing tool on the suspect. They also located a single bullet where the suspect was hiding. A records check showed the suspect was on bail for multiple felonies. He was arrested for burglary and possession of fentanyl.	
55.	Patrol Rifle	Caller reported a home invasion in-progress. He reported 5 suspects had entered his house. Dispatch heard the caller screaming, "Get the f**k out of here! Stop it. Stop trying to enter the door." Patrol rifle deployed when officers arrived on scene. Further investigation showed the caller was experiencing a mental health crisis and was under the influence of methamphetamine. There was no home invasion that had occurred. He was placed on a psychiatric evaluation hold.	1
56.	40MM Launcher	Caller reported a shirtless man swinging a 5' long stick. The subject was screaming in the middle of a busy street and attempting to remove utility hole covers. 40MM launcher deployed when officers arrived on scene. The man was unintelligible and ran from officers. Officers struggled placing handcuffs on the subject as the subject resisted and kicked. He was finally detained and placed on a psychiatric evaluation hold.	4
57.	Patrol Rifle	A caller reported someone walking down the street in possession of a shotgun. The subject is known to police as someone with an extensive arrest history including violent crimes. This subject is on probation for robbery and also had an active warrant for his arrest. Patrol rifle deployed when officers arrived on scene. Officers located the subject and detained him. Officers located a loaded sawed-off shotgun with a pistol grip and crack cocaine. The subject was arrested for firearm charges, the crack cocaine, and the active arrest warrants.	12
58.	FN303, LRAD, Patrol Rifle, 40MM Launcher,	Officers were looking for a suspect in connection with a murder in another jurisdiction. They located the suspect but he ran from the police into a residential neighborhood. 40mm, FN303, patrol rifle, and LRAD were deployed as officers established a perimeter to conduct a high-risk block search. The homicide suspect was located and arrested.	12
59.	40MM Launcher	Officers located a stolen vehicle that was occupied with a suspect who fell asleep in possession of alcohol and methamphetamine. This suspect is known to police officers as someone who uses narcotics and has resisted officers' numerous times before. 40mm launcher deployed and the suspect was ordered out of the vehicle. The subject complied and he was taken into custody without incident.	10
60.	40MM Launcher	Caller reported a suspect swung a bat at him several times trying to hit him. Officers responded to this felony assault and located the suspect. The suspect was uncooperative and said that officers would have to shoot him before he would go to jail. 40mm launcher was deployed as de-escalation attempts were made. Subject was successfully deescalated and was safely taken into custody.	10
61.	40MM Launcher	A detainee refused to exit his cell at the Berkeley Jail to be transported to court. He was yelling at officers and told them that force would have to be used to get him out of the cell. The detainee demanded to speak to an investigator. Two investigators were called from their office to respond and speak to this detainee in attempts to calm him. It did not work. He continued to yell and directed his	4

		anger at the investigators. 40mm launcher deployed in this incident. The detainee ultimately exited his cell on his own accord.	
62.	40MM Launcher	Employees at a restaurant called and reported a man loitering in the restaurant. When the manager asked him to leave the subject became aggressive and got into the manager's face. The subject picked up a knife and wrapped it with a napkin. The manager reported it to be a "shank." 40mm launcher deployed when officers arrived on scene. The officers told the subject that all the business wanted was for him to leave. The subject was hesitated at first, but ultimately left.	14
63.	40MM Launcher	Hospital staff called and reported a subject in the ER waiting room throwing things and being violent. The caller reported that this was the same subject in the past where it took 9 employees to restrain. Officers were familiar with the subject and knew he had a history of violence as well as fighting police. 40mm launcher deployed. Subject was deescalated by officers and placed on a psychiatric evaluation hold.	8
64.	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher	The Special Response Team served a search warrant in connection to an armed-robbery series. This case is also connected to an incident where the suspect rammed two patrol vehicles and threw a handgun out the window after a patrol officer attempted to stop him. The suspect was located and arrested and evidence was seized.	Outside City Limits
65.	FN303	Caller reported a subject threatened him with a large knife. FN303 launcher deployed as officers contacted the subject and detained him. The subject was cooperative. The large knife was located, but it turned out to be a fake plastic knife. Both individuals separated from each other and no arrest was made.	13
66.	Patrol Rifle	Callers reported a subject with a gun and was waving it in the air. The caller followed the subject while providing updates to officers. Patrol rifle deployed as officers located the subject and detained him. A replica pistol was located as well as methamphetamine and hypodermic needles. The subject was place on a psychiatric evaluation hold.	15
67.	40MM Launcher	A victim was sleeping when someone broke into his apartment armed with a hammer and tire iron. The victim fled the apartment and called the police. 40mm launcher deployed. Officers entered the apartment and located the suspect inside. The suspect was in possession of stolen property as well as a hammer and tire iron nearby. The suspect was arrested for burglary.	16
68.	Patrol Rifle	A victim called and reported that he was shot at by a suspect that he knew. The victim reported that the suspect had pointed the gun at his head, but thankfully he ducked when the suspect opened fire so the bullet missed his head. He provided the suspect's name and location. Officers responded and located the suspect. Patrol rifle deployed as they detained the shooting suspect. He was arrested. During a search warrant service, the suspect's firearm was located.	17
69.	40MM Launcher	Caller reported he locked himself and his brother in the basement away from their older brother who was coming off of methamphetamine and threatening to kill both of them. The caller reported that the older brother is enraged and had a gun in the house. The caller did not know if the older brother was armed with the gun but reported that he may be armed with a knife. 40mm launcher deployed as officers ordered the subject/older brother to exit the house. The	1

