

**ANNOTATED AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 26, 2019**  
**6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 6:00 p.m.

**Present:** Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, Arreguin

**Absent:** None

**Ceremonial Matters:**

1. Recognition of Susan Muscarella, Local Musician
2. Recognition of the Suitcase Clinic
3. Recognition of March for Meals Month
4. Adjourned in memory of Rob Browning
5. Adjourned in memory of Victims of the Christchurch Mosque Shootings
6. Adjourned in memory of the recent Suicides of Mass Shooting Survivors and their Family Members
7. Adjourned in memory of Palestinians killed in the ongoing Friday marches

**City Manager Comments:** None

**City Auditor Comments:** None

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 4

## Consent Calendar

**Action:** M/S/C (Davila/Harrison) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to take up items on Action in the following order: 5, 10, 21, 19, 20, 22.

**Vote:** Ayes – Kesarwani, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Bartlett, Robinson.

Recess 6:49 p.m. – 6:55 p.m.

- 1. Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)**  
**From: City Manager**  
**Recommendation:** Adopt the second reading of Ordinance No. 7,644-N.S., the Zoning Ordinance amendments that repeal obsolete Density Bonus regulations (Section 23C.12.050: State of California Density Bonus Requirements) and adopt a new, standalone Density Bonus chapter (Chapter 23C.14) that complies with California State Government Code 65915–65918: Density Bonuses and Other Incentives.  
**First Reading Vote:** All Ayes  
**Financial Implications:** None  
Contact: Timothy Burroughs, Planning and Development, 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,644-N.S.
- 2. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of February 5, 2019 (special), February 19, 2019 (regular), February 26, 2019 (regular), and February 28, 2019 (special).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, 981-6900  
**Action:** Approved minutes as submitted.
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 26, 2019**  
**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:** \$325,000  
Contact: Henry Oyekanmi, Finance, 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

- 4. Contract No.10438B Amendment: Ashby Village for Age-Friendly Berkeley Plan Production**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10438B with Ashby Village to design and print a finalized City of Berkeley Age-Friendly Plan, in an amount not to exceed \$7,000 for a total contract amount not to exceed \$57,000. Contract term will remain unchanged, and will expire on August 31, 2019.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Adopted Resolution No. 68,790–N.S.
- 5. 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 a grant in the amount of \$130,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of approximately 26 abandoned vessels located at the Berkeley Marina; (2) Execute any amendments; and (3) Authorize a local match contribution of \$13,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700  
**Action:** Moved to Action Calendar. 17 speakers. M/S/C (Harrison/Bartlett) to adopt Resolution No. 68,791–N.S.  
**Vote:** All Ayes.
- 6. Contracts: Fehr & Peers and Parisi Associates for On-Call Traffic Engineering Services**  
**From: City Manager**  
**Recommendation:** Adopt Resolutions authorizing the City Manager to execute two contracts and any amendments with Fehr & Peers and Parisi Associates for on-call traffic engineering services in an amount not to exceed \$1,000,000 each for a combined total not to exceed amount of \$2,000,000 from April 11, 2019 to June 31, 2022 with two 1-year options to extend.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,792–N.S. (Fehr & Peers) and Resolution No. 68,793–N.S. (Parisi).

