

AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, February 22, 2022
6:00 PM**

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 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89664206619>. 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 **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **896 6420 6619**. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted 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. 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:

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. 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 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. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of January 10 (special), January 18 (regular), January 20 (closed and special), January 25 (closed and regular), and January 27 (special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 22, 2022**
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: \$234,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 3. Expenditure Contract: Berkeley Youth Alternatives for Proposition 64 Grant-Proposed Work and Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions with Berkeley Youth Alternatives (BYA) in an amount not to exceed \$625,000 for the period March 1, 2022 through April 30, 2024.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 4. Contract No. 32000240 Amendment: Berkeley Unified School District (BUSD) for Mental Health MHSA-Funded Programs**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2022 in an amount not to exceed \$992,778. This amendment will add \$355,000 in funding to the contract.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 5. Revenue Contract: Department of Health Care Services for \$1,000,000 for Crisis Care Mobile Units**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept an award of funding provided by the California Department of Health Care Services (DHCS) through the Crisis Care Mobile Units (CCMU) Program and execute any resultant revenue agreements and amendments to augment the City's investment in piloting and evaluating a Specialized Care Unit (SCU) in an amount up to \$1,000,000 through Fiscal Year 2025.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. Meals on Wheels of Alameda County Agency Donations for the Berkeley Meals on Wheels Program**
From: City Manager
Recommendation: Adopt a Resolution accepting a \$25,200 donation for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II, to Permit Participation of Berkeley Fire Fighters Association Local 1227 I.A.F.F.**
From: City Manager
Recommendation: Adopt first reading of an Ordinance to amend the Berkeley Municipal Code Chapter (BMC) 4.38, Supplementary Retirement and Income Plan II (SRIP II), to permit participation of Berkeley Fire Fighters Associations Local 1227 I.A.F.F. (BFFA).
Financial Implications: See report.
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 8. Grant Application: Clean California Local Grant Program – Civic Center Plaza Turtle Garden Beautification Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the state's Clean California Local Grant Program (CCLGP) for up to \$600,000 for the Civic Center Park Turtle Garden Beautification Project, and to accept grant funds, execute resulting grant agreements and amendments, and authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 9. Donation: Memorial Bench at Cesar Chavez Park in memory of Susan P. Kwong**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Susan P. Kwong.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 10. Donation: Memorial Bench at the Berkeley Rose Garden in memory of Asia Blau Feese**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Rose Garden in memory of Asia Blau Feese.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 11. Donation: Memorial Bench at Cesar Chavez Park in memory of Anne Rogin Blau**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Anne Rogin Blau.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 12. Donation from the Rorick Family Trust for Strawberry Creek**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$16,720 for tree planting and picnic tables at Strawberry Creek Park from the Rorick Family Trust.
Financial Implications: \$16,720 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Donation: Memorial Bench at Shorebird Park in memory of Key Slay**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Shorebird Park in memory of Key Slay.
Financial Implications: \$3,400 in revenue
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

14. **Contracts for Plan Checking Services**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments for plan checking services for three-year terms, starting March 1, 2022, with the following firms:

1. Telesis Engineers for an amount not to exceed \$1,500,000
2. West Coast Code Consultants for an amount not to exceed \$1,500,000
3. TRB and Associates for an amount not to exceed \$1,000,000

Financial Implications: See report.

Contact: Jordan Klein, Planning and Development, (510) 981-7400

15. **Contract: Cratus Inc., for Storm Drain Improvements Project: Marin Ave, Virginia Street, Grizzly Peak Blvd. & High Court**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for Storm Drain Improvements Project, Marin Avenue, Virginia Street, Grizzly Peak Boulevard & High Court, Specification No. 22-11482-C; accepting the bid of Cratus Inc., as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$1,260,000, which includes a 15% contingency of \$171,525.

Financial Implications: See report.

Contact: Liam Garland, Public Works, (510) 981-6300

16. **Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Tremont Street, Eton Avenue, Alcatraz Avenue, Mystic Street, Hazel Road, Domingo Road, El Camino Real, El Camino Real Backline, Alvarado Road, Vicente Road, Alvarado Road Backline, Tunnel Road, Roble Court, and Roble Road; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and 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, in an amount not to exceed \$2,590,468, which includes a 10% contingency of \$235,497.

Financial Implications: See report.

Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

17. **Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations on Shattuck Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Shattuck Avenue from Derby Street to Allston Way and Shattuck Avenue from University Avenue to Vine Street; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and 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, in an amount not to exceed \$3,873,843, which includes a 10% contingency of \$352,167.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
18. **Contract: Koios Engineering, Inc. for Urgent Sewer Repair FY2022 Project**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Urgent Sewer Repair FY2022 Project, located throughout the City of Berkeley; accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and 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, in an amount not to exceed \$391,872, which includes a 10% contingency of \$35,624.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
19. **Contract No. 108090-1 Amendment: IPS Group, Inc. for Parking Meter**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 108090-1 with IPS Group, Inc. to provide parking meters, replacement parts, and support services, increasing the contract amount by an additional \$1,891,415 for a total contract amount not to exceed \$8,924,872 through June 30, 2024.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Council Consent Items

20. **Supporting the Agricultural Labor Relations Voting Choice Act**
From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution in support of the Agricultural Labor Relations Voting Choice Act. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 21. Budget Referral: Channing Street Bike Boulevard Improvements**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process the funding of the following bicycle and pedestrian improvements along Channing Street:
1. Approx. \$200,000 for four (4) Traffic Circles at Seventh Street, Ninth Street, Browning Street, and Bonar Street
 2. Approx. \$50,000 for one (1) Traffic Diverter at Tenth Street
 3. Approx. \$500,000 for two (2) Pedestrian Hybrid Beacons (PHB) at San Pablo Avenue and Sacramento Street
 4. Approx. \$70,000 for Rapid Rectangular Flashing Beacons (RRFB) and a median refuge island at Sixth and Channing Way
- Financial Implications:** See report.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 22. Streamlining Toxic Remediation in Manufacturing Districts** *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor) Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Refer to the City Manager the development of a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division; and refer to the Planning Commission several amendments to the zoning code in order to facilitate toxic remediation in manufacturing districts; in addition, refer to expedite consideration of Councilmembers Wozniak and Moore's 2012 referral to the Planning Commission referenced in Background section, and request it be moved forward as quickly as possible; in addition, refer to the City Manager to consider any and all means to streamline and/or improve the city's processing of remediation of toxic sites.
- Policy Committee Recommendation: On January 20, 2022, the Land Use, Housing & Economic Development Policy Committee took the following action: M/S/C (Hahn/Robinson) Positive recommendation to refer the item to Council as amended to expand the scope of the referral and specifically request expedited Planning Commission review of the previous 2012 referral.*
- Financial Implications:** Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 23. Adopt a Resolution in Support of the California State Legislature Introducing and Passing a California Resident-Designated Support Person Act**
From: Councilmember Harrison (Author)
Recommendation: Adopt a resolution in support of the California State Legislature introducing and passing a Resident-Designated Support Person Act. Send copies of the resolution and letters to State Senator Skinner, Assemblymembers Wicks and Bonta.
Financial Implications: See report.
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

- 24. Budget Referral: South Sailing Basin Dredging**
From: Councilmember Robinson (Author), Councilmember Taplin (Author), Councilmember Kesarwani (Author), Mayor Arreguin (Author)
Recommendation: Refer to the City Manager to dredge the Berkeley Marina's South Sailing Basin (SSB), including 1) pursuing and proposing potential funding opportunities for both planning and implementation, and 2) performing the necessary bathymetric, hydrography, technical, permitting, and mitigation studies required to move forward as quickly as possible.
Furthermore, refer \$350,000 to the June 2022 budget process for the purposes of South Sailing Basin Dredging planning & evaluation.
Financial Implications: See report.
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 25. Support for AB 1602: Student Housing Revolving Loan Fund Act**
From: Councilmember Robinson (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Kevin McCarty, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 1602, the California Student Housing Revolving Loan Fund Act of 2022.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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. 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.

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.

Action Calendar – Public Hearings

**26. ZAB Appeal: 1527 Sacramento Street, Administrative Use Permit #ZP2020-0034
From: City Manager**

Recommendation: Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2020-0034 to: 1) add a 520 square-foot two-story addition with an average height of 21 feet 9 inches at the rear of the existing building; 2) add a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling, and dismiss the appeal.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

The public may comment on each item listed on the agenda for action as the item is taken up. 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.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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.

27. Southside Complete Streets Project Conceptual Designs

From: City Manager

Recommendation: Adopt a Resolution approving the conceptual designs for the Southside Complete Streets Project on Dana Street from Dwight Way to Bancroft Way; Bancroft Way from Milvia Street to Piedmont Avenue; Fulton Street from Dwight Way to Bancroft Way; and Telegraph Avenue from Dwight Way to Bancroft Way, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.

Financial Implications: None

Contact: Liam Garland, Public Works, (510) 981-6300

Action Calendar – New Business

- 28. Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516**
From: City Manager
Recommendation: Adopt the Resolution of Intention in order to approve the amendment of the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and PEPRAs members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.
Council adopted Resolution #70,156-N.S. at its December 14, 2021 meeting authorizing an amendment to the City's CalPERS Miscellaneous contract. Council must now pass a Resolution of Intention in order to approve the amendment to the contract between the City and the Board Administration of the Public Employees' Retirement System
Financial Implications: See Report.
Contact: Don Ellison, Human Resources, (510) 981-6807

Information Reports

- 29. City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 30. Age-Friendly Berkeley Update**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 31. LPO NOD: 1325 Arch Street – Application LMSAP2021-0003**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 32. Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
- 33. 2021 Year End Crime and Collision Data**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900

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.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. 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 posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

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.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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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 February 10, 2022.***

A handwritten signature in black ink that reads "Mark Numainville".

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.*

### **Item #25: Support for AB 1602: Student Housing Revolving Loan Fund Act**

1. Grayson Peters
2. Riya Master
3. Tomas Castro
4. Sammy Raucher
5. Stephanie Wong
6. Marisol Medina
7. Cerys Rotondo
8. Jalen Gooch
9. Kendalyn Smith
10. Samuel Groven
11. Jerry Xu
12. Avram Gur Arye

### **Item #27: Southside Complete Streets Project Conceptual Designs**

13. Marc Hedlund
14. Carol Denney

### **City Management Not Being Truthful**

15. Nathan Dahl

### **Plastic Bag Ordinance**

16. Heather Phipps

### **Milvia Bike Infrastructure**

17. Kendra Levine
18. Erika Shore (2)

### **4-Hour Parking Limits Near Gilman Street**

19. Ryan Thomas on behalf of Bolt Lighting Rentals

### **Graffiti**

20. David Lerman

### **Tenants Opportunity to Purchase Act (TOPA)**

21. Elania Nanopoulos
22. Diana Bohn
23. Alan Thomsen
24. Donna Carter

### **Wood Burning**

25. David Lerman

**Keep Our Patrol Officers**

26. Robin Kibby

**Public Commenters**

27. Barbara Gilbert

**Housing Scarcity**

28. Charles Clarke

**Confederated Villages of Lisjan Tribe**

29. Corrina Gould, Tribal Chair

**Planning to Attend Meeting**

30. Kirk

**Tibetan Uprising Day**

31. Tenzin Lungrig, on behalf of the Tibetan Association

**Peace Teacher: Thich Nhat Hanh**

32. Chimey Lee

**Splitting South Berkeley**

33. Diana Bohn

**Accessing Infrastructure Funds**

34. Dan Smuts

**Heaters for the Unhoused**

35. Summer Brenner

**Affordable Healthcare Now**

36. Senator Nancy Skinner

**East Bay Community Energy**

37. EBCE (2)

**URL's Only**

38. Vivian Warkentin

**Honoring Labor Contract Rights – SEIU 1021**

39. Alberto Flores

40. Jacob Kahn

## **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  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of January 10 (special), January 18 (regular), January 20 (closed and special), January 25 (closed and regular), and January 27 (special).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 10, 2022-Special City Council Meeting
2. January 18, 2022-Regular City Council Meeting
3. January 20, 2022-Special Closed City Council Meeting
4. January 20, 2022-Special City Council Meeting
5. January 25, 2022- Special Closed Council Meeting
6. January 25, 2022-Regular City Council Meeting
7. January 27, 2022-Special City Council Meeting

## MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Monday, January 10, 2022  
4:30 PM**

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 – LORI DROSTE

### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

*Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84572745991>. 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 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 845 7274 5991. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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:** 4:33 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Bartlett

## Consent Calendar

**Public Comment on Consent Calendar:** 0 speakers.

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

**Vote:** Ayes - Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

1. **Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From:** City Manager

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, and December 14, 2021.

**Financial Implications:** To be determined

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 70,176–N.S.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes - Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Adjourned at 4:36 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council meeting held on January 10, 2022.

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Mark Numainville  
City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 18, 2022**  
**6:00 PM**

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 – LORI DROSTE

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## Preliminary Matters

**Roll Call:** 6:03 p.m.

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

**Absent:** None

### Ceremonial Matters:

1. Adjourn in memory of Steve Nadel, Local Activist
2. Adjourn in memory of Aoife Beary, Berkeley Balcony Collapse Survivor
3. Adjourn in memory of Michelle Goh, Former Berkeley Resident

### City Auditor Comments:

The City Auditor noted that the equity benefits of Item 25 are a positive step, but that more funding is needed to improve citywide PCI rating.

### City Manager Comments:

The City Manager provided an update of the Reimagining Public Safety process related to Priority Dispatching, the Specialized Care Unit, and BerkDOT.

The City Manager also provided an update on the recruitment for Chief of Police.

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

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 28 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Droste) to adopt a temporary rule to limit public comment to one minute to speaker.

**Vote:** All Ayes.

## Consent Calendar

- 1. Amendment: FY 2022 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,795-N.S. amending the FY 2022 Annual Appropriations Ordinance No. 7,779–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments authorized since July 1, 2021, in the amount of \$177,309,914 (gross) and \$163,076,585 (net).  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.  
**Financial Implications:** See report.  
Contact: Rama Murty, Budget Office, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,795–N.S.
  
- 2. Modifying the 2022 City Council Meeting Schedule**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution modifying the City Council regular meeting schedule for 2022, with starting times of 6:00 p.m., to account for religious and cultural holidays as determined by Resolution No. 70,066-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,177–N.S.
  
- 3. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.00.  
**Financial Implications:** See report.  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,178–N.S.
  
- 4. Extension of Declaration of Homeless Shelter Crisis**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution extending Resolution No. 69,189-N.S., Declaring a Homeless Shelter Crisis until January 19, 2024  
**Financial Implications:** See report.  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,179–N.S.

## Consent Calendar

- 5. Contract No. 32000117 Amendment: Berkeley Food & Housing Project for Administrative Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000117 with Berkeley Food & Housing Project (BFHP) to administer Flexible Spending Programs for Mental Health Division (BMH) programs and to provide rental subsidies for the Russell Street Residence through June 30, 2022 in an amount not to exceed \$2,824,024. This will extend the existing contract by one year and add \$916,731 in funding.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,180–N.S.
  
- 6. Contract No. 32100026 Amendment: Resource Development Associates for Results Based Accountability Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32100026 with Resource Development Associates (RDA) to provide additional funding in the amount of \$220,800, and extend the time period for an evaluation of mental health programs across the division utilizing the Results Based Accountability (RBA) framework, for a total not to exceed amount of \$320,700 through June 30, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,181–N.S.
  
- 7. Contract with Options Recovery for Substance Use Disorder Services Co-location**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Options Recovery Services (Options) for Substance Use Disorder services for a total contract limit of \$250,000 for the period beginning January 1, 2022 and ending June 30, 2023.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,182–N.S.



## Consent Calendar

- 8. Revenue Grant Agreement: Funding Support from the California Department of Public Health to Expand the Disease Intervention Specialist Workforce**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept grant funds from California Department of Public Health in the projected amount of \$465,736. This funding is to be utilized from July 1, 2021 through December 31, 2025 to expand the Disease Intervention Specialist (DIS) workforce to strengthen the public health capacity to mitigate the spread of sexually transmitted disease (STD), HIV, COVID-19 and other infections; and to execute the resultant revenue agreement, contract, and any amendments and extensions.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,183–N.S.
  
- 9. Revenue Grant Agreement: Funding Support from State of California Department of Justice to Design and Conduct a Program Evaluation of Programs Funded by the Sugar-Sweetened Beverage Tax**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to State of California, Department of Justice, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct program evaluation activities for the State of California, Department of Justice in the projected amount of \$19,000 for July 1, 2021 to June 30, 2023.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,184–N.S.

## Consent Calendar

**10. Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance:

1. Adding Section 7.72.095 to the Berkeley Municipal Code (BMC), incorporating additional membership criteria and health equity advisory responsibilities for the Sugar Sweetened Beverage Product Panel of Experts Commission (SSBPPE), and;
2. Repealing B.M.C. Sections 3.76.010-3.76.040 which established the Community Health Commission.

**Financial Implications:** See report.

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

**Action:** Moved to Action Calendar. 12 speakers. M/S/Failed (Droste/Robinson) to adopt the recommendation as written on the agenda.

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

**Action:** M/S/Carried (Harrison/Arreguin) to take no action on the City Council Referral to combine the Sugar Sweetened Beverage Product Panel of Experts and the Community Health Commission, and to direct the Sugar Sweetened Beverage Product Panel of Experts and the Community Health Commission to discuss how the work of the two commissions can be combined.

**Vote:** All Ayes.

Recess 8:40 p.m. – 8:51 p.m.

**11. Classification and Salary: Establish Limited Term Emergency Medical Technician**

**From: City Manager**

**Recommendation:** Adopt a Resolution to establish the represented classification of Limited Term EMT with a monthly salary range of \$3,466.67 to \$5,026.67.

**Financial Implications:** See report.

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,185–N.S.

**12. Classification and Salary: Establish Single Function Paramedic**

**From: City Manager**

**Recommendation:** Adopt a Resolution to establish the represented classification of Single Function Paramedic with a monthly salary range of \$5,200 to \$7,800.

**Financial Implications:** See report.

Contact: Donald E. Ellison, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,186–N.S.