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		subject complied and was detained. It was determined that the accusations the caller made was not true. The mother of the three brothers was contacted. No arrest was made.	
70.	Patrol Rifle	Officers responded to an armed robbery where the suspect was armed with an AR-15 style rifle. An area check for the suspect and get-away vehicle was conducted, but officers were unsuccessful in locating the suspect. Approximately 6 hours later, officers located the suspect vehicle occupied by a driver. Officers attempted to stop this vehicle, but it fled and almost collided with several vehicles when it failed to stop for traffic lights. The suspect ultimately jumped out of his car and ran. Patrol rifle deployed as officers secured a perimeter so they could conduct a search for the suspect. He was located by officers hiding on the roof of a residence. He was arrested for armed-robbery.	11
71.	Patrol Rifle	Caller reported a fight involving twelve individuals where one person pulled out a gun and shot someone. A suspect and get-away vehicle descriptions were provided. Officers located a car and possible suspects that matched the descriptions provided by the caller. Patrol rifle deployed as officers initiated a high-risk stop. The person stopped proved not to be the suspect and was released. The suspect was not located; however, a victim was later located at the hospital suffering from a non-life-threatening gunshot wound.	4
72.	FN303	Caller reported someone walking down the street with a large amount of blood on him. Another caller reported that the victim was possibly stabbed by a suspect. A suspect description was provided. Officers located this suspect and deployed FN303 launcher as they detained him. Victim was located and advised that he was involved in a scooter accident and was not stabbed.	4
73.	Patrol Rifle, 40MM Launcher	Investigators served an arrest warrant on 64-year-old suspect in the forced oral copulation of a 14-year-old child. Patrol rifle and 40mm launcher deployed as Investigators served the warrant. The suspect was located and arrested.	City Limits Outside
74.	Patrol Rifle, FN303	A victim called the police after someone pointed a gun and threatened to kill her. The suspect was located, but he entered his house and refused to come out. Officers employed de-escalation and negotiation techniques and convinced the suspect to exit his house. Patrol rifle and FN303 launcher deployed as the suspect was detained. He was arrested for pointing a gun and threatening to kill the victim.	5
75.	Patrol Rifle	Officer located and followed a stolen vehicle. Patrol rifle deployed as officers conducted a high-risk felony car stop. The driver was arrested. He was on probation and had methamphetamine in his possession.	City Limits Outside
76.	Patrol Rifle	Caller/employee of a business reported someone attempting to steal a company vehicle. Officers located the company vehicle with the ignition on and suspect still in the driver seat. Patrol rifle deployed. Officers contacted the suspect and arrested him for attempting to steal the vehicle. He was already on probation for stealing cars.	13
77.	40MM Launcher, Patrol Rifle	Smithfield Police Department in Rhode Island reported a victim was scammed out of \$50,000 and the suspect was in a hotel in Berkeley. Officers contacted the hotel staff and they provided a room number to the suspect. A search	14