## Consent Calendar

- 7. Adopt a Resolution of Intent to Consider a FlixBus Franchise Agreement for Long-Distance Bus Service**  
**From: City Manager**  
**Recommendation:** Pursuant to Berkeley Municipal Code Chapter 9.60, adopt a Resolution declaring the Council's intention to consider at a public hearing, set for April 30, 2019, at 6:00 p.m., whether to grant a franchise to FlixBus, Inc. to provide long-distance bus service to the Berkeley public.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,794–N.S.
- 8. Contract No. 8884C Amendment - St. Vincent de Paul for Mattress Recycling**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8884C with St. Vincent de Paul to accept mattresses collected from community members for refurbishing and recycling at the City's Solid Waste Management and Transfer Station. This amendment will increase the Contract \$50,000 for a new total contract amount not to exceed \$456,000 to fund services through contract expiration June 30, 2019.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Adopted Resolution No. 68,795–N.S.
- 9. Re-appointment of Paul Kealoha-Blake to the Mental Health Commission**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a resolution for the re-appointment of Paul Kealoha-Blake to the Mental Health Commission, as a representative of the General Public Interest category, to complete his third term ending March 21, 2021.  
**Financial Implications:** None  
Contact: Karen Klatt, Commission Secretary, 981-5400  
**Action:** Adopted Resolution No. 68,796–N.S.
- 10. Transitioning cost of 4th of July Festival from the City's Marina Fund to the City's General Fund**  
**From: Parks and Waterfront Commission**  
**Recommendation:** Adopt a resolution referring to the City Manager to transition the cost of the annual 4th of July Festival from its current funding source, the City's Marina Enterprise Fund, to the City's General Fund.  
**Financial Implications:** See report  
Contact: Roger Miller, Commission Secretary, 981-6700  
**Action:** Moved to Action Calendar. 5 speakers. M/S/C (Arreguin/Droste) to adopt Resolution No. 68,797–N.S. amended to include the City Manager's recommendation to split the cost between the Marina Fund and the General Fund for 2019 and to consider seeking private funding and sponsorship revenues for future years.  
**Vote:** All Ayes.

## Consent Calendar

11. **Police Review Commission's co-sponsorship of a NACOLE Regional Training and Networking Event**  
**From: City Manager and Police Review Commission**  
**Recommendation:** Authorize the Police Review Commission to co-sponsor, with the National Association for Civilian Oversight of Law Enforcement (NACOLE) and the BART Office of the Independent Police Auditor, a regional training and networking event on May 3, 2019 in Oakland, California.  
**Financial Implications:** None  
Contact: Paul Buddenhagen, City Manager's Office, 981-7000, Katherine Lee, Commission Secretary, 981-4950  
**Action:** Approved recommendation.

## Council Consent Items

12. **Budget Referral: \$30,000 to UC Theater Concert Career Pathways Education Program**  
**From: Mayor Arreguin and Councilmember Davila**  
**Recommendation:** Refer to the FY2020-2021 budget process the allocation of \$30,000 from excess unallocated General Fund revenues to the UC Theater Concert Career Pathways Education Program.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmembers Hahn and Harrison added as co-sponsors. Approved recommendation.
13. **Honoring Healthy Black Families, Inc.: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Davila, Harrison, Wengraf, and Bartlett**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to Healthy Black Families in honor of their 5th Anniversary, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,798–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$250; Mayor Arreguin - \$100.

## Council Consent Items

- 14. LifeLong Medical Care: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmembers Davila, Wengraf, and Bartlett**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila to LifeLong Medical Care for their many contributions to Berkeley with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120  
**Action:** Adopted Resolution No. 68,799–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Robinson - \$100; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$250.
- 15. Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance**  
**From: Councilmember Bartlett**  
**Recommendation:** That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.

## Council Consent Items

- 16. Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmembers Wengraf, Bartlett, Hahn, and Mayor Arreguin**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including up to \$250 from Councilmember Wengraf, to support the City's Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's discretionary Council Office Budget and any other Councilmembers who would like to contribute allows the City of Berkeley to invite and support the community to the City's 17th Annual Holocaust Remembrance Day program on Sunday, April 28th, 11:30 AM at the Magnes Collection of Jewish Art and Life.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Adopted Resolution No. 68,800–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$100; Councilmember Davila - \$100; Councilmember Robinson - \$100; Councilmember Wengraf - \$250; Councilmember Hahn - \$250; Councilmember Bartlett - \$200; Mayor Arreguin - \$250.
- 17. Support for SB-190 Fire Safety: Building Standards**  
**From: Councilmembers Wengraf, Hahn, Droste, and Kesarwani**  
**Recommendation:** Send a letter in support of SB-190 Fire Safety: Building Standards (Dodd) to Senator Dodd and copy Senator Skinner, Representative Wicks and Governor Newsom.  
The Legislation would require the Office of the State Fire Marshal to: (1) Develop a model defensible space program to be used by cities and counties to enforce defensible space provisions; (2) Develop Wildland-Urban Interface Fire Safety Building Standards Compliance Training Manual, and make available via website. To be used locally in training of building officials, builders and fire service personnel; (3) Develop guidance document for maintenance of defensible space around residential structures; (4) Develop and update regularly a Wildland-Urban handbook listing products and construction systems that comply with specified Wildland-Urban Interface Fire Safety building standards; (5) Use money from the Building Standards Administration Special Revolving Fund in the State Treasury to carry out the provisions.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Approved recommendation.