## Consent Calendar

- 13. Revise Classification and Salary: Emergency Medical Services Quality Improvement & Education Coordinator**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to revise the represented classification of Emergency Medical Services Quality Improvement & Education Coordinator with a monthly salary range of \$12,273.73 to \$14,000.13  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,187–N.S.
- 14. Revise the Classification and Increase the Salary Schedule for Deputy Finance Director**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,967-N.S. (Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical) to increase the salary of the Deputy Finance Director from a maximum monthly salary of \$14,677.47 to \$16,120.00 per month effective January 1, 2022, to align it with other City of Berkeley Deputy Director classifications.  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,188–N.S.
- 15. Recommendation to Increase the Salary Schedule for Director of Health, Housing & Community Services and Director of Parks, Recreation, & Waterfront**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,967-N.S., Classification and Salary Resolution for classifications in Executive and Confidential Management, Confidential Professional, Confidential Clerical, to increase the salary of the Director of Health, Housing & Community Services from a maximum monthly salary of \$20,151.73. to \$21,432.00, per month and amending Resolution No. 70,107-N.S., Salary Adjustment for the Department Heads of Finance, Human Resources, Information Technology, Parks, Recreation and Waterfront, Planning, Public Works and Fire Chief, to increase the salary of Director of Parks, Recreation and Waterfront from a maximum monthly salary of \$20,987.00 to \$21,432.00 to align it with other City of Berkeley Department Heads.  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,189 –N.S.

## Consent Calendar

### 16. Commission Reorganization: Creating the Environment and Climate Commission

**From: City Manager**

**Recommendation:**

1. Adopt an Ordinance repealing and re-enacting Berkeley Municipal Code Chapter 3.40 (formerly Zero Waste Commission) to create the Environment and Climate Commission (ECC).
2. Adopt a Resolution rescinding Resolution No. 55,661-N.S., establishing the Berkeley Energy Commission, and Resolution 58,997-N.S., establishing the Community Environmental Advisory Commission.

**Financial Implications:** See report.

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Moved to Action Calendar. 17 speakers. M/S/Failed (Droste/Kesarwani) to adopt the recommendation as written.

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

**Action:** M/S/Carried (Hahn/Taplin) to:

1) Adopt first reading of Ordinance No. 7,796–N.S. as revised in Supplemental Communications Packet #2 by Councilmember Taplin to retain the Zero Waste Commission as a stand-alone entity, and further amended in Section 3.82.040.A. to read “The Environment and Climate Commission shall be an advisory board and shall review and advise the City Council on matters related to emerging issues, policies, projects, programs, planning efforts, activities, and funding of environmental sustainability and climate change mitigation, adaptation and resilience. Its scope will include work to advance the goals of advancing green buildings and resource efficiency; decarbonizing buildings and transportation; engaging and educating the community; addressing the impacts and welfare of all species, including animals, insects, and plants; reducing greenhouse gas emissions; reducing toxics and preventing pollution; and supporting environmental justice.” Second reading scheduled for February 8, 2022.

2) Adopted Resolution No. 70,190–N.S. as revised in Supplemental Communications Packet #2 from the Planning and Development Department to delay the effective date of the resolution.

**Vote:** All Ayes.

## Council Consent Items

17. **Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District**  
**From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund.  
Considerations for a Marina Master Plan for Parking should include: Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate; Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures; and Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits.  
**Financial Implications:** See report.  
Contact: Rashmi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation including revised material in Supplemental Communications Packet #1 from Councilmember Kesarwani.

## Council Consent Items

### 18. Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts

**From: Councilmember Kesarwani (Author), Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:

(a) A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo Avenue to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Pablo Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1. (b) A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the south, the north side of Alcatraz Avenue from Shattuck Avenue to Martin Luther King Jr. Way; Martin Luther King Jr. Way southward to 62nd Street; 62nd Street to King Street; (3) on the west, King street to Russell Street; (4) on the north, Russell Street to Grant Street; Grant Street north to Carleton Street; and Carleton Street to Shattuck Avenue. See map in Attachment 1. (c) Consideration of expanding the goBerkeley parking program to include installation of paid parking within a subsection of the defined Gilman and Lorin Parking Benefit Districts only where warranted based on parking demand using a demand-based pricing model. (d) Consideration of amending the goBerkeley program to allow net parking revenues to be reinvested within the Gilman and Lorin Parking Benefits Districts where the revenue is generated for the purpose of funding improvements, such as trash removal, sidewalk cleaning, enhanced lighting, signage, beautification like landscaping or other improvements based on input from an advisory board of stakeholders—in alignment with policy requirements of PBDs. (e) Consideration of transportation-related amenities targeted to employees that may include: annual transportation passes to incentivize public transit use, annual memberships in shared electric micro-mobility programs, special employee parking permits, etc. (f) A strategy for conducting outreach to Gilman and Lorin Commercial District stakeholders prior to implementation, including outreach to property and business owners and employees.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

**Action:** Approved recommendation including revised material in Supplemental Communications Packet #2 from Councilmember Kesarwani.

## Council Consent Items

- 19. Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects From: Councilmember Harrison (Author)**

**Recommendation:**

1. Refer to the June FY 23-24 budget process approximately \$1.4 to \$1.8 million in projected Transportation Network Company (TNC) User Tax General Fund revenue for FY 23 and FY 24, and the actual FY 2022 TNC Tax revenues (projected at \$576,786), toward the construction and maintenance of: i. Tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and ii. Priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and iii. Priority quick-build public transit projects under the Street Repair Program.

2. Refer to the Public Works and Transportation Commissions (or Successor Commission) in consultation with City staff to provide recommendations to the Facilities, Infrastructure, Transportation, Environment, and Sustainability and Budget and Finance Policy Committees by the end of March 2022 as to the specific allocation among the priorities in Recommendation 1 to equitably maximize transportation emissions reductions and to enhance mobility and public safety.

**Financial Implications:** See report.

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

**Action:** Councilmembers Hahn, Bartlett, and Taplin added as co-sponsors. Approved recommendation.

- 20. Resolution Reaffirming the City of Berkeley's Commitment to Roe v. Wade From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley's commitment to Roe v. Wade, honoring the 49<sup>th</sup> anniversary of its passage and reiterating Berkeley's resolve to be a safe harbor for women asserting their constitutional right to access reproductive health and safe abortion services. It is essential that the City of Berkeley be a model for other cities and re-state their support for women to be able to exercise their constitutional rights and continue to have access to critical health care services, including abortion.

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 70,191–N.S.

## Council Consent Items

21. **OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local and Rooftop Solar**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Send the attached Resolution in opposition to the Net Energy Metering 3.0 Proposed Decision of the CPUC and supporting a Net Energy Metering Policy that continues to support the growth of local and rooftop solar to: Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The Net Energy Metering (NEM) 3.0 decision issued by the CPUC on December 13, 2021 threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, interfering with Berkeley's and California's climate action and equity goals.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,192–N.S.

## Action Calendar – Public Hearings

22. **Selected Recreation and Camps Program Fee Increases**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion:  
1. Adopt a Resolution approving new fees and increasing current fees for select Recreation Division programs and rescinding Resolution No. 69,892-N.S. and all amendatory resolutions.  
2. Adopt a Resolution approving revised Policies and Procedures for Parks & Recreation Programs and Facilities, and rescinding Resolution No. 67,581-N.S. and all amendatory resolutions.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Robinson) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,193–N.S.  
**Vote:** All Ayes.



## Action Calendar- Public Hearings

23. **Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**  
*(Continued from December 14, 2021. Item contains supplemental material)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Public Testimony:** The Mayor opened the public hearing. 6 speakers.

**Action:** M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Kesarwani/Taplin) to adopt first reading of Ordinance No. 7,797 –N.S. as submitted by the City Manager with the amendments included in Supplemental Communications Packet #1 from Councilmember Kesarwani and further amended with regards to the three-year rolling date for ADU conversions and the addition of balconies to prohibited projections. Second reading scheduled for February 8, 2022.

**Vote:** All Ayes.

24. **Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**  
*(Continued from December 14, 2021. Item contains supplemental material)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Item 24 moved to Consent Calendar for the purpose of continuing the public hearing to January 25, 2022 including supplemental materials submitted by Councilmember Droste and Councilmember Hahn.

## Action Calendar- New Business

- 25a. Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution updating the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Item 25a, 25b, and 25c continued to January 25, 2022.
- 25b. Public Works Commission Recommendation for the Five-Year Paving Plan**  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution that recommends approval of the Five-Year Paving Plan version 12A (“Arterial Alternative”) for FY2023 to FY2027.  
**Financial Implications:** See report.  
Contact: Joe Enke, Commission Secretary, (510) 981-6300  
**Action:** Continued to January 25, 2022.
- 25c. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Continued from the July 13, 2021 meeting. Item contains supplemental material)*  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:**  
1. Adopt a Resolution updating the City’s Street Maintenance and Rehabilitation Policy dated June 1, 2021.  
2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.  
*Policy Committee Recommendation: To move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.*  
**Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Continued to January 25, 2022.
- 26a. Adopt-a-Spot Program Development Recommendations**  
**From: Public Works Commission and Parks and Waterfront Commission**  
**Recommendation:** That Council adopt a Resolution to support and fund two new full-time dedicated Volunteer Coordinators to run an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included.

## Action Calendar – New Business

The programs shall promote participation and civic pride by providing a unified portal for all programs across all departments, and incorporate many of the Program Elements outlined below. The Coordinators shall build on recent efforts by Public Works staff to fortify the existing programs for storm drains and traffic circles and incorporate existing programs from the Parks & Rec department. In addition, the Adopt-a-Spot program shall be expanded and improved upon to support additional community engagement opportunities that can include, but are not limited to, restoring native habitat to promote biodiversity (including a Bee City USA liaison), litter removal, vegetation maintenance, graffiti removal, tree planting/watering/monitoring, monitoring sidewalk conditions, adoption of homeless encampments, coordinating volunteers for emergency situations, beautification efforts, and other ideas that the Berkeley community may wish to support and organize around.

Some features of the program are beyond the scope of our Commissions' visibility and will need to be finalized by Council and Staff. However, the following recommendations are offered:

**Budget Commitment** - to ensure success, the two new positions must be dedicated to volunteer coordination. Sharing of responsibilities across staff or financing only a single or half-time position should be avoided as it likely wouldn't meet the needs of the community. If at least one dedicated position cannot be supported the role of Volunteer Coordinator should be given to a third-party or community non-profit group.

**Program Design** - the Volunteer Coordinators may work with interns and the community to define program features and details of implementation, which could include a phased approach (alternatively, the City could hire a consultant to outline the program),

**Reporting Structure** - options include Parks Rec & Waterfront, Public Works, Office of Sustainability, or the City Manager's office (alternatively, the position could be shared across departments)

**Supporting Tools** - begin with the fewest but most necessary initial features. For example, policies and waivers, outreach tools such as a robust city webpage presence including dynamic maps and signage to recruit, volunteer reporting mechanisms to ensure compliance and track activity, volunteer appreciation events to build community, etc.

**Financial Implications:** See report.

Contact: Roger Miller, Commission Secretary, (510) 981-6700, Joe Enke, Commission Secretary, (510) 981-6300

**Action:** Moved to Consent Calendar. Amended the first paragraph of recommendation to read:

*That Council adopt a Resolution to support an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included and refers the funding of the program to the Fiscal Year 2023-2024 Budget process.*

Adopted Resolution No. 70,194–N.S. amended to delete the second resolved clause

## Action Calendar – New Business

and amend the first resolved clause as written below.

*NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley hereby adopts an expanded Adopt-a-Spot program and refers the funding of the program to the Fiscal Year 2023-2024 Budget process.*

### 26b. Companion Report: Adopt A Spot Program Development Recommendations From: City Manager

**Recommendation:** Staff appreciates the thoughtful and important Parks and Waterfront and Public Works Commissions (Joint Commission Report) Adopt-a-Spot recommendation and recommends referring it to the FY2023-FY2024 budget process for consideration with other worthy requests.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700, Liam Garland, Public Works, (510) 981-6300

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

## Public Comment – Items Not Listed on the Agenda - 2 speakers.

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Councilmember Droste absent at 11:08 p.m.

Adjourned at 11:11 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 18, 2022.

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Mark Numainville  
City Clerk

## Communications

### 2021 Local Cannabis Policy Scorecard

1. Getting it Right from the Start

**BART Draft Environmental Impact Report**

- 2. David Brandon (2)
- 3. Leslie Valas
- 4. Claudia Valas
- 5. Rashi Kesarwani

**Brown Act Cure and Correct Demand Letter**

- 6. Berkeley Progressive Alliance

**Budget Review**

- 7. Marc Sapir

**Climate Equity Fund pilot RFP**

- 8. Candace Hyde-Wang

**Code Red Climate Event**

- 9. Lauren Weston

**COVID-19**

- 10. Gary Hicks
- 11. David Lerman (2)
- 12. Blair Beekman
- 13. Navarre Oaks

**Crime Suppression Unit**

- 14. Cheryl Davila
- 15. Brian Witt

**Elmwood Parking**

- 16. Ron Kelly
- 17. Fern Burch

**Emergency Shelter**

- 18. Elana Auerbach
- 19. Cheryl Davila

**Ferry Service**

- 20. Terry Mandel
- 21. Mz Suzanne Joi

**Golden Bear Inn**

- 22. Beth Gerstein (4)
- 23. Lee Bishop

**Gun Violence Crisis**

24. Moni Law

**Habitot Children's Museum**

25. Marjorie Tichenor

**HMIS Case Manager Assignments**

26. Omowale Fowles (2)

**Homeless Shelter Concerns**

27. quBit.ch@protonmail.com (3)

**Hopkins Corridor Project**

28. Donna DeDiemar

29. Garry Parrish

30. Jeffrey Kaplan (2)

**Infrastructure Survey**

31. Bob Flasher

**Interview Request**

32. Rebecca Smith

**Letters**

33. Blair Beekman

**Marin Avenue Traffic Safety**

34. Diana Damonte

35. Gina Rieger

36. Berkeley Path Wanderers Association

37. Farid Javandel

38. Janet Byron (2)

39. Susan Shimm

40. LJ Cranmer

41. LaTanya Bellow

**Mosquitos**

42. Josh Beth

**Newsletters**

43. Eden I&R (2)

44. Alameda County Mosquito Abatement District

45. Downtown Berkeley Association

**Nilang Gor**

46. Karen Rubio

**Parking (Spaces, Citations, Fees)**

- 47. Miriam Kasin
- 48. Danielle Adams
- 49. Dorothea Dorenz

**Pedestrian Push Buttons**

- 50. Walk Bike Berkeley

**Pedestrian Safety**

- 51. Margery Eriksson

**Plant-Based Food Purchase Plan**

- 52. Nancy Min Ji

**Plastic Bag Ordinance**

- 53. Similarly-worded form letters (91)

**Police**

- 54. John Lindsay-Poland
- 55. Mike Swenson
- 56. Blair Beekman

**Prop 68 Technical Assistance Program**

- 57. Jane Gray

**Recent City Council Agenda Items**

- 58. Blair Beekman

**Robert's Rules**

- 59. Kitt Saginor

**RV Parking**

- 60. Jeff Vincent
- 61. Claire Heinzelman
- 62. Charlene Washington

**Secure Justice Sues Berkeley, Again**

- 63. Jack Kurzweil

**Security Cameras**

- 64. Geoff Lomax

**SF Bay Area Crime**

- 65. Blair Beekman (3)

**Smoking Noncompliance**

- 66. Carol Denney

**Social Housing Pilot Study**

67. Ryan Andresen

**Solar Energy**

68. Igor Tregub

69. Blair Beekman

**State Housing Bills**

70. Margot Smith

**Support for Budget Referrals**

71. Sierra Club

**Surveillance State**

72. Steve Martinot

**Traffic Enforcement**

73. David Lerman

74. Elisa Mikiten

**Transient Occupancy Tax**

75. Charles Koppelman

**Tree Removal**

76. Jenny Franco

77. Urban Forestry Staff

**Upcoming Meetings**

78. East Bay Community Energy (2)

**URLs Only**

79. Vivian Warkentin (3)

**Vision Zero in West Berkeley**

80. Similarly-worded form letters (3)

**Violation of Sanctuary Contracting Ordinance**

81. Elana Auerbach

**Supplemental Communications and Reports 1**

**Item 17: Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District**

82. Revised material, submitted by Councilmember Kesarwani

83. Jim McGrath



**Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)**

84. Supplemental material, submitted by Councilmember Kesarwani

**Supplemental Communications and Reports 2**

**Item 10: Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission**

85. Martin Bourque

86. Sheila Goldmacher

87. Cindy Shamban

88. Diana Bohn

89. Holly Scheider, Sugar-Sweetened Beverage Panel of Experts Commission

90. Peter Hosemann

**Item 16: Commission Reorganization: Creating the Environment and Climate Commission**

91. Revised material, submitted by Planning and Development Department

92. Supplemental material, submitted by Councilmember Taplin

93. Alfred Twu

94. Martin Bourque (see #85)

95. Cindy Shamban (see #87)

96. Max Wechsler

97. Annette Poliwka

**Item 17: Referral to the City Manager to Establish a Marine Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits District**

98. Jim McGrath

**Item 18: Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts**

99. Revised material, submitted by Councilmember Kesarwani

**Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)**

100. Debra Sanderson, on behalf of the ADU Task Force (East Bay)

101. Bryce Nesbit

**Item 24: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

102. Supplemental Material, submitted by Councilmember Droste

103. Supplemental Material, submitted by Councilmember Hahn

104. Debra Sanderson, on behalf of the ADU Task Force (East Bay) (See #100)

105. Mary Ann Wenger

106. Jan Knecht

107. Jonathan Bailey

- 108. John Lawrence
- 109. Hans Jones
- 110. George Porter
- 111. Dale Rose

**Item 25a: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

- 112. Ellen Archilla
- 113. Terry Nicol
- 114. Jay Harlow
- 115. John Rice
- 116. Fran Haselsteiner
- 117. Mary Lee Noonan
- 118. Kenneth Worthy
- 119. Paku Khan
- 120. Ray Yep
- 121. Penny Baron
- 122. Joan Lester
- 123. Leah & John Rosenthal
- 124. E Souders
- 125. Orville Schell
- 126. Jean Walrand
- 127. Noah Nelson
- 128. David Ritvo
- 129. Anthony & Judy Lepire
- 130. Frederic Fierstein
- 131. Rod Richardson
- 132. Emily Fox
- 133. John Harris
- 134. Isaac Pastor-Chermak
- 135. Sybil Hatch
- 136. Jo Ann Driscoll
- 137. Suzanne Stephens
- 138. Ann Campbell
- 139. Mitch Cohen
- 140. Ceara Brencic
- 141. Eric Broque
- 142. Patsy Slater
- 143. Sean Lincoln
- 144. Bob Flasher
- 145. Paul Litsky
- 146. Jonathan Francis
- 147. John Hitchen
- 148. Nicole Chabot
- 149. Jayson Elliot
- 150. Mark Lee
- 151. Talya Brettler
- 152. Gary Miguel

- 153. Craig Fendel
- 154. Wendy Alfsen

**Item 26a: Adopt-a-Spot Program Development Recommendations**

- 155. Taylor Rein
- 156. Leo Bookey
- 157. Wendy Alfsen
- 158. Cindy Shamban
- 159. John Steere, Berkeley Partners for Parks
- 160. Sally Hughes

**Supplemental Communications and Reports 3**

**Item 10: Referral Response: Commission Reorganization for Post-COVID-19 Budget Recovery – Sugar Sweetened Beverage Product Panel of Experts Commission and Community Health Commission**

- 161. Karma Smart
- 162. Tobey Wiebe

**Item 18: Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts**

- 163. Elana Auerbach

**Item 21: OPPOSE Net Energy Metering 3.0 Proposed Decision of the CPUC and SUPPORT Net Energy Metering Policy that Continues the Growth of Local Rooftop Solar**

- 164. Igor Tregub (2)

**Item 23: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance)**

- 165. Presentation, Planning & Development Department
- 166. Debra Sanderson (2)
- 167. Henry DeNero
- 168. George Porter (2)

**Item 24: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

- 169. Bob Flasher
- 170. Nancy Rader

**Item 25a: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

- 171. Elana Auerbach
- 172. MA Morgan
- 173. Doris Nassiry
- 174. Paul Rauber

- 175. Diana Wood
- 176. Katie Johnson
- 177. Pamela Michaud
- 178. Maren Bell
- 179. John Gilmore
- 180. Charles Clarke
- 181. Ken Berland
- 182. Chimey Lee
- 183. Robert Dering
- 184. Kristina Feller

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

THURSDAY, JANUARY 20, 2022

4:00 P.M.