		warrant was signed by a local judge to search/detain the occupants in that room. 40mm launcher and patrol rifle were deployed during the service of the search warrant. No suspects were located	
78.	FN303,40MM Launcher	Caller/hotel manager reported a hotel guest being belligerent and throwing trash from the third story. Officers arrived and contacted the subject in the room where the subject challenged the officers to a fight. Officers left to speak with the manager who advised she was going to refund the subject his money and wanted him removed from the property. Officers recontacted the subject with the manager. The manager and the officers asked the subject to leave, but he refused and grabbed a bottle of pepper spray and threatened to spray the officers. The officers retreated and waited for backup. 40mm launcher deployed. Officers contacted the subject again and took him into custody.	15
79.	40MM Launcher	Caller reported a domestic dispute involving an ex refusing to leave her apartment. She provided the suspect's name and said that he will fight the police. Officers knew this person as a subject with a long history of violence and assault on police officers. 40MM launcher deployed as officers contacted the subject and negotiated his surrender. He was arrested for violating a restraining order protecting the victim and for violating his probation.	9
80.	Patrol Rifle	Investigators were conducting surveillance on a suspect related to a case where the suspect shot at a witness during a catalytic converter theft. The investigators attempted to detain the suspect, but he fled on foot. Investigators chased the suspect as the suspect threw a backpack. Investigators caught the suspect and detained him. They recovered the backpack containing methamphetamine and a ghost gun with 15 rounds inside. Investigators then served a warrant at the suspects hotel room. Patrol rifle deployed as entry was made into the hotel room. Ammunition, a reciprocating saw, extra saw blades, and vehicle jacks were located. Evidence was seized and the suspect arrested.	Outside City Limits
81.	40MM Launcher	Caller/sister reported her brother was suicidal. She reported that her brother takes drugs. The mother took the phone from the daughter and reported that her son was on methamphetamine and was holding a large knife to his own neck. Then dispatch heard the caller/sister screaming. 40mm launcher deployed as officers arrived on scene. Subject ran out of the house and threw the knife. Officers detained the subject and placed him on a psychiatric evaluation hold.	16
82.	Patrol Rifle, Remington 700 Rifle, LRAD, Diversionary Device, FN303, 40mm launcher	An armed robbery occurred where one suspect pointed a gun at the victim's face while a second suspect beat up the victim and stole his property. Investigations lead to several search warrants including a high-risk warrant served by the Special Response Team. The LRAD was used to communicate with occupants in the residence. Two AR-15 pistols and a handgun were located during the warrant service. This case is an on-going investigation.	9
83.	Patrol Rifle	Victim called the police and reported a violent domestic violence situation. Dispatch reported hearing a violent confrontation between the victim and suspect/boyfriend. The victim reported that the suspect had a gun and pointed it at his head and threatened suicide. Officers responded and formed a perimeter around the residence. Patrol rifle deployed. The victim was located and so was the suspect. He was arrested. The gun was located and seized.	9
84.	40MM Launcher	Detainee in the jail refused to be transported to the Santa Rita Jail. He was screaming at officers and made threats to fight them. Attempts to deescalate	4

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		the subject were unsuccessful. 40mm launcher deployed as officers opened the cell door and handcuffed him. He did not fight the officers and was transported to the Santa Rita Jail.	
85.	40MM Launcher, FN303	Caller reported a man waving a knife inside of a BART train in Berkeley. The caller reported that this man was "acting weird." BART PD requested emergency assistance. FN303 and 40mm deployed. Subject was located and detained.	4
86.	Patrol Rifle, 40MM Launcher	Investigators were serving an arrest/search warrant for child abuse. Patrol rifle and 40mm launcher were deployed as investigators entered the residence. The suspect, mother of the reported child abuse case, charged at a detective with a large kitchen knife over her head. She plunged the knife downwards into the detective's chest. The knife did not puncture his Kevlar vest, but broke his body worn camera. 40mm launcher was utilized, but she held onto the knife. The detective and the suspect fell onto the floor where they struggled for the knife. She cut a supervisor's finger before the knife was wrestled out of her hand. She was placed on a psychiatric evaluation hold and subsequently charged with attempted murder.	8
87.	40MM Launcher	A caller reported two males acting suspiciously in a vehicle and provided dispatch with the vehicle's license plate. A records show that the car was a vehicle that was carjacked via handgun from Oakland. Officers responded and located the car. 40mm launcher was deployed as officers detained the driver. He was arrested.	12
88.	FN303	A caller reported being assaulted with a sword as the suspect chased her. The caller provided a suspect and suspect vehicle description. A supervisor located the vehicle and conducted a vehicle stop. 40mm launcher deployed as officers detained the suspect. The caller refused to participate in the investigation and walked away from the officer. The suspect provided his version of what occurred and was released at the scene.	5