## Council Consent Items

**18. The Suitcase Clinic: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**

**From: Councilmembers Robinson, Harrison, Hahn, and Davila**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Councilmember Robinson, to The Suitcase Clinic to assist in the expansion of its free laundry program, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Robinson and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

**Action:** Adopted Resolution No. 68,801–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$100; Councilmember Davila - \$150; Councilmember Wengraf - \$100; Councilmember Hahn - \$100; Councilmember Bartlett - \$200; Mayor Arreguin - \$100.

## Action Calendar – Public Hearing

**19. ZAB Appeal: 1722 Walnut St**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion adopt a Resolution to affirm the Zoning Adjustments Board decision to deny Use Permit/Variance #ZP2018-0021 to legalize an unpermitted detached dwelling unit in the rear yard area of a lot legally developed with an eight-unit apartment building, and dismiss the appeal.

**Financial Implications:** None

Contact: Timothy Burroughs, Planning and Development, 981-7400

**Public Testimony:** The Mayor opened the public hearing.

M/S/C (Arreguin/Hahn) to continue the public hearing to April 23, 2019 at 6:00 p.m.

**Vote:** All Ayes.



## Action Calendar

### 20a. Providing direction on closing the funding gap to complete Measure T1 Phase 1 projects

**From: City Manager**

**Recommendation:**

1. Council to provide direction on a preferred option to close the funding gap in the current Measure T1 Phase 1 program. Four possible options are summarized below and discussed in further detail starting on page 4 under Current Situations and its Effects – Funding Gap.

Option A: Reduce up to \$5 million between 13 projects by reducing project scopes from Planning and Design to Conceptual, Construction to Planning and Design, Construction to Conceptual, or removing or delaying the project.

Option B: Reduce up to \$4 million by reducing the Live Oak Community Center project scope from Construction to Planning and Design.

Option C: Authorize up to \$3 million in additional funding for T1 Phase 1 and reduce \$2 million between 7 projects by reducing project scopes from Planning and Design to Conceptual or Construction to Planning and Design.

Option D: Authorize up to \$7 million in additional funding to complete all T1 Phase 1 projects.

2. Council adopt a resolution authorizing the chosen option to complete Measure T1 Phase 1 projects.

**Financial Implications:** See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700, Phillip Harrington, Public Works, 981-6300

**Action:** 4 speakers. M/S/C (Arreguin/Hahn) to adopt Resolution No. 68,802–N.S. to authorize funding in the amount of \$5.3 million from General Fund be used for Measure T1 Phase 1. The General Fund will be reimbursed once Measure T1 Phase 2 bond proceeds are received.

**Vote:** All Ayes.

## Action Calendar

### 20b. Authorizing up to \$7 million in additional funding to complete Measure T1 Phase 1 projects

#### From: Public Works Commission

**Recommendation:** The T1 team is requesting the PWC and the Parks and Waterfront Commission take action at their February meetings on their preferred course of action. The T1 team wants to make their recommendation to Council this spring.