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 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 841 6313 1789. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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## Preliminary Matters

**Roll Call:** 4:07 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 4:15 p.m.

**Public Comment - Limited to items on this agenda only** – 0 speakers

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Case Name: GTE Mobilnet of California Limited Partnership v. City of Berkeley  
Case Number: 4:20-cv-05460-DMR

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

**Action:** M/S/C (Arreguin/Harrison) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Adjourned at 4:46 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council held on January 20, 2022.

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Mark Numainville, City Clerk

## MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Thursday, January 20, 2022  
6:00 PM**

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 – LORI DROSTE

### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

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*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **853 8293 9746**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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:** 6:05 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin

**Absent:** Droste

Councilmember Droste present at 6:14 p.m.

## Worksession

### 1. Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)

**From:** City Manager

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

**Action:** M/S/C (Arreguin/Robinson) to accept supplemental material from Mayor Arreguin on Item 1.

**Vote:** Ayes - Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

**Action:** 24 speakers. M/S/C (Arreguin/Harrison) to provide direction to the City Manager on infrastructure revenue measure(s) development as follows:

- Timing: November 2022
- Number of Measures: One Bond (several areas), or Bond (Affordable Housing) and Parcel Tax (Streets and Infrastructure)
- Priorities: Streets (pedestrian safety/sidewalks & bike safety, traffic safety, and complete streets); Affordable Housing; Climate (including climate mitigation and resilience, Storm Drains, Undergrounding); Public Facilities (Civic Center, Waterfront, Parks)
- Dollar Amount: Range from \$350 – \$600 million

**Vote:** All Ayes.

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 9:46 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None



## **Supplemental Communications and Reports 2**

**Item 1: Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)**

1. David Lerman
2. John Rice

## **Supplemental Communications and Reports 3**

**Item 1: Discuss Vision 2050, Infrastructure Priorities, Stakeholder and Community Engagement, and City's Bonding Capacity; and Seek Direction on November 2022 Revenue Measure(s)**

3. Supplemental material, submitted by Mayor Arreguin
4. Barbara Gilbert
5. Councilmember Harrison

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

TUESDAY, JANUARY 25, 2022

4:00 P.M.

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 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

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## Preliminary Matters

**Roll Call:** 4:04 p.m.

**Present :** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 4:09 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. *Workers Compensation Appeals Board Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.*

**Action:** M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approve a settlement by Compromise and Release, or else in the alternative by stipulated awards of permanent disability with Awards of lifetime future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.

**Vote:** All Ayes.

### 2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1, Unrepresented Employees, Berkeley Police Association.

**Action:** No reportable action taken.

## OPEN SESSION:

City Council met in closed session on January 25, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated awards of permanent disability with Awards of lifetime future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

Adjourned at 4:44 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on January 25, 2022.

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 25, 2022**  
**6:00 PM**

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 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

*Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84888765689>. 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 **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **848 8876 5689**. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted 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](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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:** 6:04 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 6:06 p.m.

## Report from Closed Session

City Council met in closed session on January 25, 2022, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, or else in the alternative by stipulated awards of permanent disability with Awards of lifetime future medical care, as to workers' compensation matters WCAB Case Numbers: ADJ9784627, ADJ11090574, ADJ11090538, ADJ9768319, and ADJ9768337.

## Ceremonial Matters:

1. Adjourned the meeting in memory of Fred Harvey, Local Activist
2. Adjourned the meeting in memory of Judy Holland, Berkeley Resident

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 5 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 9 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from Councilmember Taplin on Item 12.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to adopt a temporary rule to limit public comment to one minute per speaker.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of December 7 (special), December 9 (closed and special), December 14 (special and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 2. Revenue Contract: The Center at Sierra Health Foundation for \$90,999.50 for Information Technology Equipment, Telehealth Licenses, and Personal Protective Equipment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by the California Department of Health Care Services (DHCS) through the Behavioral Health Telehealth Request for Applications and accept the funding and execute any resultant revenue agreements and amendments to purchase information technology equipment, telehealth software licenses, and personal protective equipment up to \$90,999.50 in FY 2022 and FY 2023.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,195–N.S.
- 3. 2022 Fee Assessment – State of California Self-Insurance Fund (Workers’ Compensation Program)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2022 for administering the Workers’ Compensation Program, in an amount not to exceed \$268,093.55.  
**Financial Implications:** See report.  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,196–N.S.
- 4. Grant Application: Land and Water Conservation Fund – Grove Park Renovation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a grant application to the federal Land and Water Conservation Fund (LWCF) in an amount not to exceed 50% of the Grove Park Renovation total project cost of \$2.4M.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,197–N.S.

## Consent Calendar

- 5. Contract No. 32000093 Amendment: DC Electric Group, Inc. for On-Call Electronic Traffic Calming Devices Maintenance Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000093 with DC Electric Group, Inc. to increase the current contract by \$250,000 for a total not to exceed amount of \$500,000 and to remove the \$50,000 annual limit.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,198–N.S.
  
- 6. Contract: Glosage Engineering, Inc. for Sanitary Sewer Rehabilitation at Various Locations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Grizzly Peak Boulevard Backline, Euclid Avenue Backline, Cragmont Avenue Backline, Euclid Avenue, Wildcat Canyon Road, Woodhaven Road, Keeler Avenue, Spruce Street, and Eunice Street; accepting the bid of the lowest responsive and responsible bidder, Glosage Engineering, Inc.; and 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, in an amount not to exceed \$1,780,859, which includes a 10% contingency of \$161,896.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,199–N.S.



## Consent Calendar

- 7. Lease and Cooperative Agreement: Downtown Berkeley Bike Station**  
**From: City Manager**  
**Recommendation:**  
 1. Adopt the first reading of an Ordinance authorizing the City Manager to execute a lease agreement with BART for retail space at the Center Street Garage for a fifteen-year lease term commencing February 1, 2021, and expiring on January 31, 2036.  
 2. Adopt a Resolution authorizing the City Manager to execute a cooperative agreement with the Bay Area Rapid Transit District (BART) for the continued operation of the Downtown Berkeley Bike Station in its Center Street Garage location for a three-year term commencing July 1, 2020, and expiring on June 30, 2023, in an amount not to exceed \$225,000.  
**Financial Implications:** See report.  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopt first reading of Ordinance No.7,798–N.S. Second reading scheduled for February 8, 2022. Adopted Resolution No. 70,200–N.S.
- 8. Resolution Requesting State Cannabis Cultivation Tax Reform**  
**From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution requesting State cannabis cultivation tax reform.  
**Financial Implications:** None  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmember Harrison added as a co-sponsor. Adopted Resolution No. 70,201–N.S.
- 9. 2022 Seating Arrangement during City Council Meetings**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Rescind Resolution No. 69,647–N.S and adopt a Resolution changing the seating arrangement of the Mayor and City Councilmembers on the dais for calendar year 2022, to accommodate the Vice-Mayor, as follows (From left to right, facing the dais): Kesarwani, Bartlett, Hahn, Harrison, Arreguin, Wengraf, Droste, Robinson, Taplin.  
**Financial Implications:** None  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,202–N.S.
- 10. 2022 City Council Committee and Regional Body Appointments**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a term ending on December 31, 2022 or until new appointments are made.  
**Financial Implications:** None  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,203–N.S.

## Council Consent Items

11. **Referring the Civic Arts Commission's affordable housing for artists in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update**  
**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** 1. Refer the Civic Arts Commission's report entitled affordable housing for artists in Berkeley to the City Manager, Planning Commission, and Housing Advisory Commission to review, consider, and incorporate recommendations, to the greatest extent possible, into the Housing Element update and related planning and zoning processes.  
2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Approved recommendation.

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. 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.*

*The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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 – Continued Business

12. **Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**  
*(Continued from December 14, 2021. Item contains supplemental materials)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.  
**Financial Implications:** None  
Contact: Jennifer Louis, Police, (510) 981-5900, LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Moved to Consent Calendar. Item 12 continued to March 22, 2022 including supplemental material submitted by Councilmember Taplin.

## Action Calendar – Continued Business

- Aa. **Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**  
*(Continued from the January 18, 2022 meeting.)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution updating the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** 13 speakers. M/S/C (Arreguin/Harrison) to adopt Resolution No. 70,204–N.S. updating the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan Equity Alternative amended to approve the first three years of the plan, including the equity component, and with the condition that the criteria in this plan will not govern the allocation of funds from potential future ballot measures. Further, staff will return to Council in January 2024 with updates to the Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan Equity Alternative.  
**Vote:** All Ayes.
- Ab. **Public Works Commission Recommendation for the Five-Year Paving Plan**  
*(Continued from the January 18, 2022 meeting.)*  
**From: Public Works Commission**  
**Recommendation:** Adopt a Resolution that recommends approval of the Five-Year Paving Plan version 12A (“Arterial Alternative”) for FY2023 to FY2027.  
**Financial Implications:** See report.  
Contact: Joe Enke, Commission Secretary, (510) 981-6300  
**Action:** See action on item Aa.

## Action Calendar – Continued Business

- Ac. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Continued from the January 18, 2022 meeting. Item contains supplemental material.)*

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

**Recommendation:**

1. Adopt a Resolution updating the City's Street Maintenance and Rehabilitation Policy dated June 1, 2021.
2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.

*Policy Committee Recommendation: To move the Public Works supplemental item "City of Berkeley Street Maintenance and Rehabilitation Policy to Council" with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.*

**Financial Implications:** Staff time

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

**Action:** See action on item Aa.

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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. 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.*

*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.*

## Action Calendar – Public Hearings

- B. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns** *(Continued from January 18, 2022. Item contains supplemental material.)*

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of a local ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) and amending Chapter 23.306.

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** M/S/C (Arreguin/Wengraf) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** All Ayes.

**Public Testimony:** The Mayor opened the public hearing. 37 speakers.

M/S/C (Arreguin/Wengraf) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 12:00 a.m.

**Vote:** All Ayes.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:40 a.m.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:45 a.m.

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

**Action:** M/S/C (Kesarwani/Droste) to adopt the minimum requirements in state law with the fire safety proposals in supplemental materials submitted by Councilmember Droste, including the provisions adopted in Ordinance 7,797-N.S. adopted on January 18, 2022, and apply the requirements to the Hillside Overlay.

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

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:50 a.m.

**Vote:** Ayes – Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Harrison, Droste.

## Action Calendar – Public Hearings

**Action:** M/S/C (Bartlett/Robinson) to reconsider the motion previously adopted regarding the Accessory Dwelling Unit ordinance amendments to address public safety concerns.

**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste; Absent – Kesarwani.

**Action:** M/S/Failed (Kesarwani/Droste) to adopt the minimum requirements in state law with the fire safety proposals in supplemental materials submitted by Councilmember Droste, including the provisions adopted in Ordinance 7,797-N.S. adopted on January 18, 2022, and apply the requirements to the Hillside Overlay.

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

**Action:** M/S/Carried (Hahn/Harrison) to adopt first reading of Ordinance No. 7,799 as submitted in the revised material submitted jointly by Councilmembers Hahn and Wengraf, including the fire safety requirements submitted by Councilmember Droste and provisions contained in Ordinance 7,797-N.S. adopted on January 18, 2022, and amended to modify the footnote regarding side and rear setbacks with authority granted to staff to insert the correct code reference. Second reading scheduled for February 8, 2022. Further, refer Councilmember Droste’s supplemental materials to the City Manager for consideration.

**Vote:** All Ayes.

## Action Calendar – New Business

### 13. COVID-19 Response 2021 Summary Report

**From:** City Manager

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

**Action:** 10 speakers. Presentation made and discussion held.

Recess 8:12 p.m. – 8:22 p.m.

## Information Reports

### 14. LPO NOD: 2212 Fifth Street/#LMIN2021-0001

**From:** City Manager

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Received and filed.

### 15. LPO NOD: 1120 Second Street/#LMSA2021-0001

**From:** City Manager

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Received and filed.

## Information Reports

16. **LPO NOD: 1325 Arch Street/#LMIN2020-0008**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
17. **LPO NOD: 1960 University Avenue/#LMSA2021-0002**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

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

## Adjournment

Adjourned at 12:50 a.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 25, 2022.

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Mark Numainville  
City Clerk

## Communications

### Assessment of Vacant Properties

1. Human Welfare and Community Action Commission

### Berkeley Marina

2. David Lerman
3. Erica McFadden

### Berkeleyside

4. Charles Clarke
5. Pamela Turntine

### Clark Kerr Volleyball Courts

6. UC Berkeley

### Crypto Currency

7. Fred Dodsworth

### Commercial Evictions

8. Trea Cleaves (2)

### COVID-19

- 9. Anne McClintock
- 10. David Lerman (2)
- 11. Kelly Hammagren

**Emergency Winter Shelter**

- 12. Elana Auerbach

**International Day of Education**

- 13. Mina Karimabadi

**Landmarks Preservation**

- 14. Charlene Woodcock

**Mynd Management**

- 15. Anita Shriver

**Political Representation**

- 16. Steve Martinot

**Smoke Free Signage Absence**

- 17. Carol Denney

**Shen Yun**

- 18. Lisa Ye

**Urban Trees**

- 19. Nancy Bardach

**Supplemental Communications and Reports 1**

**Item 12: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

- 20. Diana Bohn

**Item Aa: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

- 21. Wayne Huber
- 22. Jenn Guitart
- 23. John Rea

**Supplemental Communications and Reports 2**

**Item 11: Referring the Civic Arts Commission's affordable housing for artist in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update**

- 24. Kathryn Reasoner



**Item Aa: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

24. Antonia Nunez

**Item B: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

- 24. Supplemental material, submitted by Councilmember Hahn
- 25. Supplemental material, submitted by Councilmember Wengraf
- 26. Lisa Bruce
- 27. Steven Segal
- 28. Lisa and Tim Goodman
- 29. Mary Ann Wenger
- 30. Christine Rosen
- 31. Johnathan Bailey
- 32. Alexa Gregory
- 33. Andrea Kean
- 34. Paul Newacheck
- 35. Joan Grant
- 36. Susan Orbuch
- 37. Mary Canavan
- 38. Micky Duxbury
- 39. BSF Home
- 40. William Seidel
- 41. Rafa Sonnenfeld, on behalf of Yimby Law
- 42. Ellen Jones
- 43. Steve Scholl
- 44. Renee Goldstein & George Roemer
- 45. Betsy Bigelow-Teller
- 46. Sue Jones
- 47. Tobey Wiebe
- 48. Linda Press Wulf
- 49. Marilyn Kwock
- 50. Mary Lou Van Deventer
- 51. David Hollinger
- 52. Doris Nassiry
- 53. Harald Leventhal

**Supplemental Communications and Reports 3**

**Item 11: Referring the Civic Arts Commission's affordable housing for artist in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update**