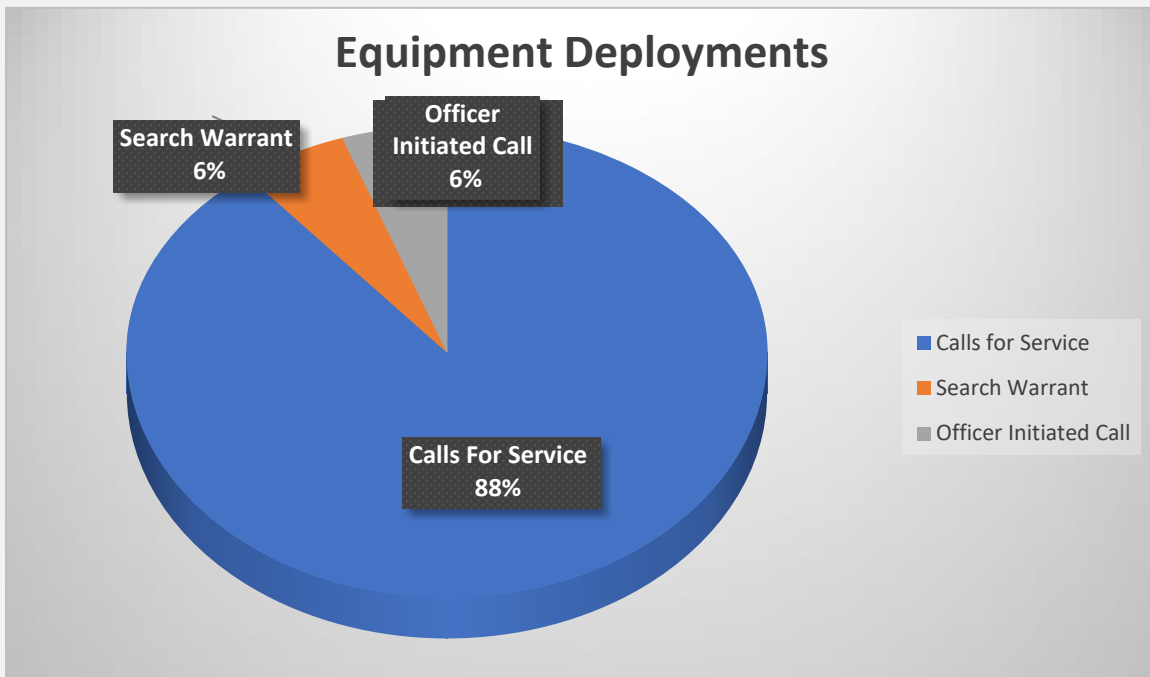
Below is a table that shows the total number of times a specified equipment was deployed in 2022. It should be noted that different types of equipment may be deployed in one incident and the same equipment may be deployed by multiple officers within a single incident.

EQUIPMENT	Number of Deployments
Patrol Rifle	43
40MM Single Launcher	50
40MM LTL Multi-Launcher	0
FN 303 Launcher	20
FN Pava Impact Projectile	0