The T1 sub-committees recommend that the PWC vote to endorse the following: - We prefer Option D to meet the funding shortfall. The T1 staff has stated that it is possible to transfer funds from other City sources and to repay it with Phase 2 bond proceeds. By choosing this option, we will maintain the momentum in the program and will accelerate infrastructure improvements in the City; - We are concerned that a disproportionate share of improvements has been allocated to areas of the City north of University Avenue. We want to make sure that projects at the Francis Albrier Center, Willard and other areas south of University be implemented; - We support identifying a green infrastructure project in Phase 1; - We support implementing the 7 street improvement projects in Phase 1.

**Financial Implications:** See report

Contact: Nisha Patel, Commission Secretary, 981-6300

**Action:** See action on Item 20a.

### 20c. Authorizing up to \$7 million in additional funding to complete Measure T1 Phase 1 projects

#### From: Parks and Waterfront Commission

**Recommendation:** The T1 team is requesting the PWC and the Parks and Waterfront Commission take action at their February meetings on their preferred course of action. The T1 team wants to make their recommendation to Council this spring.

The T1 sub-committees recommend that the PWC vote to endorse the following: - We prefer Option D to meet the funding shortfall. The T1 staff has stated that it is possible to transfer funds from other City sources and to repay it with Phase 2 bond proceeds. By choosing this option, we will maintain the momentum in the program and will accelerate infrastructure improvements in the City; - We are concerned that a disproportionate share of improvements has been allocated to areas of the City north of University Avenue. We want to make sure that projects at the Francis Albrier Center, Willard and other areas south of University be implemented; - We support identifying a green infrastructure project in Phase 1; - We support implementing the 7 street improvement projects in Phase 1.

**Financial Implications:** See report

Contact: Roger Miller, Commission Secretary, 981-6700

**Action:** See action on Item 20a.

## Action Calendar

### 20d. Recommendations for current T1 Phase 1 funding shortfalls

**From: Energy Commission**

**Recommendation:** The Berkeley Energy Commission recommends the City Council integrate greenhouse gas (GHG) reduction goals, as stated in the Climate Emergency Resolution adopted June 12, 2018, into the T1 funding priorities.

**Financial Implications:** See report

Contact: Billi Romain, Commission Secretary, 981-7400

**Action:** Moved to Consent Calendar. Approved recommendation.

### 20e. Contract: D.L. Falk Construction for North Berkeley Senior Center Seismic Upgrades and Renovations Project

**From: City Manager**

**Recommendation:** Adopt a Resolution:

1. Approving plans and specifications for the North Berkeley Senior Center Seismic Upgrades and Renovations Project, Specification No.19-11268-C; 2. Accepting the bid of D.L. Falk Construction as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$8,320,400, which includes a contingency of \$756,400.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** Moved to Consent Calendar. Adopted Resolution No. 68,803–N.S. to 1. Approving plans and specifications for the North Berkeley Senior Center Seismic Upgrades and Renovations Project, Specification No.19-11268-C; 2. Accepting the bid of D.L. Falk Construction as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$8,320,400, which includes a contingency of \$756,400.

## Action Calendar

### 21. Referral Responses: Managing Recreational Vehicle (RV) Parking

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,643-N.S. (BMC Section 14.40.120) prohibiting parking campers and RVs during certain hours and creating additional resources for people living in RVs, and refer any additional costs to the FY20-21 Budget process.

**First Reading Vote:** Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Harrison, Robinson

**Financial Implications:** See Report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:30 a.m.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila, Harrison.

Recess 9:10 p.m. – 9:34 p.m.

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental material from Mayor Arreguin, Councilmember Hahn, and Councilmember Kesarwani for Item 21.

**Vote:** All Ayes.

Recess 11:07 p.m. – 11:09 p.m.