- 56. Wyndy Knox Carr
- 57. Verna Lim

**Item Aa: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

58. Charles Clark

**Item 12: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

59. Supplemental material, submitted by Councilmember Taplin

**Item Aa: Street Maintenance and Rehabilitation Policy and Five-Year Paving Plan**

60. Presentation, Public Works Department

61. Jenny Wenk

62. Richard Fish

**Item B: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

63. Presentation, Planning and Development Department

64. Jonathan Bailey

65. Ann Rogers

66. Brian Gilbane

67. Margaret Webster

68. Penny and Bill Barron

69. Stefanie and William Guynn

70. Margot Smith

71. Carol Hirth

72. Erica Stone

73. Bill Pottinger

74. David Bilder

75. Marcia Diaz

76. Mary Louise Zernicke

77. Cornelia Levine

78. Eric Bjerkholt

79. Bruce Stangeland

80. Shirley Dean

81. Nicole Chabot

82. Patricia Wilson

83. Margaretta Mitchell

84. Helen Kravetzky

85. Mark kay Duggan

86. Jennifer Hernandez

87. Stan Goldberg

88. Charlene Woodcock

89. Daniella Thompson

90. Dahlia Armon

91. Marsha Gardner

92. Barbara Schick

93. Susan Scherer

94. Gina Rieger

95. Claudia Deering

96. Kathleen Haberer and Kenneth Yip

97. John and Donna Schneider

98. Jan Knecht
99. Michael Katz
100. Councilmember Hahn
101. Susan Halpern
102. Susan Nunes Fadley
103. Lucinda Olney
104. Chris McKee
105. David Shiver
106. Ednah Beth Friedman
107. Ellen Greenblatt
108. David Ritvo
109. Sybil Hatch
110. Nancy Gillette
111. Deb Shell and JP Bedoya
112. Ann Hughes
113. Jane Fulton Suri
114. Louise Palmer
115. Alicia Telford
116. Diane WS
117. Frederique Wynberg
118. Michael Thouati
119. Eli Gilad
120. Elaine Chan
121. Bill Smoot
122. Alyse Ritvo
123. Gail Machlis
124. Steven
125. John Blaustein and Terry Pink Alexander
126. Victor Kley
127. Lauren and David Moore
128. Robin Hollenberg
129. Karen Chernoff
130. Sarah Liu
131. Beatriz Manz
132. I Turiel
133. Catherine Trimbur
134. Gary Forbes
135. Carolyn West
136. Marjorie Fletcher
137. Linda Deaktor
138. Laura Louis
139. Hilary Worthen
140. Kaethe Weingarten
141. Barbara Davis
142. Mary Stapleton
143. Henry Lerner

144. Andrew Bestwick
145. Leah and John Rosenthal
146. Karen Weil
147. Gareth Ellis
148. Jana Olson
149. Eric Rakowski
150. Ann Krooth
151. Diana Malin
152. Francisco Santamarina
153. Jenny Wenk
154. Naomi Pearce
155. Yen Trac
156. Ellen Archilla
157. Monica Vazirani
158. Sarah Herr
159. Ellen Goldblatt
160. Kori Kody
161. Kathleen Weaver
162. Chris Cullander
163. Joan Hart
164. Rod Richardson
165. Robert Hester
166. Carolyn
167. Kathy Wade
168. Watson Ladd
169. Alison LaBonte
170. JH Frisk
171. Phyllis Orrick
172. Donna Graves
173. Jon Kaner (2)
174. Susan Lea
175. Lynn Glaser
176. Stefano DellaVigna
177. Rachel Bradley
178. Diana Bohn
179. Kathy Skrainer
180. Sara Knight
181. Shelley Golomb
182. Grant Cutler
183. James Nelson
184. Ellen Matthews
185. Mark and Lisa Follman
186. Helene Silverberg
187. Janos Kirz
188. Nancy Viebrock
189. David Rouslin

190. Richard Collier
191. Victoria Kahn
192. Joan Primeau
193. Helen Marcus
194. Margaret Mancuso
195. Phyllis Ritvo
196. David Jung
197. Judith Baker
198. Flora Lewis
199. Joan Garvin
200. Benjamin Kadish
201. Adam Rogers
202. Chris Lee-Egan
203. James Jones
204. Sean
205. Mary Frank
206. Lloyd Elliot
207. Daniel Robbins
208. Maria Riddle
209. Helene Vilett
210. Firouzeh Nourzad
211. Karina Epperlein
212. Gloria Schild
213. Nancy Lemon
214. D.B
215. Bhima Sheridan
216. Ivan and Sarah Diamond
217. Colleen Neff
218. Joan Wager
219. Richard Chambers
220. Salim
221. Katherine Eckhouse
222. Kathleen Metz
223. Craig Peterson
224. Laura Ide
225. Lisba Fowler
226. Priscilla Myrick and Thomas Cutillo
227. Sandra Schlesinger
228. Ian Wulfson
229. Brenda Dawson Dove
230. Mary Staats
231. Kerna Trottier
232. Gertrude Weil
233. Ann Pardee
234. Pam Valois
235. Elizabeth Hawk

236. Susan
237. George Porter
238. Mary Lee Noonan
239. Terry Mandel
240. Lisa and Tim Goodman
241. Mary and Rick Thomas
242. Mary Louise Gifford
243. Dale Rose
244. Stephen Morris
245. Bronya Feldmann
246. Jennifer Chatman and Russel Barnett
247. Alex Takaoka
248. Diana Damonte
249. Nadia Le Bon
250. Fred Bamber
251. Henry DeNero, on behalf of the Hillside Association of Berkeley
252. Bami Greene
253. Barbara Floyd
254. Aviv Nitsan
255. Bohun Kinloch
256. Valeria Gilbert-Perens
257. Sara Cox
258. Susan and Paul Opsvig
259. Gary Miguel
260. Jerry Skrainer
261. Alfred
262. John Geary
263. Ellen Hahn
264. Mike Ely
265. ADU Task Force (East Bay)
266. Robin Kibby
267. Fred Schlachter
268. Janice Murota
269. Alison Lingo
270. Lauren
271. Jackie Stastny
272. Bridgett Shank
273. Juliet Lamont and Phil Price
274. David Donovan
275. Susan Frankel
276. Yoej Kahn
277. Seth Seidel
278. Priscilla Birge
279. Elizabeth Fulton
280. Moe Wright
281. Milo Trauss

282. Marilyn Pollack
283. Ellen Meltzer
284. Jan de Vries
285. Brendan Willerford
286. Carmen de Monteflores
287. Rachel Bogard
288. Ellen Gorman Winters
289. Paul Casperson
290. Toni Mester
291. Candace Falk
292. Bill Sherer
293. Carol and Tony Henning
294. Caroline Winnett
295. Patrick Sheahan
296. Karen Bowen
297. Sonia Wichmann
298. Vikram Sridharan (2)
299. Martha Wing
300. Craig Griffin
301. Huma Dar
302. Dr. Banuett
303. Sandeer Seepersad
304. Michael Cassidy
305. Davina, on behalf of the Associated Students of the University of California
306. Dylan Casey, on behalf of California Renters Legal Advocacy and Education Fund
307. Sheryl Drinkwater
308. V. Sommer
309. Elizabeth Snowden
310. Sarah Miyazaki
311. Sean Lai McMahon
312. Barbara Cohn
313. Grayson Peters
314. Jared Harris
315. Regina Stefaniak
316. Madeline Feingold
317. Deborah Reade
318. Wesley Tam
319. Warren Wells
320. Charles Noyes
321. Michael Farrell
322. Kathy and Michael Scandling (2)
323. Lee Bishop
324. Audrey Richards
325. Dustin Swonder

326. Joan Zweben
327. Dorothy Walker
328. Beth Feingold
329. Rose Ellen Morrell
330. Kate and Daniel Funk
331. Alyse Jacobson
332. Colleen Busch
333. Patrice Ignelzi
334. Clifford Fred
335. Nomi Harris
336. Joan and David Hollinger
337. Ed Vine
338. Hilary Read
339. Peggy Mendelson
340. Pauline Mohr
341. Barryett Enge
342. Robert and Suzanne Stephens
343. Colleen Boyle
344. Lynn Clenfield
345. Vivian Fendel
346. Craig Fendel
347. Anna Urrea
348. Karen Fagerstrom
349. Phyllis Steiber
350. Scott McCreary
351. Sheila Jordan
352. Michael Walden and Judith Schelly
353. S. Entwistle
354. Sarah Bell
355. Jose Luis Bedolla
356. Lee Ann Weber
357. Becca Schonberg
358. Sowmya Swaminathan (2)
359. Ellen Barth
360. Barbara Gilbert
361. Robin
362. Katinka Wyle
363. Ken Frenkel
364. Karen Branson
365. May Palmer-Seltzer
366. Jason Rubin
367. Susan Aumiller
368. Susan and Schuyler Bailey
369. Linda Twilling and Basil Boutris
370. Supannika Rongsopa
371. Antonia Frankhuijzen



- 372. newattitudes@gmail.com
- 373. Salma Elmallah
- 374. Matthew Lewis
- 375. Carol Stone
- 376. Lenore Dolin
- 377. Shawn Drost
- 378. Joel
- 379. Joaquin Carbonell IV
- 380. John and Nancy Lawrence
- 381. David Nasatir
- 382. Martha Rabkin
- 383. Lauren Walker
- 384. Kendra Levine
- 385. Allison Banks
- 386. David Chaney
- 387. Marca Brown-Machen
- 388. B.A. Smith
- 389. Brenda Shank
- 390. Susan Brand
- 391. Isaac Pastor-Chermak
- 392. Sarah Clegg
- 393. Mark
- 394. Leslie Dixon

**Item 13: COVID-19 Response 2021 Summary Report**

- 395. Presentation, City Manager

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Thursday, January 27, 2022  
6:00 PM**

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 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

*Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/86896416355>. 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 **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **868 9641 6355**. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted 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](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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:** 6:02 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 6:15 p.m.

## Worksession

### 1. **Tenant Opportunity to Purchase Act, Adding B.M.C. Chapter 13.89**

**From:** Mayor Arreguin

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

**Action:** 78 speakers. Presentation made and discussion held.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** All Ayes

Adjourned at 10:49 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item 1: **Tenant Opportunity to Purchase Act, Adding B.M.C Chapter 13.89**

1. Similarly-worded form letters (44)
2. Christine Crane
3. Bhima Sheridan
4. Ross Simkover
5. Llona Clark
6. Ceceilia Lunaparra, on behalf of Cal Berkeley Democrats
7. Diana Bohn
8. Olivia Kehoe, on behalf of Berkeley Student Cooperative
9. Llaf Esuf, on behalf of United Way Bay Area
10. Bee Coleman, on behalf of East Bay Permanent Real Estate Cooperative
11. Wilhelmenia Wilson, on behalf of Healthy Black Families, Inc.

12. Samantha Warren, on behalf of Associated Students of the University of California
13. Louise Rosenkratz
14. Emily Wheeler, on behalf of Public Advocates
15. Rosina
16. Alex Sharenko
17. glomax@lmi.net
18. Sophia

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

#### **Item 1: Tenant Opportunity to Purchase Act, Adding B.M.C Chapter 13.89**

19. Presentation, submitted by Mayor Arreguin
20. 31 similarly-worded form letters (Yes)
21. 7 similarly-worded form letters (Benefit lawyers)
22. 8 similarly-worded form letters (Hurt)
23. Chris Schildt
24. Kim Markison
25. Jayson Collard
26. Alameda County Democratic Party
27. Andrea Mullarkey
28. Darryl Ross-Ragland
29. Emma Heinichen, on behalf of Zacks, Freedman & Patterson, PC
30. Obaid Khan
31. Susan Knight
32. Dale Smith
33. Jeffrey Melcher
34. Sasha Futran
35. Bushra Khan
36. Barbara Schick
37. Sierra Club Northern Alameda County Group
38. Sylvia Young
39. Nico Calavita
40. Roger Hallsten
41. Andrea Gordon
42. Pamela Drake
43. Ken Berland
44. Todd Andrew
45. CADEM Renters Council
46. Ruben Hernandez Story, on behalf of East Bay Young Democrats
47. Charles Clarke
48. Yingying Wei
49. Greg Jan
50. Erik Dreher
51. Berkeley Tenants Union
52. Keith Sjolholm
53. Mechelle
54. Chris Cohn
55. Mary Weissman

56. Keith Ray
57. Andrew Jeffries and Ellen McDonald
58. Betsy Morris, on behalf of the Berkeley-East Bay Gray Panthers
59. Dale Rose
60. Robert Zucker
61. Cassandra Adams
62. Elsa Ramos
63. Sophia DeWitt, on behalf of East Bay Housing Organization
64. Evita Chavez, on behalf of the Partnership for the Bay's Future
65. taptango@
66. Kiran Shenoy
67. Michael Trujillo, on behalf of the East Bay Community Law Center
68. Steve Pelly
69. North Berkeley Cottage
70. Celia Karian
71. Rasheedah Phillips, on behalf of PolicyLink
72. Eleanor Muhlstein
73. Paul Mathew
74. Geoff Lomax
75. Toni Mester
76. Richard Buss
77. Henry DeMarco
78. Barbara Gilbert (2)
79. Renee Good
80. Sarah Davis
81. Fran Haselsteiner





Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

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 February 22, 2022

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.

Total estimated cost of items included in this report is **\$234,000**.

| <u>PROJECT</u>                                                                                | <u>Fund</u> | <u>Source</u> | <u>Amount</u>    |
|-----------------------------------------------------------------------------------------------|-------------|---------------|------------------|
| Preliminary Engineering and Final Design for Ohlone Greenway Modernization and Safety Project | 306<br>135  |               | \$234,000        |
| <b>Total:</b>                                                                                 |             |               | <b>\$234,000</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

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on February 22, 2022

CONSENT CALENDAR  
February 22, 2022

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.

#### 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 February 8, 2022

- a) Preliminary Engineering and Final Design for Ohlone Greenway Modernization and Safety Project

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



DATE SUBMITTED: February 22, 2022

| SPECIFICATI<br>ON NO. | DESCRIPTION<br>OF GOODS /<br>SERVICES<br>BEING<br>PURCHASED                                   | APPROX.<br>RELEASE<br>DATE | APPROX.<br>BID<br>OPENING<br>DATE | INTENDED USE                                                                                                                                                                                                                                         | ESTIMATED COST   | BUDGET CODE TO BE<br>CHARGED                                                                                                                                    | DEPT. /<br>DIVISION   | CONTACT<br>NAME &<br>PHONE |
|-----------------------|-----------------------------------------------------------------------------------------------|----------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------|
| 22-11494-C            | Preliminary Engineering and Final Design for Ohlone Greenway Modernization and Safety Project | 2/23/2022                  | 3/22/2022                         | Professional engineering and project management services for the preliminary and final design of the operational and safety improvements to a portion of the Ohlone Greenway, from Virginia Gardens to the Santa Fe Avenue, including intersections. | \$234,000        | \$214,000 will be available via AAO2 from 306-54-622-668-0000-000-431-665110<br><br>\$20,000 will be available via AAO2 from 135-54-622-668-0000-000-431-665110 | PW/<br>Transportation | Ken Jung<br>981-7028       |
| <b>Dept TOTAL</b>     |                                                                                               |                            |                                   |                                                                                                                                                                                                                                                      | \$234,000        |                                                                                                                                                                 |                       |                            |
| <b>DEPT. TOTAL</b>    |                                                                                               |                            |                                   |                                                                                                                                                                                                                                                      | <b>\$234,000</b> |                                                                                                                                                                 |                       |                            |





Office of the City Manager

03

CONSENT CALENDAR  
February 22, 2022

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: Expenditure Contract: Berkeley Youth Alternatives for Proposition 64 Grant-Proposed Work and Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions with Berkeley Youth Alternatives (BYA) in an amount not to exceed \$625,000 for the period March 1, 2022 through April 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

\$585,000 for this contract is available in the FY 2022 Budget in the One-time Grant Fund 336 (ERMA Account: 336-51-506-559-0000-000-451-636110). Funding in the amount of \$40,000 is subject to appropriation in the FY 2024 budget in the One-time Grant Fund 336 (ERMA Account: 336-51-506-559-0000-000-451-612990).

CURRENT SITUATION AND ITS EFFECTS

This contract with BYA for proposed work and services under this Proposition 64 is a Strategic Plan Priority Project; advancing the City of Berkeley's goal to champion and demonstrate social and racial equity by providing violence and substance use prevention and education services and providing early intervention support for at-risk youth.

This contract provides financial support to BYA by reimbursing it for direct services, project management and data reporting related to the California Board of State and Community Corrections (BSCC) Proposition 64 grant requirements for the period March 1, 2022 through April 30, 2024. Direct services include case management and wrap-around services (i.e., prevention and intervention) for youth and their families, a youth peer education media campaign related to substance use, and development, implementation and management of a community-led violence prevention taskforce.

BACKGROUND

The City of Berkeley received a grant award on May 1, 2021 from the California Board of State and Community Corrections (BSCC) Proposition 64 funding in 2021. The City completed a Request for Proposal (RFP) process on December 23, 2021 to identify the

most qualified vendor(s) to complete grant deliverables addressing cannabis prevention and intervention among youth and community violence prevention activities. Through this process BYA was identified as the most qualified vendor who submitted a proposal.

The City of Berkeley Health, Housing, and Community Services Department has had a longstanding relationship with BYA in providing funding and partnership for youth development activities and direct services. BYA was founded in 1969 by a diverse group of community residents and leaders to address the needs of high-risk youth and has served children and families of Berkeley and the surrounding areas for over 50 years. Their mission is to provide a holistic approach to continuum of care services in a culturally competent and appropriate manner to improve the lives of those they serve in three core areas: education, health and well-being, and economic self-sufficiency.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identified environmental and climate impacts.

RATIONALE FOR RECOMMENDATION

The City conducted a Request for Proposal (RFP) process and identified BYA as the vendor that best met the requirements for the services to successfully implement Proposition 64 grant-proposed work.

ALTERNATIVE ACTIONS CONSIDERED

The City can choose not to execute the contract with BYA and return the funding, however this would be a loss of needed services for young people in Berkeley.