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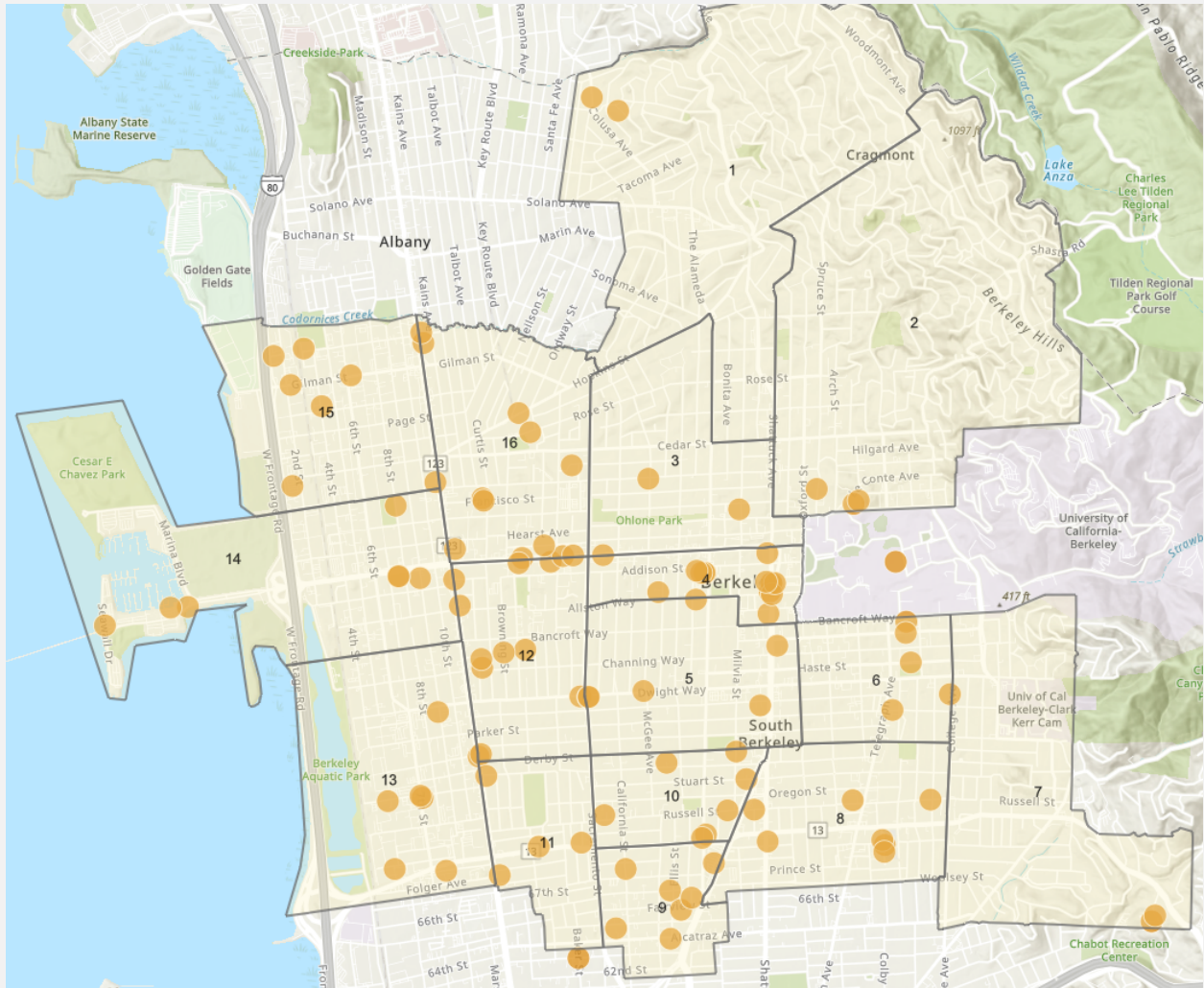
Oleoresin Capsicum Spray	0
Chlorobenzylidene Malonitrile and Oleoresin capsicum	0
Remington 700 Rifle	3
Light/Sound Diversionary Device	3
Long Range Acoustic Device	5
36" Batons	0
Barret Model 99	0

Below is a pie chart that represents in percentage the equipment deployments that were in response to 5 search warrants, 5 officer initiated calls, and 78 calls for services.



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Below is a map showing where each of the above 88 equipment deployments occurred in Berkeley. 9 occurred in other Bay Area cities.