**Action:** M/S/C (Kesarwani/Arreguin) to call for the previous question.

**Vote:** Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila, Harrison.

**Action:** M/S/Failed (Harrison/Davila) to continue Item 21 to April 2, 2019.

**Vote:** Ayes – Davila, Harrison; Noes – Kesarwani, Bartlett, Hahn, Wengraf, Droste, Arreguin; Abstain – Robinson.

**Action:** 120 speakers. M/S/Carried (Arreguin/Hahn) to adopt the second reading of Ordinance No. 7,643-N.S. and provide implementation guidelines as follows:

#### **RECOMMENDATION**

The City of Berkeley seeks to implement all laws and ordinances in a fair and humane manner.

To that end, we refer to the City Manager for consideration the following guidelines to help ensure enforcement of revised RV parking restrictions allowed under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) is conducted with outreach, including information and resource guides and written notice.

Further, we refer to the City Manager to quickly establish a three-month permit program (with possibility for renewal), to be offered on a one-time basis to existing priority populations and we refer to the Health, Life Enrichment, Equity & Community Policy Committee to establish basic criteria for a standard two-week permitting process.

## Action Calendar

The City Council reiterates its February 28, 2019 referral to identify and develop a temporary RV site to serve highly vulnerable populations, as well as a regional non-profit RV site, and to develop a program to allow private entities to host RVs on their property.

***Enforcement of RV parking under Ordinance No. 7,643-N.S. (BMC Section 14.20.120) should be preceded by a period of initial outreach to RVs including:***

Offers of support and assistance to RV inhabitants with notification of applicable parking ordinances and a reasonable time-frame to comply, written housing, homelessness and other applicable resources and, during the initial period of outreach, RV inhabitants should also be provided with outreach by a homeless services provider including;

- Housing problem solving assistance
- Possible funding for RV repair and
- Referrals to additional housing and homeless resources, health, mental health or addiction services, or other appropriate services.

RVs and/or conditions adjacent to RVs creating health and safety concerns would be subject to immediate enforcement.

The ordinance will only be enforced after a permit process is established.

City Council took action at its March 12th meeting to allocate an initial amount of \$50,000 from one-time State Housing Emergency Aid Program funds to provide outreach to RVs. Additional resources may be added as part of the FY20-21 budget process.

***Refer to the City Manager expedited creation of a special three-month-permit program (with possibility of renewal), to be offered on a one-time basis to existing priority populations***

The three-month priority permit should be operative no more than six months from adoption of this ordinance and consider the following:

- Criteria for eligibility should be clearly articulated and fairly applied. The Alameda County homeless coordinated entry system has standards already in place with criteria such as health status, disability and self-care needs, age and household size (including the presence of children).
- Priority populations should include families with children, people that work in Berkeley, students enrolled in schools/higher education in Berkeley, and persons who have had a Berkeley address within the past 10 years.
- The permit should be available during an application window of 1-2 months and issued for up to three months, with an option to renew under limited/specified circumstances.
- Because the three-month permit process will be available for a limited time, the application and processing can be simplified.
- Staff should quickly identify, secure and prepare temporary locations for priority permit holders to stay; including on public or private property, and establish appropriate sanitary facilities and other necessary protocols and/or facilities to support RVs with priority permits.
- If necessary, a lottery or a standardized system to prioritize applications may be established to allocate limited spaces in an equitable manner.

## Action Calendar

- No fee shall be required as the three-month permit program will be offered on a one-time basis only, to offer more intensive housing navigation and services to priority populations currently in Berkeley.

**Refer to the Health, Life Enrichment, Equity & Community Policy Committee to establish basic criteria for a “permanent” standard two-week permitting process.**

The standard two-week permit should consider the following:

- A limited number of permits to be issued by the City per month (or other increment).
- Locations to be geographically dispersed among all Council districts.
- A reasonable fee to cover City costs associated with the permit.

**Vote:** Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Droste, Arreguin; Noes – Davila, Harrison, Robinson.

### 22. **Missing Middle Report** *(Continued from February 26, 2019. Contains revised materials)*

**From: Councilmembers Droste, Bartlett, Robinson, and Kesarwani**

**Recommendation:** Refer to the City Manager to bring back to Council a report of potential revisions to the zoning code to foster a broader range of housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services.