CONTACT PERSON

Sheilani Alix, YouthWorks Program Manager, HHCS, 510-981-4978

Attachments:

- 1: Resolution

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

CONTRACT: BERKELEY YOUTH ALTERNATIVES FOR PROPOSITION 64  
GRANT WORK

WHEREAS, Berkeley Public Health Division has a longstanding partnership with Berkeley Youth Alternatives (BYA), providing funding for Proposition 64 grant-proposed work; and

WHEREAS, BYA was founded in 1969 and is an established community partner that provides youth development, case management, wrap-around services and to youth and their families experiencing at-risk situations; and

WHEREAS, BYA's services complement those provided by the City and other community health care providers, and support public health goals of improving the health and well-being of the community; and

WHEREAS, funds are available in the Fiscal Year 2021 through Fiscal Year 2024 budget via reimbursable State Proposition 64 grant funding;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an expenditure contract and any amendments or extensions with Berkeley Youth Alternatives (BYA) in an amount not to exceed \$625,000 for the period March 1, 2022 through April 30, 2024 for the purpose of funding direct services (i.e., case management and wrap-around services related to substance use prevention and intervention) to youth and their families, project management and data reporting related to the California Board of State and Community Corrections (BSCC) Proposition 64 grant requirements, ERMA Accounts: 336-51-506-559-0000-000-451-636110 and 336-51-506-559-0000-000-451-612990. A record signature copy of said contract to be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services Department

Subject: Contract No. 32000240 Amendment: Berkeley Unified School District (BUSD) for Mental Health MHSA-Funded Programs

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000240 with Berkeley Unified School District (BUSD) to provide Mental Health Services Act (MHSA) funded programs in local schools through June 30, 2022 in an amount not to exceed \$992,778. This amendment will add \$355,000 in funding to the contract.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of \$355,000 (\$95,000 for the Dynamic Mindfulness Program, \$110,000 for the Supportive Schools program, and \$150,000 for the African American Success Project) will be appropriated into MHSA fund budget code 315-51-503-526-2016-000-451-636110 and appropriated as part of the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Fiscal Year 2021-2022 MHSA Plan Update includes funding to continue four BUSD projects for an additional year. Three of these projects -- the Dynamic Mindfulness Program, Supportive Schools program, and the African American Success Project -- are being implemented and will be funded this year. BUSD is not implementing the fourth project, the Mental Health Peer Education and Supports Project (MEET) this year due to pandemic-related operational changes, and therefore funding will not be included in the contract amendment. The attached resolution authorizes the required contract amendment.

The three programs are:

- Dynamic Mindfulness (DMind) is an evidence-based trauma-informed program that will be implemented in each BUSD middle school and high school. Validated by independent researchers as a transformative program for teaching children

and youth, skills for optimal stress resilience and healing from trauma, the DMind program integrates mindful action, breathing, and centering.

- The Supportive Schools program provides early intervention behavioral health services at BUSD elementary schools. Agency and district staff providers lead social skills groups, early intervention social and emotional support, playground social skills, “check in / check out,” individual counseling, and support for parents and guardians from diverse backgrounds.
- The African American Success Program works with African American youth and their families to actively engage students in the classroom and school life while creating a pathway for their long-term success. The project implements a three-pronged approach that includes case management and mentorship (which are individualized and tailored to meet each student’s needs), community building, and family engagement.

**BACKGROUND**

On November 12, 2019 via Resolution No. 69,168-N.S., City Council approved entering into a contract with BUSD that encompassed four separate programs, each of which are administered by BUSD: the Mental Health Peer Education and Supports Project (MEET), the Dynamic Mindfulness Program, the Supportive Schools Program, and the African American Success Project.

The State of California MHSAs provide funding for local mental health services and supports. City of Berkeley MHSAs Three Year Program and Expenditure Plans (Three Year Plans) and Annual Updates detail the uses of local MHSAs funds. Development of local MHSAs Three Year Plans and Annual Updates require community program planning, writing a draft plan, providing a 30-day public review, and conducting a public hearing at the Mental Health Commission.

The Mental Health Division has worked closely with BUSD for many years, successfully implementing a variety of programs to support the needs and enhance the well-being of the student body, and providing a solid foundation for positive youth development. Funding BUSD to provide programs has proven to be an effective model in the past, as it allows educators to tailor programs to meet the individual needs of students within the context of their school setting.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**RATIONALE FOR RECOMMENDATION**

BUSD is a trusted partner in the implementation of programs to ensure students’ needs are met in the most effective manner possible. Each of the programs funded by this contract were developed as a result of feedback from stakeholders and went through a



lengthy community input process before being presented to City Council as part of the MHSA Plan Annual Update.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action that would be consistent with the adopted MHSA Three-Year Program and Expenditure Plans.

CONTACT PERSON

Conor Murphy, Assistant Management Analyst, HHCS, (510) 981-7611

Steven Grolnic-McClurg, Manager of Mental Health Services, HHCS, (510) 981-5249

Attachments:

1: Resolution

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

CONTRACT NO. 32000240 AMENDMENT: BERKELEY UNIFIED SCHOOL DISTRICT (BUSD) FOR MENTAL HEALTH MHSA-FUNDED PROGRAMS

WHEREAS, on November 12, 2019 via Resolution No. 69,168-N.S., City Council approved entering into a contract with BUSD to fund the Mental Health Peer Education and Supports Project, the Dynamic Mindfulness Program, the Supportive Schools Program, and the African American Success Project; and

WHEREAS, on May 11, 2021 via Resolution No. 69,836-N.S., City Council approved amending Contract No. 32000240; and

WHEREAS, community input and stakeholder feedback has determined a need for the programs being funded and the Fiscal Year 2021-2022 MHSA Plan Update includes funding to continue BUSD projects for an additional year; and

WHEREAS, the Berkeley Unified School District (BUSD) has been a trusted partner in the implementation of a variety of programs in collaboration with the City; and

WHEREAS, funding for this contract has been included in the FY 2022 Budget and are available in ERMA GL Account 315-51-503-526-2016-000-451-636110, subject to approval of the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to Contract No. 32000240 with the Berkeley Unified School District for MHSA-funded programs through June 30, 2022 increasing the contract by \$355,000 for a new total not to exceed amount of \$992,778. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.



Office of the City Manager

05

CONSENT CALENDAR  
February 22, 2022

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: Revenue Contract: Department of Health Care Services for \$1,000,000 for Crisis Care Mobile Units

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to accept an award of funding provided by the California Department of Health Care Services (DHCS) through the Crisis Care Mobile Units (CCMU) Program and execute any resultant revenue agreements and amendments to augment the City's investment in piloting and evaluating a Specialized Care Unit (SCU) in an amount up to \$1,000,000 through Fiscal Year 2025.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds from DHCS through the CCMU Program in an amount up to \$1,000,000 through Fiscal Year 2025. The funds for this contract will be deposited and expensed from the One-Time Grant: general ledger codes 336-51-501-501-2075-000-451-various (expenditures) and 336-51-501-501-2075-000-000-431110- (revenue). Funds will be appropriated in a future amendment to the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Health, Housing, and Community Services Department (HHCS) applied for a \$1,000,000 grant for the Crisis Care Mobile Units Program with DHCS. HHCS was awarded the funding, which will support the development and implementation of a Specialized Care Unit (SCU).

The Specialized Care Unit (SCU) is a Strategic Plan Priority Project, advancing the City of Berkeley's goal to champion and demonstrate social and racial equity by piloting and evaluating a new model of crisis care. The Crisis Care Mobile Units (CCMU) program will augment the City's investment in piloting and evaluating the SCU, with a goal of providing crisis services 24/7, 365 days per year in response to crisis calls related to behavioral health/mental health, substance use, and homelessness that do not require the presence of law enforcement. HHCS applied for this funding to ensure the success of the pilot program and to allow for more comprehensive implementation.

## BACKGROUND

On July 14, 2020, in Resolution No. 69,501-N.S., City Council directed the City Manager to transform community safety and initiate a robust community engagement process. This directive included the design and implementation of a Specialized Care Unit (SCU) pilot that would respond to mental health and substance use crises without involvement of law enforcement. Through a Request for Proposals (RFP) process under Specification No. 20-11357-C, Resource Development Associates (RDA) was selected to conduct a comprehensive feasibility study that included a deep community engagement process, best practice research, data collection, program design, and an implementation plan for an SCU for Berkeley. In collaboration with an SCU Steering Committee facilitated by HHCS, RDA has completed the process and published three critical reports that are available on the City's Reimagining Public Safety Website:

**Report 1: Crisis Response Models:** in which nearly 40 non-police crisis response models across North America were studied and compared.

**Report 2: Berkeley SCU Current State:** which describes in detail the current state of the City's crisis response, and shares insights learned during the deep community engagement process led by the consultant with support from the steering committee.

**Report 3: SCU Crisis Response Recommendations** which contains specific recommendations for what the best SCU model will be for Berkeley based upon the findings shared in the first two reports. These findings serve as a roadmap for finalizing the design, creating the infrastructure, and implementing the SCU.

The SCU Steering Committee is now moving on to the implementation phase and will be relying on documents developed by RDA as a roadmap for implementation.

On June 30, 2021, in Resolution No. 69,949-N.S., Council provided \$8 million in funding for "Programs Addressing Community Safety and Crisis Response" that included funding for the SCU. Recognizing that funding would be needed from multiple sources, City staff also applied for a competitive grant opportunity that became available through DHCS's CCMU program and was awarded the maximum amount of \$1,000,000 through Fiscal Year 2025. This funding will support preliminary staffing and infrastructure of the SCU.

This SCU will consist of trained crisis-response field workers who will respond to mental health crisis occurrences that posed on imminent threat to safety without the involvement of law enforcement. Through implementation of the SCU with support from the CCMU grant, staff anticipate the following direct outcomes:

- 1) Reduction in the rate of BPD being dispatched to respond to mental and behavioral health crises,

- 2) Reduction in the prevalence of psychiatric mental health emergency cases in the City and County's hospitals that originate from Berkeley, and
- 3) Increase in percentage of mental health crisis events that have a behavioral health response.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

These funds will support the City's ability to provide services for individuals experiencing a crisis in Berkeley. Providing safe and equitable access to essential health services is a key purpose of HHCS. The funding provided in this agreement will augment the City's investment in the Specialized Care Unit.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives consistent with the City's goal of providing equitable mental health services were identified.

CONTACT PERSON

Steven Grolnic-McClurg, Manager of Mental Health Services, (510) 981-5290  
Katherine Hawn, Senior Management Analyst, HHCS, (510) 981-5411

Attachments:  
1: Resolution

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

REVENUE CONTRACT: DEPARTMENT OF HEALTH CARE SERVICES FOR CRISIS  
CARE MOBILE UNITS

WHEREAS, Berkeley City Council directed the City Manager to evaluate initiatives and reforms that reduce the footprint of the Police Department and limit the Police's scope of work primarily to violent and criminal matters; and

WHEREAS, City of Berkeley community members would prefer a mental health crisis response system that does not so heavily involve law enforcement; and

WHEREAS, the services this funding will cover align with the Strategic Plan goal to champion and demonstrate social and racial equity.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City Manager or her designee is authorized to accept an award of funding, to execute a contract and any amendments with the Department of Health Care Services (DHCS) for the design and implementation of a Specialized Care Unit (SCU) and appropriate the funding in a future amendment to the Annual Appropriations Ordinance in the estimated amount of \$1,000,000 for the period beginning September 15, 2021 and ending June 30, 2025. General ledger codes 336-51-501-501-2075-000-451-various (expenditures) and 336-51-501-501-2075-000-000-431110- (revenue). A record signature copy of said contract and any amendments to be on file in the City Clerk Department.



Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

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: Meals on Wheels of Alameda County Agency Donations for the Berkeley Meals on Wheels Program

RECOMMENDATION

Adopt a Resolution accepting a \$25,200 donation for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency.

FISCAL IMPACTS OF RECOMMENDATION

The \$25,200 donation and any subsequent donations received in FY 2022 has been and will be deposited into the Fund Raising Activities Fund (ERMA Budget Code 111-51-505-549-2044-000-444-612990-) and will be appropriated as part of the Second Amendment to the FY 2022 Annual Appropriations Ordinance for supporting the operations of the Meals on Wheels Program (ERMA Project). This donation will support the cost of hourly personnel needed to provide meals to home-bound seniors by the City of Berkeley Meals on Wheels program.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Meals on Wheels program contributes to the City's Strategic Plan goal to be a customer-focused organization that provides excellent, timely, easily-accessible service to the community; particularly the older adult, homebound community. The Berkeley Meals on Wheels program provides over 60,000 nutritious meals to over 250 seniors each year.

MOWAC is a private, non-profit agency that raises funds for the six Meals on Wheels programs in Alameda County. MOWAC provides special grant funding and donations to programs to support the delivery of meals to home-bound seniors.

BACKGROUND

The City of Berkeley Meals on Wheels program is funded by an annual grant contract with the Alameda County Area Agency on Aging, as well as by client and community donations and the City's General Fund. While each Meals on Wheels program in the County is expected to support unfunded costs of the program to meet community

needs, MOWAC helps programs meet additional needs by conducting its own fundraising efforts for the benefit of all programs countywide.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Berkeley Meals on Wheels program packages its meals in compostable containers to reduce landfill waste.

RATIONALE FOR RECOMMENDATION

Donations received from MOWAC will provide the Berkeley Meals on Wheels program with significant financial support that can be directly applied to both personnel and operating expenses for the program.

ALTERNATIVE ACTIONS CONSIDERED

Refusing donations from MOWAC would not be consistent with the City's Strategic Plan goals or its efforts to sustain an Age-Friendly Berkeley, and is not recommended.

CONTACT PERSON

Dina Quan, Nutrition Manager, HHCS, (510) 981-7778

Attachments:

1: Resolution



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

MEALS ON WHEELS OF ALAMEDA COUNTY DONATIONS FOR THE  
BERKELEY MEALS ON WHEELS PROGRAM

WHEREAS, the Meals on Wheels of Alameda County Agency's mission is to raise funds for the six Meals on Wheels programs in Alameda County, including Berkeley Meals on Wheels; and

WHEREAS, Alameda County distributes these funds on a proportional basis to Meals on Wheels programs and special grant requests throughout Alameda County; and

WHEREAS, Berkeley Meals on Wheels provides over 60,000 nutritious meals to over 250 seniors each year; and

WHEREAS, the current MOWAC donation of \$25,200 will assist in covering personnel costs or providing meals to homebound seniors; and

WHEREAS, the donation will be deposited into the Fund Raising Activities Fund (ERMA Budget Code 111-51-505-549-2044-000-444-612990-) and will be appropriated as part of the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a donation of \$25,200, to the Berkeley Meals on Wheels program from the Meals on Wheels of Alameda County Agency are accepted to support personnel and operational costs of meal provision to home-bound seniors by the City of Berkeley Meals on Wheels program.





Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Donald E. Ellison, Interim Director of Human Resources  
Subject: Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II, to Permit Participation of Berkeley Fire Fighters Association Local 1227 I.A.F.F.

RECOMMENDATION

Adopt first reading of an ordinance to amend the Berkeley Municipal Code Chapter (BMC) 4.38, Supplementary Retirement and Income Plan II (SRIP II), to permit participation of Berkeley Fire Fighters Associations Local 1227 I.A.F.F (BFFA).

FISCAL IMPACTS OF RECOMMENDATION

The financial impact of this recommendation is approximately \$247,479 in calendar year 2022. The SRIP II Plan requires City contributions of 6.7% of the employees first \$32,400 earned wages in each calendar year. BFFA currently has 114 FTE. The cost of this amendment will be paid from the General Fund and sufficient funds are available to fund this benefit as this was approved July 29, 2021.

CURRENT SITUATION AND ITS EFFECTS

Council approved BFFA participation in SRIP II by Resolution No. 69,994-N.S., which adopted the successor MOU on July 29, 2021. In order to implement enrollment of BBFA employee in to the SRIP II the plan document must be amended, which requires Council's approval of an amendment to BMC Chapter 4.38. Currently all career benefitted employees receive this benefit, except police employees covered under the Berkeley Police Association MOU, who are currently covered under SRIP III. This is also an opportunity to make minor, non-substantive, clerical changes to related provisions in the SRIP II plan document regarding participation.

BACKGROUND

The City's labor contract with the Union expired and was fully terminated as of June 30, 2021. In an effort to reach agreement on a successor MOU, representatives of the City and representatives of the Union held approximately ten negotiating sessions beginning in April of 2021. The parties reached a tentative agreement on July 12, 2021, and Council adopted the terms of the successor MOU on July 29, 2021.

There are approximately 114 employees represented by the Union in one (1) representational unit (Unit B).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

RATIONALE FOR RECOMMENDATION

Council approved BFFA participation in SRIP II by Resolution No. 69,994-N.S., which adopted the successor MOU on July 29 2021 that included adding BFFA to the SRIP II benefit. In order to effectuate the inclusion of BFFA employees in to the SRIP II, Council must adopt an amendment to the BMC Chapter 4.38.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Donald E. Ellison, Interim Human Resources Director, 510-981-6807

Attachments

1: Ordinance:

Amending Berkeley Municipal Code Chapter 4.38, Supplementary Retirement and Income Plan II, TO Permit Participation of Berkeley Fire Fighters Association Local 1227 I.AF.F.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.38, SUPPLEMENTARY RETIREMENT AND INCOME PLAN II, TO PERMIT PARTICIPATION OF BERKELEY FIRE FIGHTERS ASSOCIATION LOCAL 1227 I.AF.F.

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

Section 1. That pursuant to the Memorandum of Understanding between the City of Berkeley and Berkeley Fire Fighters Association Local 1227 I.A.F.F. of July 1, 2021 - June 30, 2023, Section 4.38.106 of the Berkeley Municipal Code is amended to read in its entirety as follows:

**“4.38.106  
Employee.**

‘Employee’ shall mean any person who is:

1. Employed by the City and covered under its miscellaneous employees contract with the Administration of the State of California Public Employees Retirement System (a CalPERS miscellaneous employee); or
2. Employed by the City and represented by any of the following associations:
  - Berkeley Police Association (a police employee), effective January 1, 1989; or
  - Berkeley Fire Fighters Association Local 1227 I.A.F.F., effective March 20, 2022; or
3. Employed by any other public entity Employer that has adopted the Plan with approval of the Council.”