Appendix:

Applicable Lexipol Policies Respective to Each Equipment

Patrol Rifle

- Policy 300 (Use of Force)
- Policy 349 (Tactical Rifle Operator Program)

40MM single launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

40MM LTL multi-launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

FN 303 Launcher & FN Pava rounds

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

Chlorobenzylidene Malononitrile and Oleoresin Capsicum (canister and spray)

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

Remington 700 Rifle

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

Light/Sound Diversionary Device

- Policy 353 (Diversionary Device)

Long Range Acoustic Device

- Policy 707 (Long Range Acoustical Device)

36" batons

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)
- Policy 428 (First Amendment Assemblies)

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Barret Model 99

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

Internal



MEMORANDUM

Date: April 21, 2023
To: Jennifer Louis, Interim Chief of Police
From: Hansel A. Aguilar, Director of Police Accountability 
Cc: Police Accountability Board
Subject: Transmittal of the PAB's Recommendation on the Berkeley Police Department's Police Equipment and Community Safety Ordinance 2022 Annual Report

This memorandum serves to notify the Berkeley Police Department (BPD) that during the Police Accountability Board's (PAB) Regular meeting on April 11, 2023, a memorandum was voted on concerning the BPD's Police Equipment and Community Safety Ordinance 2022 Annual Report. The PAB reviewed the report and determined that it complied with BMC 2.100, with the exception of a minor edit that was specified in the PAB's memo to Council. The PAB has recommended that the Council accept the report provided that the necessary edits are made to ensure compliance with BMC 2.100.050(A)(1), as outlined in the attached memorandum. If the BPD has any questions or concerns, please do not hesitate to contact the Director of Police Accountability.



RECOMMENDATION

Date: April 11, 2023
To: Jennifer Louis, Interim Chief of Police
From: Police Accountability Board
Cc: Honorable Mayor and Members of the Berkeley City Council
Subject: Berkeley Police Department's Police Equipment and Community Safety Ordinance 2022 Annual Report

Background:

In May 2021, the Berkeley City Council approved the Police Equipment and Community Safety Ordinance (Ordinance No. 7,760-N.S.), which requires the Berkeley Police Department to provide an annual report on the deployment of specific equipment. The report is to be reviewed by the Police Accountability Board (PAB), which will assess compliance with the relevant approval standards set forth by BMC Section 2.100.040. If any equipment is found to be non-compliant with the standards set forth by BMC 2.100.040, the PAB "shall recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations shall be forwarded to City Council in accordance with the approval process in Section 2.100.040." The PAB shall make these determinations based on the content of the report.

BMC Section 2.100.050(A)(1)(a) – 2.100.050(A)(1)(e) provides minimum reporting requirements for the use of Controlled Equipment. Those reporting requirements are the following:

- a. Production¹ descriptions for Controlled Equipment and inventory numbers of each product in the Police Department's possession.
- b. A summary of how Controlled Equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.
- c. If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
- d. A summary of any complaints or concerns received concerning Controlled Equipment.
- e. The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

The PAB shall make recommendations based on compliance with the standards outlined in these sections.

The Office of the Director of Police Accountability (ODPA) received the Police Equipment and Community Safety Ordinance 2022 Annual Report from Interim Chief Jennifer Louis on February 17, 2023. The report was scheduled for review at a regular meeting of the PAB within 60 days of receipt, specifically on April 11, 2023. This memorandum provides the PAB's recommendation on the presented Police Equipment and Community Safety Ordinance 2022 Annual Report following the standards for approval outlined in Section 2.100.040.

¹ BMC Section 2.100.050(A)(1) includes the word "production," but it is assumed that it is a typographical error and that the intended word is "product." The Board believes that "production" is a typographical error because the term does not appear elsewhere in the policy and it is not commonly used in the context of the regulation.

Recommendation:

The PAB recommends to the Council that they consider accepting the BPD's report, subject to the condition that the required edits are made to ensure compliance with BMC 2.100.050(A)(1) as detailed in this memorandum.

Analysis:

As previously stated, BMC 2.100.050(A)(1) requires meeting five specific requirements for the report. This memorandum presents a recommendation that was developed by examining the available information and assessing each section's compliance with the criteria. Where appropriate, suggestions were made to improve the information's transparency or clarity. Please refer to Table 1 titled "Compliance Status Overview: Requirements of BMC 2.100.050" for a summary of the compliance status.

Table 1. Compliance Status Overview: Requirements of BMC 2.100.050		
Ordinance No.	Description	In compliance with the ordinance?
2.100.050(A)(1)(a)	Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department's possession.	Yes.
2.100.050(A)(1)(b)	A summary of how Controlled Equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.	Yes.
2.100.050(A)(1)(c)	If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.	No.
2.100.050(A)(1)(d)	A summary of any complaints or concerns received concerning Controlled Equipment.	Yes.
2.100.050(A)(1)(e)	The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.	Yes.