Report should include, but is not limited to: - Identifying where missing middle housing is optimal; - Allowing the possibility of existing houses/footprints/zoning envelopes to be divided into up to 4 units, potentially scaling the floor area ratio (FAR) to increase as the number of units increase on site, creating homes that are more affordable, saving and lightly modifying an older structure as part of internally dividing it into more than one unit; - Excluding very high fire severity zones as defined by Cal Fire and/or City of Berkeley; - Considering form-based zoning, which addresses the appropriate form, scale and massing of buildings as they relate to one another, as a potential strategy; - Creating incentives to maintain family-friendly housing stock while adding more diversity and range of smaller units; - Creating incentives for building more than one unit on larger than average lots; - Considering provision of tenant and vulnerable low-income homeowner protections, demolition controls, and no net loss provisions; - Considering provisions that align with our land value recapture policy objectives to maximize affordability in Berkeley.

**Financial Implications:** See report

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Action:** M/S/C (Droste/Harrison) to hold over Item 22, including revised materials, to April 23, 2019.

**Vote:** All Ayes.

## Action Calendar

- 23. Referral to City Manager to Scope Process and Estimate Cost of New General Plan**  
**From: Mayor Arreguin, and Councilmembers Hahn and Wengraf**  
**Recommendation:** Referral to the City Manager to return to City Council with an outline of the process for creating a new City of Berkeley General Plan. The cost for the first two years of work will be included in the report for consideration during the upcoming 2020-2021 Budget Process.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, 981-7100  
**Action:** Councilmember Davila added as a co-sponsor. Moved to Consent Calendar. Approved recommendation.
- 24. Referral Response: 1000 Person Plan to Address Homelessness** *(Continued from February 26, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, 981-5400  
**Action:** Item 24 referred to the Agenda and Rules Committee for scheduling.

## Information Reports

- 25. Homeless Commission Meeting Cancellations**  
**From: City Manager**  
Contact: Peter Radu, Commission Secretary, 981-5400  
**Action:** Received and filed.
- 26. Berkeley Economic Dashboards**  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, 981-7530  
**Action:** Item 26 referred to the Agenda and Rules Committee for scheduling.
- 27. Zero Waste Division's Integration of the Non-Exclusive Waste Hauler Commercial Franchisees Commercial Customers Update**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300  
**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

**Action:** M/S/C (Droste/Hahn) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 11:58 p.m.

## **Communications**

### **Item #19: ZAB Appeal: 1722 Walnut Street**

1. John and Glen Stevick

### **Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking**

2. Barryett Enge
3. Margy Wilkinson

### **Item #22: Missing Middle Report**

4. Gloria Polanski
5. Walter Wood
6. Margo Hackett
7. Amber Turley
8. Savlan Hauser
9. Nancy Rodriguez-Bell
10. Susan Schwartz
11. Joe Berry
12. Ray Yep
13. Claire Broome
14. Miranda Worthen
15. Pepper Sbarbaro
16. Jane Kitchel
17. Vivian Warkentin
18. Alex Stillwell
19. Katherine Buss
20. Bob
21. Jeremy Thorner
22. Mike Berkowitz
23. Tom and Marilyn Poundstone
24. Theo Posselt
25. Peggy Nendelson
26. Adair Gerke
27. Sara Fain
28. Steve Douglas