Section 2. That Sections 4.38.107 and 4.38.201 of the Berkeley Municipal Code are amended to make non-substantive, clerical changes to read in their entirety as follows:

**“4.38.107  
Employer.**

‘Employer’ shall mean the City of Berkeley and any other public entity that has adopted the Plan with the approval of the Council. Effective as of July 1, 2007, the Berkeley Housing Authority shall be considered an Employer under the Plan with respect to its employees. An Employer who has been approved to participate in the Plan may do so as long as it fulfills its obligations as an Employer under the Plan to the satisfaction of the City of Berkeley, as determined by the City of Berkeley’s sole and absolute discretion. If the City determines that an Employer is not fulfilling its obligations, the City shall provide written notice to that effect to the Employee and that Employer’s participation under the Plan shall terminate as of the date of such notice. (Ord. 7264-NS § 2, 2012)

**4.38.201**

**Participation date.**

Any Employee who was a Participant in the Plan immediately prior to January 1, 2001 shall continue to be a Participant on January 1, 2001. Each other Employee who becomes such on or after July 22, 1988 shall become a Participant upon their date of employment, or if later, the date they become an Employee. Any Participant of the City of Berkeley Supplementary Retirement Income Plan I may elect, at any time, to cease participation in that plan and become a Participant in this Plan (i.e., the City of Berkeley Supplementary Retirement Income Plan II). Such election shall be irrevocable. Any Participant who is a police employee on January 1, 2005 shall cease being an active or inactive participant in this Plan on December 31, 2004.”



Office of the City Manager

08

CONSENT CALENDAR

February 22, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Grant Application: Clean California Local Grant Program – Civic Center Plaza  
 Turtle Garden Beautification Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the state's Clean California Local Grant Program (CCLGP) for up to \$600,000 for the Civic Center Park Turtle Garden Beautification Project, and to accept grant funds, execute resulting grant agreements and amendments, and authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FINANCIAL IMPLICATIONS

In 2020, the City allocated \$300,000 in Measure T1 Phase 2 funds and \$30,000 in Parks Tax, as well as \$25,000 from the City's Civic Arts Commission totaling \$355,000 for the Civic Center Plaza Turtle Garden Beautification Project. According to the grant criteria in the CCLGP, the City must provide a local match of 37.5%, which allows the City to apply for a grant of up to \$600,000.

CURRENT SITUATION AND ITS EFFECTS

In December 2021, the state announced the CCLGP, administered by the California Department of Transportation (Caltrans), to provide approximately \$296 million as part of a two-year program to beautify and improve streets and roads, tribal lands, parks, pathways, and transit centers to restore pride in public spaces. Eligible projects must meet at least one of the following project goals: litter and graffiti abatement, greening and the use of native drought-tolerant plantings, improving access to public space, public engagement in project development, and projects in underserved communities. Proposals are due on February 1, 2022, grant awards will be announced in March 2022, and project must be completed by June 30, 2024.

BACKGROUND

In 2020, after an extensive community engagement process, the City approved Berkeley's Civic Center Vision and Implementation Plan (Resolution No. 69,579-N.S., September 22, 2020). This plan included a vision for the Civic Center area that supports current and future community needs while respecting and celebrating the

area's rich past and historically significant structures. The conceptual designs for the Civic Center area included the Turtle Garden Project. The Turtle Garden Project was developed by local groups over several years, and involves the conversion of the existing decommissioned fountain into an outdoor garden with native drought-tolerant plants, the installation of Loggerhead turtle sculptures (4) and Native artist-designed stone medallions (8) on the fountain. The sculptures and medallions were completed in 2007 with City funding and have been on display at City buildings since that time. For the grant proposal, the project can also include other potential ornamental features for additional beautification, as well as potential improvements to the deteriorated plaza flagstone, the Peace Wall, and additional bench amenities for an improved park visitor experience.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

All parks improvement construction projects are required to comply with the City of Berkeley Climate Action Plan, specifically in terms of reducing construction waste, as well as environmentally preferred purchasing guidelines to reduce waste and increase the use of renewable resources.

#### RATIONALE FOR RECOMMENDATION

The allocation of local funds for parks improvement projects allows the City to apply for grant opportunities that require significant local matching funds.

#### CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703  
Evelyn Chan, Supervising Civil Engineer, Parks, Recreation & Waterfront

Attachments  
1: Resolution



RESOLUTION NO. -N.S

GRANT APPLICATION: THE CLEAN CA GRANT PROGRAM FOR THE CIVIC CENTER PLAZA TURTLE GARDEN BEAUTIFICATION PROJECT

WHEREAS, in December 2021, the state announced the Clean California Local Grant Program, administered by the California Department of Transportation (Caltrans), to provide approximately \$296 million as part of a two-year program to beautify and improve streets and roads, tribal lands, parks, pathways, and transit centers to restore pride in public spaces. Eligible projects must meet at least one of the following project goals: litter and graffiti abatement, greening and the use of native drought-tolerant plantings, improving access to public space, public engagement in project development, and underserved communities. Proposals are due on February 1, 2022, grant awards will be announced in March 2022, and project must be completed by June 30, 2024; and

WHEREAS, in 2020, after an extensive community engagement process, the City approved Berkeley's Civic Center Vision and Implementation Plan (Resolution No. 69,579-N.S., September 22, 2020). This plan included a vision for the Civic Center area that supports current and future community needs while respecting and celebrating the area's rich past and historically significant structures. The conceptual designs for the Civic Center area included the Turtle Garden Project. The Turtle Garden Project was developed by local groups over several years, and involves the conversion of the existing decommissioned fountain into an outdoor garden with native drought-tolerant plants, the installation of Loggerhead turtle sculptures (4) and Native artist-designed stone medallions (8) on the fountain. The sculptures and medallions were completed in 2007 with City funding and have been on display at City buildings since that time. For the grant proposal, the project can also include other potential ornamental features for additional beautification, as well as potential improvements to the deteriorated plaza flagstone, the Peace Wall, and additional bench amenities for an improved park visitor experience; and

WHEREAS, in 2020, the City allocated \$300,000 in Measure T1 Phase 2 funds and \$30,000 in Parks Tax, as well as \$25,000 from the City's Civic Arts Commission totaling \$355,000 for the Civic Center Plaza Turtle Garden Beautification Project. According to the grant criteria in the CCLGP, the City must provide a local match of 37.5%, which allows the City to apply for a grant of up to \$600,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to: submit a grant application in the amount of \$600,000 to the Clean CA grant program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, 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

09

CONSENT CALENDAR

February 22, 2022

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: Memorial Bench at Cesar Chavez Park in memory of Susan P. Kwong

RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Susan P. Kwong.

FISCAL IMPACTS OF RECOMMENDATION

The value of a single bench and memorial plaque is \$3,400, which covers the purchasing and installation costs performed by the City. The cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2022.

CURRENT SITUATION AND ITS EFFECTS

Julie Twichell, friend of Susan P. Kwong, wishes to donate a memorial bench in their memory to be placed at the Cesar Chavez Park with a cash donation of \$3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches 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. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND

Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). 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.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations,

including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

RATIONALE FOR RECOMMENDATION

The donation allows the City to install a memorial bench in a public park for the benefit of the general public.

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6632

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

DONATION: MEMORIAL BENCH AT CESAR CHAVEZ PARK IN MEMORY OF  
SUSAN P. KWONG

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-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, Julie Twichell, friend of Susan P. Kwong wishes to donate a memorial bench in their memory to be placed at the Cesar Chavez Park with a cash donation of \$3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches 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 Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Susan P. Kwong is hereby accepted.





Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

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: Memorial Bench at the Berkeley Rose Garden in memory of Asia Blau Feese

RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Rose Garden in memory of Asia Blau Feese.

FISCAL IMPACTS OF RECOMMENDATION

The value of a single bench and memorial plaque is \$3,400, which covers the purchasing and installation costs performed by the City. 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 2022.

CURRENT SITUATION AND ITS EFFECTS

Nancy Bartell, family of Asia Blau Feese, wishes to donate a memorial bench in their memory to be placed at the Berkeley Rose Garden with a cash donation of \$3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches 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. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND

Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). 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.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations,

including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

RATIONALE FOR RECOMMENDATION

The donation allows the City to install a memorial bench in a public park for the benefit of the general public.

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6632

Attachments:

1: Resolution



RESOLUTION NO. -N.S.

DONATION: MEMORIAL BENCH AT THE BERKELEY ROSE GARDEN IN MEMORY  
OF ASIA BLAU FEESE

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-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, Nancy Bartell, family of Asia Blau Feese, wishes to donate a memorial bench in their memory to be placed at the Berkeley Rose Garden with a cash donation of \$3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches 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 Bench Donation Policy as described in Resolution No. 64,148-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 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Rose Garden in memory of Asia Blau Feese is hereby accepted.





Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

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: Memorial Bench at Cesar Chavez Park in memory of Anne Rogin Blau.

RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Anne Rogin Blau.

FISCAL IMPACTS OF RECOMMENDATION

The value of a single bench and memorial plaque is \$3,400, which covers the purchasing and installation costs performed by the City. The cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated as part of the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Rachel Blau, family of Anne Rogin Blau, wishes to donate a memorial bench in their memory to be placed at the Cesar Chavez Park with a cash donation of \$3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches 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. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND

Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). 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.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations, including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

RATIONALE FOR RECOMMENDATION

The donation allows the City to install a memorial bench in a public park for the benefit of the general public.

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6632

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

DONATION: MEMORIAL BENCH AT CESAR CHAVEZ PARK IN MEMORY OF ANNE  
ROGIN BLAU

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-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 family of Anne Rogin Blau wishes to donate a memorial bench in their memory to be placed at Cesar Chavez Park with a cash donation of \$3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches 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 Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated as part of the Second Amendment to the FY 2022 Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Anne Rogin Blau is hereby accepted.





Office of the City Manager

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CONSENT CALENDAR  
February 22, 2022

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 Rorick Family Trust for Strawberry Creek

RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$16,720 for tree planting and picnic tables at Strawberry Creek Park from the Rorick Family Trust.

FISCAL IMPACTS OF RECOMMENDATION

The total value of purchasing approximately 30 new trees and associated supplies, and 3 wooden picnic tables for Strawberry Creek Park is \$16,720. City staff will do the installation. 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 2022.

CURRENT SITUATION AND ITS EFFECTS

In honor of Huck Rorick, the Rorick Family Trust approached the Parks, Recreation and Waterfront (PRW) Department about a donation for Strawberry Creek Park. City staff provided multiple options and associated costs for potential improvements. After a site walk with the trust representative, the Rorick Family Trust chose to donate 3 new wooden picnic tables for the picnic site adjacent to the creek and approximately 30 new trees to be planted throughout the park.

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

One of the City's Climate Action Plan goals is to maintain the urban forest's present canopy coverage and to provide significant environmental benefits in the form of carbon dioxide absorption and oxygen production, as well as storm water retention and climate control. This project will use the natural systems of trees to achieve these goals. Trees also cool temperatures, beautify neighborhoods, add habitat, and provide health benefits to residents and visitors.

RATIONALE FOR RECOMMENDATION

The donation allows the City to install 3 new wooden picnic tables and approximately 30 new trees in honor of Huck Rorick that 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 Rorick Family Trust, wishes to donate for tree planting and new picnic tables at Strawberry Creek Park with a cash donation of \$16,720; 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 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$16,720 for tree planting and new picnic tables at Strawberry Creek Park is hereby accepted.





Office of the City Manager

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CONSENT CALENDAR

February 22, 2022

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: Memorial Bench at Shorebird Park in memory of Key Slay

RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Shorebird Park in memory of Key Slay.

FISCAL IMPACTS OF RECOMMENDATION

The value of a single bench and memorial plaque is \$3,400, which covers the purchasing and installation costs performed by the City. The cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2022.

CURRENT SITUATION AND ITS EFFECTS

Mani Feniger and Michael Gardner, family of Key Slay, wish to donate a memorial bench in their memory to be placed at Shorebird Park with a cash donation of \$3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches 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. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND

Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.) 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.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations, including California, Oregon, Washington and British Columbia. This policy reduces

Donation: Memorial Bench at Shorebird Park –Slay

CONSENT CALENDAR  
February 22, 2022

solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

RATIONALE FOR RECOMMENDATION

The donation allows the City to install a memorial bench in a public park for the benefit of the general public.

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6632

Attachments:

1: Resolution

RESOLUTION NO. \_\_\_\_\_ -N.S.

DONATION: MEMORIAL BENCH AT SHOREBIRD PARK IN MEMORY OF KEY SLAY

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-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 family of Key Slay wishes to donate a memorial bench to be placed at Shorebird Park with a cash donation of \$3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches 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 Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$3,400 for a memorial bench to be placed at Shorebird Park at in memory of Key Slay is hereby accepted.





Office of the City Manager

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CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Joran Klein, Director, Planning and Development Department  
 Subject: Contracts for Plan Checking Services

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments for plan checking services for three-year terms, starting March 1, 2022, with the following firms:

1. Telesis Engineers for an amount not to exceed \$1,500,000
2. West Coast Code Consultants for an amount not to exceed \$1,500,000
3. TRB and Associates for an amount not to exceed \$1,000,000

FISCAL IMPACTS OF RECOMMENDATION

The full costs for outside plan checking services are covered by plan check fees paid by applicants. The consultants are used on an as-needed basis, which varies based on the availability of in-house resources, as well as on the level and complexity of construction projects. The consultants invoice the City by project, based on work completed. All contract expenditures are fully covered from fees paid by project applicants.

The amount requested per contract is a not-to-exceed (NTE) amount, which is expected to last for three years. Based on previous experience, staff expect that the aggregate amount spent on these as-needed services over the contracts' duration will be less than the total NTE amounts. The average total spending on outside plan check services over the last three years was \$803,260 per year. The average plan check revenues received by the City over the last three fiscal years was \$4.8 million per year. The expenditure code for plan checking services is 621-53-585-634-0000-000-472-612990- (Prof Svcs – Miscellaneous).

CURRENT SITUATION AND ITS EFFECTS

The City requires owners and contractors to obtain building permits prior to construction. Plan review must be performed before most building permits can be issued. Plan check contractor services vary with the volume and complexity of construction projects, and availability of in-house plan checkers.

In response to the City's release of a Request for Proposals (RFP) for plan checking services (Specification No.22-11467-C), 13 proposals were received and reviewed by a committee of Planning and Development Department staff. Proposals were judged on five criteria outlined in the RFP, and the firms Telesis Engineers, West Coast Code Consultants, and TRB and Associates received the highest rankings.

#### BACKGROUND

The Planning and Development Department has maintained contracts for outside plan check services to ensure reasonable turnaround times for customers since 1989. The contracts are primarily used for plan review services on an as-needed basis for all types of projects, including new buildings, renovations and alterations of existing buildings, soft-story building retrofits, and high-rise buildings including special life safety provisions. Consultants may also review proposals and make recommendations to the Building Official on acceptance of alternative materials, designs and methods of construction per Section 104.11 of the California Building Code.

Construction activity remains strong this year and is expected to remain strong in the next three years, necessitating the proposed not-to-exceed contract amounts, based on staff analysis of potential need.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The plan check firms will conduct their work remotely. The Building and Safety Division requires customers to submit plans electronically and conducts electronic plan check. As a result, work can be transferred swiftly to outside consultants without the need to transport plans, and all plan review processes are paperless.

#### RATIONALE FOR RECOMMENDATION

The services provided by the consultants allow the Building and Safety Division to maintain a turnaround time for plan review that meets the City's performance objectives and the needs of the community. Consultants can be used flexibly when volume is higher than staff can handle, and to maintain necessary services in the face of unforeseeable staff shortages. Consultants also provide special expertise when needed, such as reviews for the soft-story program, advanced building systems, customized construction, etc. Without this help, the review time would be increased substantially, particularly on large and complex projects, and special expertise would have to be contracted on a case-by-case basis causing extensive delays.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Jesse Bright, Supervising Plan Check Engineer, Planning Department, 981-7523  
Alex Roshal, Building Official, Planning Department, 981-7445



Attachments:

1. Resolution: Telesis Engineers
2. Resolution: West Coast Code Consulting
3. Resolution: TRB and Associates

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

CONTRACT: TELESIS ENGINEERS FOR PLAN CHECKING SERVICES

WHEREAS, the City of Berkeley has utilized the services of private plan checking consultants since 1989 to provide expertise and the flexibility to respond to varying work demand; and

WHEREAS, there is a continuing need for flexibility to provide timely plan review when City staff are not available to provide the required services within the timeframe established to meet the City's performance requirements; and

WHEREAS, thirteen firms responded to a Request for Proposals released on October 5, 2021 (Specification No. 22-11467-C); and

WHEREAS, a selection committee reviewed the proposals and determined that Telesis Engineers, West Coast Code Consulting, and TRB and Associates were the best qualified to provide the services needed; and

WHEREAS, the cost of the contracted service and overhead is fully recoverable in fees; and

WHEREAS, the contract has been entered in the Citywide contracts database and assigned; and

WHEREAS, funding for miscellaneous professional services is a baseline budget item (621-53-585-634-0000-000-472-612990-), set at \$930,000 per year and any additional funding above the baseline will be available from the Fund 621 fund balance to be appropriated as part of a future amendment to the appropriations ordinance (AAO).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager execute a contract, and any amendments with Telesis Engineers for plan checking services for a total contract period of three years in an amount not to exceed \$1,500,000 for the Planning and Development Department (from account 621-53-585-634-0000-000-472-612990-).

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. ##,###-N.S.

CONTRACT: WEST COAST CODE CONSULTING FOR PLAN CHECKING SERVICES

WHEREAS, the City of Berkeley has utilized the services of private plan checking consultants since 1989 to provide expertise and the flexibility to respond to varying work demand; and

WHEREAS, there is a continuing need for flexibility to provide timely plan review when City staff are not available to provide the required services within the timeframe established to meet the City's performance requirements; and

WHEREAS, thirteen firms responded to a Request for Proposals released on October 5, 2021 (Specification No. 22-11467-C); and

WHEREAS, a selection committee reviewed the proposals and determined that Telesis Engineers, West Coast Code Consulting, and TRB and Associates were the best qualified to provide the services needed; and

WHEREAS, the cost of the contracted service and overhead is fully recoverable in fees; and

WHEREAS, the contract has been entered in the Citywide contracts database and assigned; and

WHEREAS, funding for miscellaneous professional services is a baseline budget item (621-53-585-634-0000-000-472-612990-), set at \$930,000 per year and any additional funding above the baseline will be available from the Fund 621 fund balance to be appropriated as part of a future amendment to the appropriations ordinance (AAO).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager execute a contract, and any amendments with West Coast Code Consulting for plan checking services for a total contract period of three years in an amount not to exceed \$1,500,000 for the Planning and Development Department (from account 621-53-585-634-0000-000-472-612990-).