Requirement 1 – Product descriptions for Controlled Equipment and inventory numbers of each product in the Police Department’s possession.

To comply with BMC 2.100.050(A)(1)(a), the BPD must furnish product descriptions and inventory levels for every piece of controlled equipment in its possession. In accordance with this requirement, the BPD has listed eleven different pieces of equipment and six types of ammunition and/or projectiles, along with their respective inventory levels. Even though the BPD included an appendix containing the pertinent policies that define and detail every controlled equipment, the report proper didn't incorporate these descriptions. The PAB advises the BPD to improve compliance by including concise descriptions of all their controlled equipment and referring to the comprehensive descriptions provided in the Impact Statement of the Police Equipment and Community Safety Ordinance in the body of the report.

Requirement 2 – A summary of how Controlled Equipment was used.

To comply with BMC 2.100.050(A)(1)(b), the BPD must provide a summary of how Controlled Equipment was used. For this reporting requirement, “use” of equipment refers to deployment and not transfers between locations or placement inside department vehicles. On page five of the report, the BPD provides a summary of various incidents in which one or more pieces of controlled equipment were used. The presented chart includes the name of the equipment, a summary of the event, and the beat where it was used. Based on the provided criteria, the PAB believes that this requirement has been met.

Requirement 3 – Geographical breakdown of Controlled Equipment Usage by Police Area; Reporting days/instances of use; Authorized Usage Percentage

To comply with BMC 2.100.050(A)(1)(c), three criteria must be met. The first requirement is a geographical breakdown of where Controlled Equipment was used by individual police area. The second requires that for each police area, the BPD must report the number of days or instances in which Controlled Equipment was used. Lastly, the BPD must record the percentage of the reported uses which were authorized by warrant and by non-warrant forms of court authorization. Both the first and second requirements

have been deemed adequately fulfilled by the PAB, while the third requirement requires minor changes to ensure compliance.

To ensure compliance, the PAB asks that the BPD record the percentages of the daily reported uses which were authorized by warrant and by non-warrant forms of court authorization. Currently, the BPD provides a count of the uses of each specific piece of controlled equipment and the beat in which the equipment was used, and it provides limited insight as to the method of authorization. The provided data states that five out of eighty-eight deployments were a result of a warrant, five were officer initiated, and the rest were a result of calls for service. To meet the requirement for the reporting of the authorized usage percentage, the aforementioned values should be calculated as percentages. Additionally, although not required, the PAB recommends that a chart or infographic be included for reader accessibility purposes.

Requirement 4 – Summary of any complaints or concerns received concerning Controlled Equipment

BMC 2.100.050(A)(1)(d) requires that a summary of any complaints or concerns received concerning Controlled Equipment be provided. The BPD reports that it did not receive any complaints concerning the use of the controlled equipment in its possession. Based on the information provided in this report and the requirements of the BMC, the PAB believes this requirement has been sufficiently met.

Requirement 5 – Results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

BMC 2.100.050(A)(1)(e) requires that the BPD disclose the results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response. In their report, the BPD states that “there have been no internal audits (other than those conducted to gather and confirm data for this report), identified violations of equipment use, or any complaints concerning the above-listed equipment.” Based on the information provided in this report and the requirements of the BMC, the PAB believes this requirement has been sufficiently met. However, the PAB notes that

while BMC 2.100.050(A)(1)(e) seeks the results of any internal audits, it does require the BPD to conduct and report the internal audits. It is important to determine if the legislative intent of the Council was for BPD to conduct annual audits. Having that clarification will ensure that BPD is complying with the BMC as intended.



BERKELEY CITY AUDITOR

INFORMATION CALENDAR

June 6, 2023

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Police Overtime Audit Report Wins National Recognition

INTRODUCTION

The 2022 Exemplary Knighton Award for best performance audit report in the medium shop category has been awarded to the City of Berkeley Auditor's Office by the Association of Local Government Auditors (ALGA). The report, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*, was judged on several key elements, such as the potential for significant impact, the persuasiveness of conclusions, the focus on improving government efficiency and effectiveness, and its clarity and conciseness.