### **Apothecarium**

29. Lyra Wilde
30. Beverly Morgan

### **Infrastructure (General)**

31. Bob and Jeanie Minor
32. Avran Gur Arye (2)
33. Bryce Nesbitt

### **Climate Change**

34. Donald Goldmacher (4)



35. Thomas Lord

**Encampments**

36. Richard James

37. Jessie McFarland

**Smoking**

38. Carol Denney

**North Berkeley BART**

39. Judy Massarano

40. Dmitriy Shirchenko

41. Mariko Nobori

42. Kathleen Tuttle

43. Laura Lipman and George Clark

44. Barbara Fisher

45. Andrew Livsey

46. Lois Cantor

47. Karen Sumner

48. Peter Ewell and Helga Recke

49. Shoana Humphries

50. Meredith and Ed Gold

**Plastic Food Container Ordinance**

51. Jocelyn Berkowitz

**Zero Waste Council Meetings**

52. Sophie Hahn

53. Cheryl Davila

**2-1-1 Monthly Report for January 2019**

54. Eden I&R

**East Bay Community Meetings**

55. East Bay Community Energy

**Neo-Nazi Plot**

56. Donald Goldmacher

**Trees on Public Property**

57. David Lerman

**West Campus Pool**

58. Kamala Asher

**Mr. Powell's Home**

59. Margy Wilkinson  
60. Steve Martinot

**2190 Shattuck**

61. Sally Nelson

**Police Review Commission**

62. George Perezvelez, Chairperson, Police Review Commission

**Sanctuary Contracting Ordinance**

63. Arthur Stopes III

**Sonic Internet Permitting Process**

64. Bill Kristy  
65. Tad Laird  
66. Susan Strouse

**Adeline Corridor**

67. Larisa Cummings

**5G**

68. Connie Anderson  
69. Carol Hermanson

**Fed Takeover of California Water Policy**

70. Charlene Woodcock

**End Daylight Savings Time**

71. Omowale Fowles

**Pacific Steel Casting Company**

72. Janice Schroeder

**DFSC Motion for Sirens**

73. Gradiva Couzin, Chair, Disaster and Fire Safety Commission

**Supplemental Communications and Reports 1**

**Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking**

74. Revised material, submitted by Councilmember Harrison  
75. Supplemental material, submitted by Councilmember Davila  
76. William Tomaszewski, General Counsel, Wine.com  
77. Dona Bretherick (2)  
78. Sally Sommer  
79. Jane Welford  
80. Mike Lee  
81. Gene Bernardi

82. Tina Chinn

**Item #22: Missing Middle Report**

- 83. Revised material, submitted by Councilmember Harrison
- 84. Chris Lee-Egan
- 85. Betsy Thagard
- 86. Elyce Klein
- 87. Rachel Gold
- 88. Mark Trainer
- 89. Tim Frank
- 90. Julia Zuckerman
- 91. Zelda Bronstein

**Item #24: Referral Response: 1000 Person Plan to Address Homelessness**

- 92. Jacquelyn McCormick
- 93. Rashi Kesarwani
- 94. Katie Cherbini
- 95. Boon Cheema (2)
- 96. Spike Alper
- 97. Virginia Browning
- 98. Raul Delarosa
- 99. Phuong Pham, on behalf of Bonchon Restaurant
- 100. Christopher Kohler (2)
- 101. M. Zint
- 102. Paul Kealoha Blake

**Supplemental Communications and Reports 2**

**Item #1: Density Bonus Ordinance Revisions - Repeal Existing Section 23C.12.050 (State of California Density Bonus Requirements) and Adopt New Chapter 23C.14 (Density Bonus)**

- 103. Avram Gur Arye (4)

**Item #19: ZAB Appeal: 1722 Walnut Street**

- 104. John Stevick
- 105. Glen Stevick
- 106. Elizabeth Stevick Scherer

**Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking**

- 107. Supplemental materials, submitted by Councilmember Kesarwani
- 108. Janice Greenberg
- 109. Eric Friedman
- 110. Geoffrey Lomax
- 111. Steve Kromer
- 112. Jake Teitelbaum
- 113. Hali Hammer
- 114. Giancarlo Tucci-Berube