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. ##,###-N.S.

CONTRACT: TRB AND ASSOCIATES FOR PLAN CHECKING SERVICES

WHEREAS, the City of Berkeley has utilized the services of private plan checking consultants since 1989 to provide expertise and the flexibility to respond to varying work demand; and

WHEREAS, there is a continuing need for flexibility to provide timely plan review when City staff are not available to provide the required services within the timeframe established to meet the City's performance requirements; and

WHEREAS, thirteen firms responded to a Request for Proposals released on October 5, 2021 (Specification No. 22-11467-C); and

WHEREAS, a selection committee reviewed the proposals and determined that Telesis Engineers, West Coast Code Consulting, and TRB and Associates were the best qualified to provide the services needed; and

WHEREAS, the cost of the contracted service and overhead is fully recoverable in fees; and

WHEREAS, the contract has been entered in the Citywide contracts database and assigned; and

WHEREAS, funding for miscellaneous professional services is a baseline budget item (621-53-585-634-0000-000-472-612990-), set at \$930,000 per year and any additional funding above the baseline will be available from the Fund 621 fund balance to be appropriated as part of a future amendment to the appropriations ordinance (AAO).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager execute a contract, and any amendments with TRB and Associates for plan checking services for a total contract period of three years in an amount not to exceed \$1,000,000 for the Planning and Development Department (from account 621-53-585-634-0000-000-472-612990-).

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.



Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Contract: Cratus Inc. for Storm Drain Improvements Project: Marin Ave, Virginia Street, Grizzly Peak Blvd. & High Court

RECOMMENDATION

Adopt a Resolution approving plans and specifications for Storm Drain Improvements Project, Marin Avenue, Virginia Street, Grizzly Peak Boulevard & High Court, Specification No. 22-11482-C; accepting the bid of Cratus Inc., as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$1,260,000, which includes a 15% contingency of \$171,525.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the Clean Storm Water Fund and Measure T1 Fund. No other funding is required, and no further projects are delayed due to this expenditure.

|                                |                    |
|--------------------------------|--------------------|
| Low bid by Cratus, Inc.        | \$1,088,475        |
| 15% Contingency                | \$171,525          |
| <b>Total construction cost</b> | <b>\$1,260,000</b> |

|                                |                    |
|--------------------------------|--------------------|
| FY 2022 Funding:               |                    |
| Clean Storm Water Fund (616)   | \$ 810,000         |
| Measure T1 Fund (511)          | \$ 450,000         |
| <b>Total construction cost</b> | <b>\$1,260,000</b> |

CURRENT SITUATION AND ITS EFFECTS

The Storm Drain Improvements Marin Ave, Virginia Street, Grizzly Peak Blvd. & High Court Project (Specification No. 22-11482-C) was released for bids on November 19, 2021, and bids were opened on December 16, 2021 (see Attachment 3, Abstract of Bids). Five non-local bids were received, from a low of \$1,088,475 to a high of \$1,749,550. Cratus Inc. of San Francisco, California, was the lowest responsive and responsible bidder, with a bid of \$1,088,475, and their references were found to be satisfactory. Staff recommends a contract for this project be awarded to Cratus Inc. The engineer's estimate for the project was \$900,000.

This storm drain project supports the City's Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities, and the goal of protecting the environment.

### BACKGROUND

The project includes work at various locations. Planned work includes replacing 500 linear feet of deteriorated storm drain pipe and installing 100 linear feet of new storm drain pipe for effective collection of stormwater from the steep terrain of Marin Avenue; rehabilitation of 500 linear feet of storm drain on Euclid Avenue with Cured-in-Place Pipe (CIPP) liner; replacing approximately 230 linear feet of aging corrugated metal pipe from the west side of Grizzly Peak Blvd to Shasta Road. The Grizzly Peak/Shasta pipe will be located in the existing 5-foot-wide easement within the private property limits. The trenchless construction method of horizontal directional drilling will be used to install this section of pipe to minimize construction impacts on adjacent property owners. The project includes work on High Court and San Benito Road to addresses continuous water flows. Project locations are shown in Attachment 2: Location Map.

The project plans and specifications are on file in the Public Works Department. By the California Environmental Quality Act (CEQA) requirements, the project has been determined to be categorically exempt because it consists of the maintenance of existing facilities and does not expand their use beyond existing conditions.

According to City policy, the Living Wage Ordinance does not apply to this project since Public Works construction contracts are subject to state prevailing wage laws. Cratus Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the project's estimated value exceeds \$500,000. As a result, the contractor and all subcontractors are required to sign an agreement to be bound by the terms of the Agreement.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

During the analysis of this project, the location was analyzed for possible green infrastructure improvements to treat runoff. However, green infrastructure is not recommended for these sites since introducing runoff infiltration to hillside regions could lead to instability of the hillside.

### RATIONALE FOR RECOMMENDATION

The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the project.

### ALTERNATIVE ACTIONS CONSIDERED

The stormwater pipe has reached the end of its useful life and requires immediate attention. Therefore, no other alternative actions were considered for this drainage improvement project.

### CONTACT PERSON

Joe Enke, Manager of Engineering (510) 981-6411  
Srinivas Muktevi, Acting Supervising Civil Engineer (510) 981-6402

Attachments:

1: Resolution

- 2: Location Map
- 3: Bid Results

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

CONTRACT: CRATUS INC. STORM DRAIN IMPROVEMENTS PROJECT:  
MARIN AVE, VIRGINIA STREET, GRIZZLY PEAK BLVD. & HIGH COURT

WHEREAS, Storm Drain Improvements Project, Marin Avenue, Virginia Street, Grizzly Peak Boulevard and High Court is part of the City's ongoing Storm Drain System Capital Improvement Program to rehabilitate deteriorated storm drains located throughout the City; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this Project; and

WHEREAS, an invitation for bids was duly advertised and Cratus Inc., of San Francisco, California was the lowest responsive and responsible bidder; and

WHEREAS, funding is available in the current year's budget in the Clean Storm Water (Fund 616) and Measure T1 (Fund 511).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 22-11482-C for Storm Drain Improvements Project, Marin Avenue, Virginia Street, Grizzly Peak Boulevard and High Court are approved.

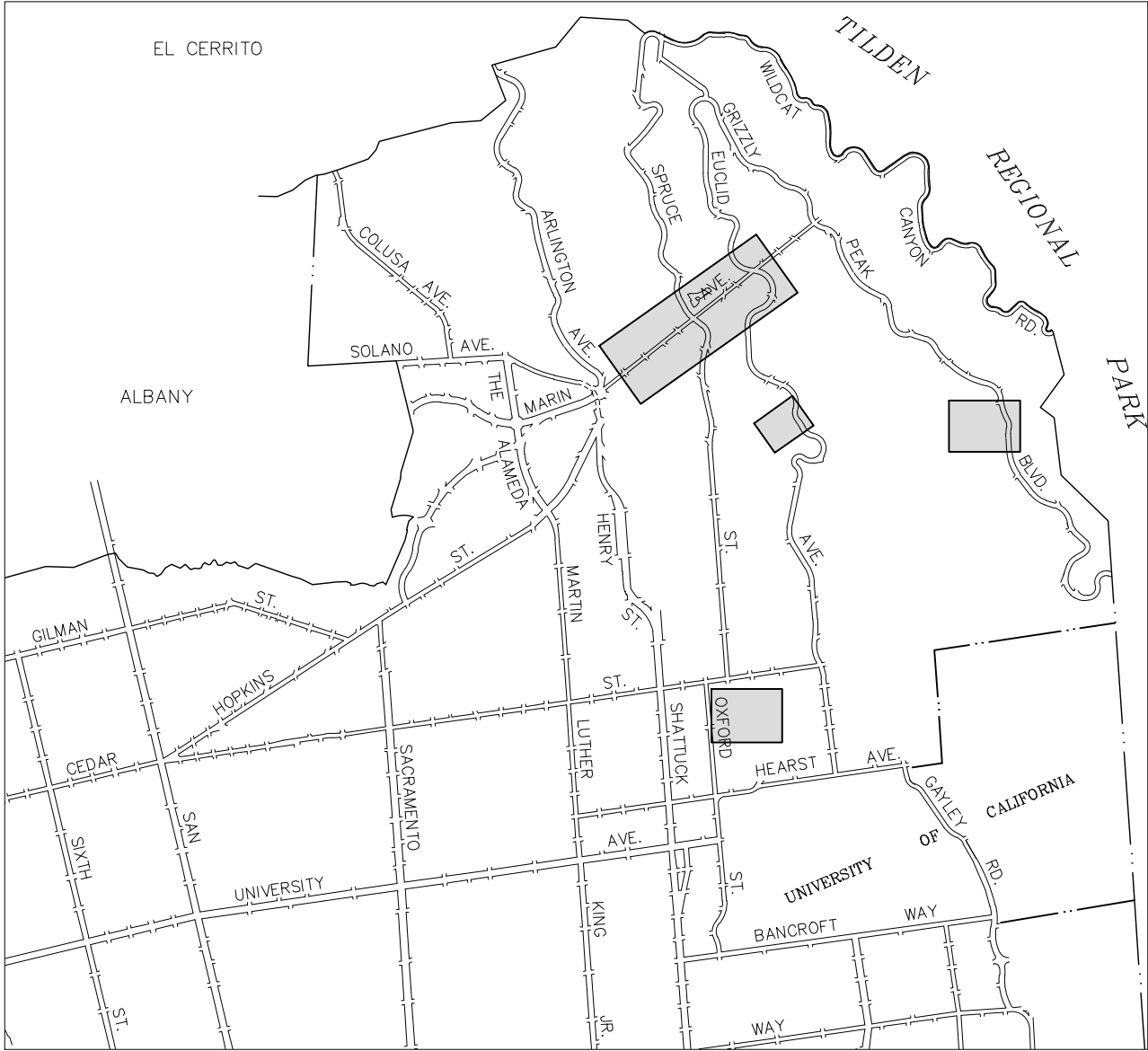
BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders, until completion of the project in accordance with the approved plans and specifications with Cratus Inc, for the Storm Drain Improvements Project, Marin Avenue, Virginia Street, Grizzly Peak Boulevard and High Court, in an amount not to exceed \$1,260,000, which includes a 15% contingency for unforeseen circumstances. A record signature copy of the said Agreement and any amendments to be on file in the Office of the City Clerk.



CITY OF BERKELEY  
ALAMEDA COUNTY, CALIFORNIA

**STORM DRAIN IMPROVEMENTS**  
MARIN AVE, GRIZZLY PEAK BOULEVARD, VIRGINIA STREET AND HIGH COURT

SPECIFICATION NO. 22-11482-C



**PROJECT LOCATION MAP**

NOT TO SCALE

**LEGEND**

■ — CONSTRUCTION AREA

|                 |                                                |                                                  |              |
|-----------------|------------------------------------------------|--------------------------------------------------|--------------|
| HORIZ. AS NOTED | CITY OF BERKELEY<br>DEPARTMENT OF PUBLIC WORKS | STORM DRAIN IMPROVEMENTS PROJECT<br>LOCATION MAP | PLAN 8248    |
| VERT. ---       |                                                |                                                  | FILE 502-707 |
| BOOK ---        |                                                |                                                  | L-1          |
| DATE 12/21/21   |                                                |                                                  | SHEET 1 OF 1 |



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

**Bid Date: 12/16/2021**

**FOR:** Storm Drain Improvements - Marin Ave, Virginia St, Grizzly Peak Blvd & High Ct

required w/ bid

|   | Bidders               | Base Bid        | Bid Bond | Addendum<br>N/A | Experience -<br>Fin. Qual. | Taxpayer ID | Nuclear<br>Free | Oppressive<br>States | Sanctuary<br>City | EBO |
|---|-----------------------|-----------------|----------|-----------------|----------------------------|-------------|-----------------|----------------------|-------------------|-----|
| 1 | McGuire Hester        | \$ 1,772,402.00 | x        |                 | x                          | x           | x               | x                    | x                 | x   |
| 2 | Express Plumbing      | \$ 1,103,200.00 | x        |                 | x                          | x           | x               | x                    | x                 | x   |
| 3 | Kerex Engineering     | \$ 1,222,105.00 | x        |                 | x                          | x           | x               | x                    | x                 | x   |
| 4 | W.R. Forde Associates | \$ 1,155,400.00 | x        |                 | x                          | x           | x               | x                    | x                 |     |
| 5 | Cratus, Inc.          | \$ 1,088,475.00 | x        |                 | x                          | x           | x               | x                    | x                 | x   |
| 6 | Andes Construction    | \$ 1,749,550.00 | x        |                 | x                          | x           | x               | x                    | x                 | x   |
| 7 |                       |                 |          |                 |                            |             |                 |                      |                   |     |

Bid Recorder: Josh Roben

Bid Opener: Darryl Sweet

Project Manager: Srinivas Muktevi



Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Tremont Street, Eton Avenue, Alcatraz Avenue, Mystic Street, Hazel Road, Domingo Road, El Camino Real, El Camino Real Backline, Alvarado Road, Vicente Road, Alvarado Road Backline, Tunnel Road, Roble Court, and Roble Road; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and 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, in an amount not to exceed \$2,590,468, which includes a 10% contingency of \$235,497.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2022 Sanitary Sewer Fund 611-54-623-676-3013-000-473-665130-PWENSR2202.

|                                |                    |
|--------------------------------|--------------------|
| Low bid by Cratus .....        | \$2,354,971        |
| 10% Contingency .....          | \$235,497          |
| <b>Total construction cost</b> | <b>\$2,590,468</b> |

CURRENT SITUATION AND ITS EFFECTS

An Invitation for Bids (Specification. No. 22-11480-C) was released on December 3, 2021 and six non-local bids were received, ranging from a low of \$2,354,971 to a high of \$4,137,704 (Attachment 3, Bid Results). The engineer's estimate for the project was \$4,000,000. Cratus, Inc. of San Francisco, CA was the lowest responsive and responsible bidder with a bid of \$2,354,971. Previous work and references for Cratus, Inc. proved satisfactory, thus staff recommends award of the contract to Cratus, Inc.

This sanitary sewer project supports the City's Strategic Plan goals of providing state

of-the-art, well-maintained infrastructure, amenities, and the goal of protecting the environment.

### BACKGROUND

To remain compliant with the September 22, 2014 Consent Decree, the City has implemented a long-term mandated Sanitary Sewer Capital Improvement Program to eliminate sanitary sewer overflows (SSOs) and to reduce storm water infiltration and inflow into the sanitary sewer system. Under this program, the City utilizes a comprehensive asset management approach based on complex and evolving hydrologic and hydraulic modeling and condition assessments to repair, replace, or upgrade the City's portion of the sanitary sewer system. Ultimately, these actions will assist East Bay Municipal Utility District (EBMUD) in their goal of eliminating discharges from their wet weather facilities by the end of 2035.

This is the eighth year of the twenty-two-year Consent Decree program, which stipulates that the City shall perform collection system repair and rehabilitation to control infiltration and inflow.<sup>1</sup> This is in support of and in addition to ongoing work previously identified in the City's Sanitary Sewer Management Plan (SSMP) and Asset Management Implementation Plan (AMIP).

This sanitary sewer project is part of the City's ongoing program to rehabilitate or replace its aging sanitary sewer system, and to eliminate potential health hazards to the public. The project is located on Tremont Street, Eton Avenue, Alcatraz Avenue, Mystic Street, Hazel Road, Domingo Road, El Camino Real, El Camino Real Backline, Alvarado Road, Vicente Road, Alvarado Road Backline, Tunnel Road, Roble Court, and Roble Road as shown on the Location Map (Attachment 2). The sanitary sewer collection system in this area needs immediate rehabilitation to prevent pipe failures, sewer blockages, and leakage problems. Field investigations performed using a closed circuit television camera revealed deteriorated piping and pipe defects in the existing sanitary sewer mains. These conditions are similar to problems previously found in other sanitary sewer mains prior to their replacement.

Planned work entails rehabilitation of approximately 7,139 linear feet of sanitary sewer mains varying in size from 6-inch to 22-inch diameter; maintenance hole rehabilitation; replacement of 4-inch and 6-inch diameter sanitary sewer laterals; and other related work. To reduce traffic impacts, minimize inconvenience to the public, and reduce cost, a majority of this sanitary sewer rehabilitation work will be performed using the pipe bursting and cured-in-place-pipe methods. These trenchless methods allow replacement of buried pipelines without the need for a traditional open trench construction. These methods of pulling a new high-density polyethylene pipe (HDPE) or a new felt liner through the existing clay and concrete pipes allow for cost savings

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<sup>1</sup> At an average annual rate of no less than 22,120 feet of sanitary sewer mains on a three-fiscal-year rolling average.

and avoid street closures and traffic disruptions caused by open trenches.

The Living Wage Ordinance does not apply to this project as Department of Public Works construction contracts are subject to State prevailing wage laws. Cratus, Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the estimated value of the project exceeds \$500,000. As a result, the contractor and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improvements to the City's sanitary sewer system will help protect water quality by reducing the frequency of SSOs, and infiltration and inflow into the City's sanitary sewer system that can negatively affect the San Francisco Bay.

#### RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay as the Consent Decree demands the City repair acute defects within one year of discovery, and complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City will have a three-year annual average of approximately 22,160 linear feet of replaced or rehabilitated sewer through the end of FY 2022 on June 30, 2022. Failure to meet these requirements will subject the City to fines and stipulated penalties.

#### ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's sanitary sewer pipelines are in poor condition and in need of timely rehabilitation to prevent an increased probability of infiltration and inflows, sanitary sewer leakages, and backup problems in the sanitary sewer system.

#### CONTACT PERSON

Joe Enke, Manager of Engineering, Public Works, (510) 981-6411  
Daniel Akagi, Supervising Civil Engineer, Public Works, (510) 981-6394

Attachments:

- 1: Resolution
- 2: Location Map
- 3: Bid Results

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

CONTRACT: CRATUS INC. FOR SANITARY SEWER REHABILITATION – TREMONT STREET, ETON AVENUE, ALCATRAZ AVENUE, MYSTIC STREET, HAZEL ROAD, DOMINGO ROAD, EL CAMINO REAL, EL CAMINO REAL BACKLINE, ALVARADO ROAD, VICENTE ROAD, ALVARADO ROAD BACKLINE, TUNNEL ROAD, ROBLE COURT, AND ROBLE ROAD.