CURRENT SITUATION AND ITS EFFECTS

Each year, local government audit organizations from around the U.S. and Canada submit their best performance audit reports for judging. The judges from peer organizations determined that our audit of the City of Berkeley's Streets was among the best of 2022.

BACKGROUND

We issued our audit report, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*, on March 3, 2022.¹ The purpose of the audit was to determine:

1. What policing functions does BPD's use of overtime cover?
2. Does BPD regularly assess minimum staffing levels to meet community needs?
3. Is BPD's management of overtime sufficient to reduce excessive uses of overtime?
4. Are BPD's agreements to provide work for outside entities transparent and in accordance with the law?

We found that the Berkeley Police Department (BPD) relies on overtime to achieve its staffing levels, and the department does not adhere to overtime limits. In Fiscal Year (FY)

¹<https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Police%20-%20Improvements%20Needed%20to%20Manage%20Overtime%20and%20Security%20Work%20for%20Outside%20Entities.pdf>

Police Overtime Audit Report Wins National Recognition

2020, nearly a quarter or \$1.3 million of BPD's overtime costs went toward backfilling officer vacancies and absences. That same year, 21 percent of sworn officers exceeded BPD's overtime limit at least once.

In addition, BPD's overtime work for outside entities more than tripled in FY 2020, and 53 percent of these hours were for the Apple store. The audit team found there are no procedures or contracts for this work, in which officers provide security for outside entities while representing BPD and the City. Under BPD's current billing structure, it is not possible to know if BPD charges these entities appropriately for their services.

We made twelve recommendations to improve the oversight, management, and transparency of BPD overtime and work for outside entities. City Management agreed to our findings, conclusions, and recommendations. Since audit issuance, BPD has made significant progress in implementing the audit recommendations.

ENVIRONMENTAL SUSTAINABILITY

This report is not associated with identifiable environmental effects or opportunities.

POSSIBLE FUTURE ACTION

We will continue to follow up on the status of audit recommendation implementation to ensure the City mitigates the risks that could prevent the City from providing efficient, effective, and equitable service delivery.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Long-range financial benefits of our audits result in significant improvements to internal controls and service delivery.

Ensuring timely implementation of audit recommendations could result in additional savings and risk reduction, including fraud risk. Reducing fraud risk more than protects money; it builds trust in government. Maintaining a strong audit function and prudent program and fiscal management will reduce future costs and enhance public trust.

CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

Attachment:

1. 2022 Knighton Award Letter from ALGA



Association of Local Government Auditors

April 11, 2023

Jenny Wong
2180 Milvia St., 3rd Floor
Berkeley, CA 94704

RE: 2022 Knighton Award Winner

Dear Jenny,

The Association of Local Government Auditors' Awards Program Committee is pleased to announce that the City of Berkeley Auditor's Office's report, "Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities," won the 2022 Exemplary Knighton Award in the medium shop category.

ALGA was founded in 1985 to serve auditors who specialize in working with local governments, and our members represent about 300 local government audit organizations across the United States and Canada. As you well know, local government auditors are committed to helping their governments provide services to the public more efficiently and effectively with the limited resources available to them.

To encourage increasing levels of excellence among local government auditors, ALGA created the Knighton Award in 1995 to recognize the best performance audit reports produced by local government audit shops in the previous year. Each year, local government audit organizations, like yours, submit their best performance audit report to be evaluated against four criteria:

- (1) An audit scope that has the potential for significant impact and is responsive to the needs and concerns of decision-makers and/or the public.
- (2) Audit conclusions that are persuasive, logical, and firmly supported by the evidence, which was gathered using appropriate research methods and tools.
- (3) Audit recommendations that are feasible and will make government programs more effective and efficient.
- (4) Audit results that are communicated clearly and concisely.

Judges from peer organizations determined your office's report was among the best of 2022.

The judges commented:

We found Berkeley's audit of the management of overtime and security work for outside entities to be directly impactful to management and leadership. We noted the conclusions and recommendations would likely help reduce costs for the city. The report detailed the data reviewed, the testing performed, and the criteria identified. The use of



Association of Local Government Auditors

graphics throughout the report made it easy to read, and the report was influential in illustrating background information and conclusions.

Congratulations on receiving this award!

Sincerely,

Justin Anderson, President
ALGA

Sonal Patel, Chair
ALGA Awards Program Committee



Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<https://records.cityofberkeley.info/>

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4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
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