115. Emma Carlblom
116. Melissa Davies
117. Carol Denney
118. Del and Kathy Totten
119. Rebekah Punak
120. Fani Garagouni
121. Roya Arasteh
122. Fran Haselsteiner
123. Eric Friedman
124. Amelia Ng
125. C. Dean
126. Linda Dow
127. Christopher Riess
128. Lynne Clenfield
129. Dan McDunn
130. Sally Sommer
131. Debbie Claussen
132. Autumn Moon
133. Bernice Gross
134. Andrea Segall
135. Janice Green
136. Susan Payne
137. R. Robson
138. Dr. Bruce Brody
139. Dr. Lin Druschel
140. Eric Rawlins
141. David Kilimnik
142. Janice Greenberg
143. Dana Hymel
144. Hillary Kilimnik
145. Juniperangelica Cordova
146. Johan van Walsem
147. Miranda Weintraub
148. Jeremy Weintraub
149. Christine Schwartz

**Item #22: Missing Middle Report**

150. Revised materials, submitted by Councilmember Droste
151. Ben Gould
152. Courtney Brosseau
153. Jeff Vincent
154. Joshua Davis
155. Bernard Marszalek
156. Elisa Batista
157. Charles Kahn
158. Ella Smith
159. Catherine Betts

160. Caroline Massa Francis
161. Sarah Abdeshahian
162. Shirley Dean
163. Nicole Blaquiere
164. Chudi Ndubaku
165. Nathan Francis
166. Michael O'Hare
167. Suzanne Schafer
168. 19 'in support of' form letters

**Item 22: Missing Middle Report**

169. 374 Communications submitted via Berkeley Considers, includes summary information.

### **Supplemental Communications and Reports 3**

**Item #21: Referral Responses: Managing Recreational Vehicle (RV) Parking**

170. Mayor Arreguin, Councilmembers Hahn and Kesarwani
171. Dawn Williams, on behalf of Read Investments
172. Janice Greenbert
173. Kaushal Mehta
174. Diana Bohn
175. Fredrika Newton
176. Paul Gumpel
177. Autumn Moon
178. Danielle Hacker
179. Matteo Girard Maxon, on behalf of Ancient Organics
180. Harald Frey
181. Lauren Parsons
182. Sherrod Blankner, on behalf of 4<sup>th</sup> Street Fine Art
183. Jessica Behrman
184. Ellen Woods
185. C. Dean
186. Mimi Moungovan
187. Alice Slaughter
188. Nick Z.
189. Caitlin and John Jennings
190. Diana Gordon, on behalf of Kete'r Salon
191. Thomas Graly
192. Julia Cato
193. Carly Ebenstein
194. James Whiting, on behalf of The Potter's Studio
195. Cymbre Potter
196. William Rosen
197. Geoffrey Lomax
198. Amy Hill
199. Linda T.

200. S. Omowale Fowles
201. Bernice Gross
202. Mary Behm-Steinberg
203. Steven Donaldson
204. Becky O'Malley
205. Linda Franklin
206. Jessica Jennings
207. Nicholas Townsend
208. Parisa Jorjani
209. Koralie Hill
210. Charlene Woodcock
211. Tracy Fidelman
212. Janice Schroeder
213. Samuel Hatton
214. Caroline Winnett, on behalf of Berkeley SkyDeck
215. Marcia Dubois
216. Katherine Bierce
217. Moni Law
218. April Higashi
219. Echo Lee
220. Thomas Slocumb
221. Brian Wood
222. Stephen LaMond
223. Rob Reiter
224. Candice Hacker
225. 6 'form letter is support'

**Item #22: Missing Middle Report**

226. Nancy Lemon
227. Laurie Capitelli
228. Mary Louise Gifford
229. Layla Chamberlin
230. Raphael Villagrancia
231. Vivian Warkentin
232. Wanda Warkentin
233. Amir Wright
234. Sara Abdeshahian, on behalf of the Cal Berkeley Democrats (2)
235. Connor DeGraff
236. Aaron Stein-Chester
237. Tom Slocumb
238. 7 "form letters" in support

**Climate Change**

239. Natalie Nussbaum

**Berkeley Marina Parking Fees**

240. Dave Kent and Margaret Love

241. Jonathan Love

**Healthy Black Families**

242. Healthy Black Families, Inc.