WHEREAS, the Sanitary Sewer Project is part of the City's on-going Sanitary Sewer Capital Improvement Program to rehabilitate or replace the aging and deteriorated sanitary sewer system; and

WHEREAS, the Capital Improvement Program is a requirement of compliance with the National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree; and

WHEREAS, the City has neither the staff nor the equipment necessary to undertake this Sanitary Sewer Rehabilitation Project and other urgent/emergent sewer repairs; and

WHEREAS, on December 3, 2021 the City released an Invitation for Bids (Specification No. 22-11480-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, the City received six bids, and Cratus, Inc. was found to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2022 budget Sanitary Sewer Fund 611; and

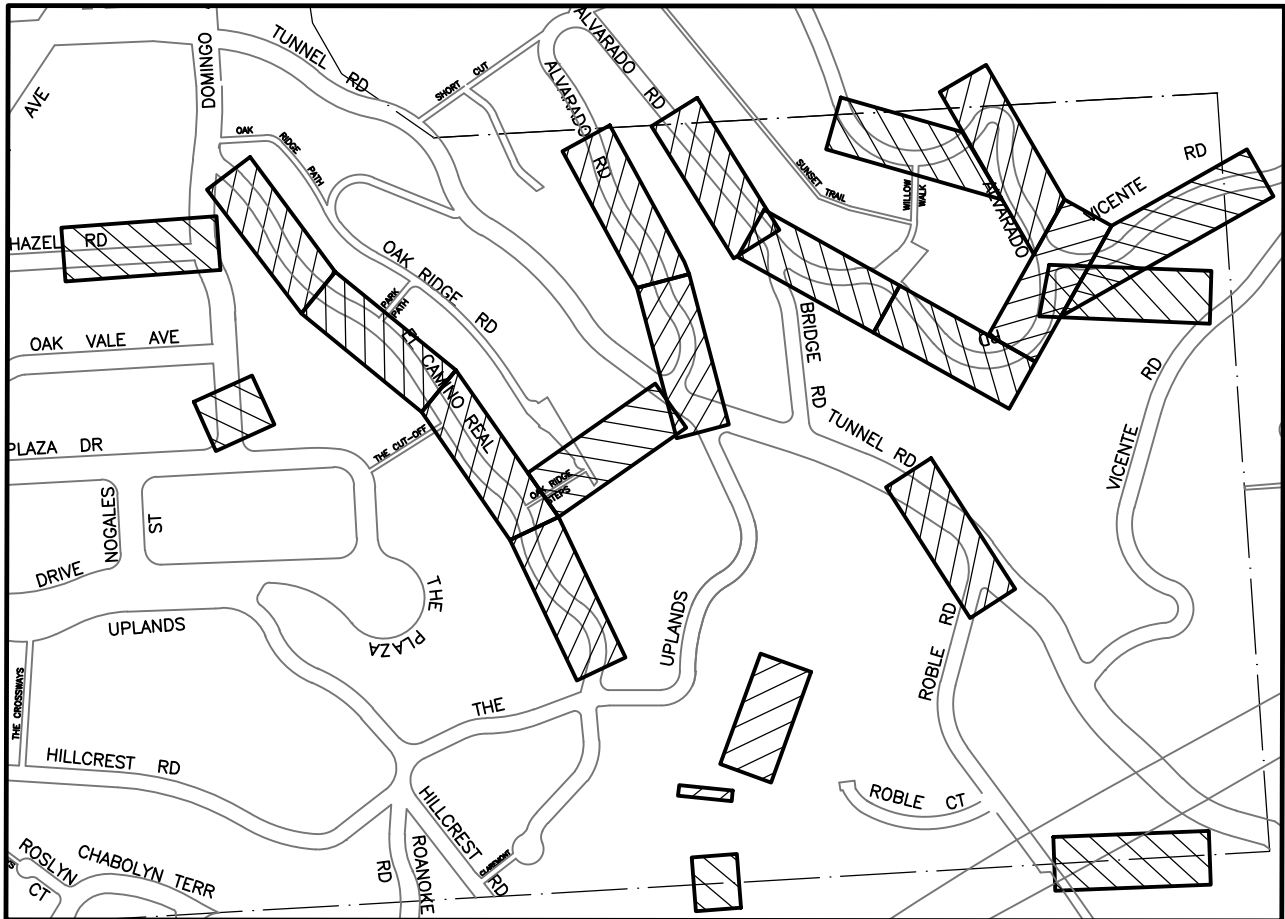
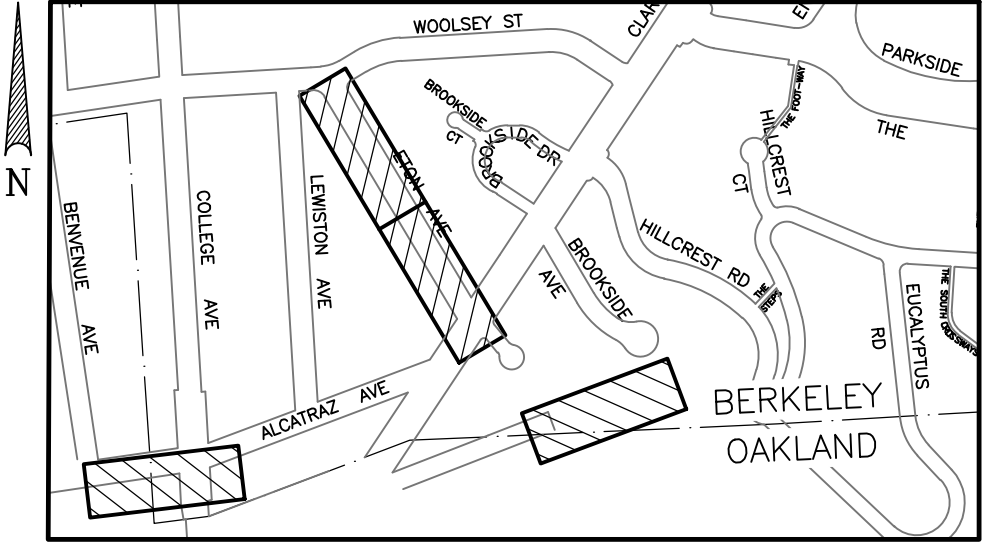
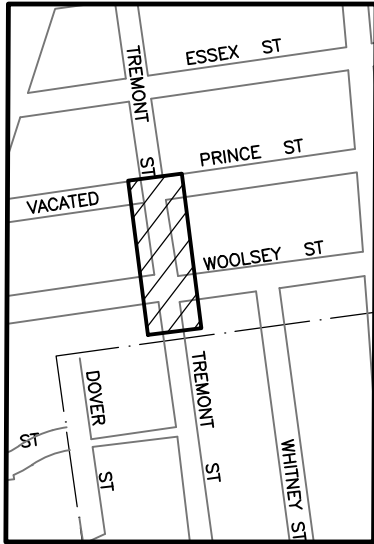
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications No. 22-11480-C for the Sanitary Sewer Rehabilitation Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Cratus, Inc., until completion of the project in accordance with the approved plans and specifications for the Sanitary Sewer Rehabilitation Project located on Tremont Street, Eton Avenue, Alcatraz Avenue, Mystic Street, Hazel Road, Domingo Road, El Camino Real, El Camino Real Backline, Alvarado Road, Vicente Road, Alvarado Road Backline, Tunnel Road, Roble Court, and Roble Road, in an amount not to exceed \$2,590,468 which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

# LOCATION MAP CITY OF BERKELEY, CALIFORNIA SANITARY SEWER REHABILITATION

TREMONT, ETON, ALCATRAZ, MYSTIC, HAZEL, DOMINGO, EL CAMINO,  
ALVARADO, VICENTE, TUNNEL, ROBLE, ET. AL

SPECIFICATION NO. 22-11480-C



## ATTACHMENT 2



CONSTRUCTION AREA



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

FOR: Sanitary Sewer Rehabilitation, Alvarado et al

Spec. No.  
22-11480-C

Bid Date: 1/11/2022

required w/ bid

|    | Bidders                     | Base Bid        | Bid Bond | Addendum (1) | Experience -<br>Fin. Qual. | Taxpayer ID | Opp.States | Nuclear Free | EBO | Sanctuary<br>City |
|----|-----------------------------|-----------------|----------|--------------|----------------------------|-------------|------------|--------------|-----|-------------------|
| 1  | Andes Construction, Inc.    | \$ 3,653,076.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 2  | Westland Contractors, Inc.  | \$ 2,728,345.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 3  | Glosage Engineering, Inc.   | \$ 3,567,214.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 4  | Precision Engineering, Inc. | \$ 3,970,517.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 5  | Express Plumbing            | \$ 4,137,704.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 6  | Cratus, Inc.                | \$ 2,354,971.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 7  |                             |                 |          |              |                            |             |            |              |     |                   |
| 8  |                             |                 |          |              |                            |             |            |              |     |                   |
| 9  |                             |                 |          |              |                            |             |            |              |     |                   |
| 10 |                             |                 |          |              |                            |             |            |              |     |                   |

Bid Recorder: Josh Roben *[Signature]*

Bid Opener: Darryl Sweet *[Signature]*

Project Manager: Adaku C. Emame *[Signature]*





Office of the City Manager

CONSENT CALENDAR

February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations on Shattuck Avenue

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Shattuck Avenue from Derby Street to Allston Way and Shattuck Avenue from University Avenue to Vine Street; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and 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, in an amount not to exceed \$3,873,843, which includes a 10% contingency of \$352,167.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2022 Sanitary Sewer Fund 611-54-623-676-3013-000-473-665130-PWENSR2201.

|                                |                    |
|--------------------------------|--------------------|
| Low bid by Cratus              | \$3,521,676        |
| 10% Contingency                | \$352,167          |
| <b>Total construction cost</b> | <b>\$3,873,843</b> |

CURRENT SITUATION AND ITS EFFECTS

An Invitation for Bids (Specification. No. 22-11481-C) was released on December 10, 2021 and four non-local bids were received, ranging from a low of \$3,521,676 to a high of \$3,940,590 (Attachment 3, Bid Results). The engineer's estimate for the project was \$4,100,000. Cratus, Inc, of San Francisco, CA was the lowest responsive and responsible bidder with a bid of \$3,521,676. Previous work and references for Cratus, Inc proved satisfactory, thus staff recommends award of the contract to Cratus, Inc This sanitary sewer project supports the City's Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities, and the goal of protecting the environment.

BACKGROUND

To remain compliant with the September 22, 2014 Consent Decree, the City has implemented a long-term mandated Sanitary Sewer Capital Improvement Program to

eliminate sanitary sewer overflows (SSOs) and to reduce storm water infiltration and inflow into the sanitary sewer system. Under this program, the City utilizes a comprehensive asset management approach based on complex and evolving hydrologic and hydraulic modeling and condition assessments to repair, replace, or upgrade the City's portion of the sanitary sewer system. Ultimately, these actions will assist East Bay Municipal Utility District (EBMUD) in their goal of eliminating discharges from their wet weather facilities by the end of 2035.

This is the eighth year of the twenty-two-year Consent Decree program, which stipulates that the City shall perform collection system repair and rehabilitation to control infiltration and inflow.<sup>1</sup> This is in support of and in addition to ongoing work previously identified in the City's Sanitary Sewer Management Plan (SSMP) and Asset Management Implementation Plan (AMIP).

This sanitary sewer project is part of the City's ongoing program to rehabilitate or replace its aging sanitary sewer system, and to eliminate potential health hazards to the public. The project is located on Shattuck Avenue from Derby Street to Allston Way and Shattuck Avenue from University Avenue to Vine Street as shown on the Location Map (Attachment 2). The sanitary sewer collection system in this area needs immediate rehabilitation to prevent pipe failures, sewer blockages, and leakage problems. Field investigations performed using a closed-circuit television camera revealed deteriorated piping and pipe defects in the existing sanitary sewer mains. These conditions are similar to problems previously found in other sanitary sewer mains prior to their replacement.

Planned work entails rehabilitation of approximately 6,363 linear feet sanitary sewer mains varying in size from 6-inch to 36-inch diameter; maintenance hole rehabilitation; replacement of 4-inch and 6-inch diameter sanitary sewer laterals; and other related work. To reduce traffic impacts, minimize inconvenience to the public, and reduce cost, a majority of this sanitary sewer rehabilitation work will be performed using the pipe bursting and cured-in-place-pipe methods. These trenchless methods allow replacement of buried pipelines without the need for a traditional open trench construction. These methods of pulling a new high-density polyethylene pipe (HDPE) or a new felt liner through the existing clay and concrete pipes allow for cost savings and avoid street closures and traffic disruptions caused by open trenches.

The Living Wage Ordinance does not apply to this project as Department of Public Works construction contracts are subject to State prevailing wage laws. Cratus, Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the estimated value of the project exceeds \$500,000. As a result, the contractor and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement.

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<sup>1</sup> At an average annual rate of no less than 22,120 feet of sanitary sewer mains on a three-fiscal-year rolling average.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improvements to the City's sanitary sewer system will help protect water quality by reducing the frequency of SSOs, and infiltration and inflow into the City's sanitary sewer system that can negatively affect the San Francisco Bay. There are no anticipated negative climate impacts.

RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay. Finally, subject to fines and stipulated penalties, the Consent Decree demands the City to repair acute defects within one year of discovery, and complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City will have a three-year annual average of approximately 22,160 linear feet of replaced or rehabilitated sewer through the end of FY 2022 on June 30, 2022.

ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's sanitary sewer pipelines are in poor condition and in need of timely rehabilitation to prevent an increased probability of infiltration and inflows, sanitary sewer leakages, and backup problems in the sanitary sewer system.

CONTACT PERSON

Joe Enke, Manager of Engineering, Public Works, (510) 981-6411  
Daniel Akagi, Supervising Civil Engineer, Public Works, (510) 981-6394

Attachments:

- 1: Resolution
- 2: Location Map
- 3: Bid Results

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

CONTRACT: CRATUS INC. FOR SANITARY SEWER REHABILITATION – SHATTUCK AVENUE FROM DERBY STREET TO ALISTON WAY AND SHATTUCK AVENUE FROM UNIVERSITY AVENUE TO VINE STREET.

WHEREAS, the Sanitary Sewer Project is part of the City's on-going Sanitary Sewer Capital Improvement Program to rehabilitate or replace the aging and deteriorated sanitary sewer system; and

WHEREAS, the Capital Improvement Program is a requirement of compliance with the National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree; and

WHEREAS, the City has neither the staff nor the equipment necessary to undertake this Sanitary Sewer Rehabilitation Project and other urgent/emergent sewer repairs; and

WHEREAS, on December 10, 2021 the City released an Invitation for Bids (Specification No. 22-11481-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, the City received four bids, and Cratus, Inc. was found to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2022 budget Sanitary Sewer Fund 611; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications No. 22-11481-C for the Sanitary Sewer Rehabilitation Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Cratus, Inc., until completion of the project in accordance with the approved plans and specifications for the Sanitary Sewer Rehabilitation Project located on Shattuck Avenue from Derby Street to Allston Way and Shattuck Avenue from University Avenue to Vine Street, in an amount not to exceed \$3,873,843 which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

# CITY OF BERKELEY, CALIFORNIA SHATTUCK AVENUE SANITARY SEWER REHABILITATION PROJECT

FROM DERBY STREET TO ALLSTON WAY AND  
UNIVERSITY AVE TO VINE ST

SPECIFICATION NO. 22-11481-C



— CONSTRUCTION AREA

LOCATION MAP

NOT TO SCALE

ATTACHMENT 2



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

FOR: Sanitary Sewer Rehabilitation, Shattuck

Spec. No.  
22-11481-C

Bid Date: 1/11/2022

required w/ bid

|    | Bidders                     | Base Bid        | Bid Bond | Addendum (none) | Experience - Fin. Qual. | Taxpayer ID | Opp.States | Nuclear Free | EBO | Sanctuary City |
|----|-----------------------------|-----------------|----------|-----------------|-------------------------|-------------|------------|--------------|-----|----------------|
| 1  | Andes Construction, Inc.    | \$ 3,847,277.00 | X        |                 | X                       | X           | X          | X            | X   | X              |
| 2  | Precision Engineering, Inc. | \$ 3,940,590.00 | X        |                 | X                       | X           | X          | X            | X   | X              |
| 3  | Ranger Pipelines            | \$ 3,831,151.00 | X        |                 | X                       | X           | X          | X            | X   | X              |
| 4  | Cratus, Inc.                | \$ 3,521,676.00 | X        |                 | X                       | X           | X          | X            | X   | X              |
| 5  |                             |                 |          |                 |                         |             |            |              |     |                |
| 6  |                             |                 |          |                 |                         |             |            |              |     |                |
| 7  |                             |                 |          |                 |                         |             |            |              |     |                |
| 8  |                             |                 |          |                 |                         |             |            |              |     |                |
| 9  |                             |                 |          |                 |                         |             |            |              |     |                |
| 10 |                             |                 |          |                 |                         |             |            |              |     |                |

Bid Recorder: Josh Roben *[Signature]*

Bid Opener: Darryl Sweet *[Signature]*

Project Manager: *[Signature]*



Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Contract: Koios Engineering, Inc. for Urgent Sewer Repair FY2022 Project

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Urgent Sewer Repair FY2022 Project, located throughout the City of Berkeley; accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; and 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, in an amount not to exceed \$391,872, which includes a 10% contingency of \$35,624.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2022 Sanitary Sewer Fund 611-54-623-676-3013-000-473-665130-PWENSR2204.

|                                        |                  |
|----------------------------------------|------------------|
| Low bid by Koios Engineering, Inc..... | \$356,248        |
| 10% Contingency .....                  | \$35,624         |
| <b>Total construction cost</b>         | <b>\$391,872</b> |

CURRENT SITUATION AND ITS EFFECTS

An Invitation for Bids (Specification. No. 22-11483-C) was released on December 22, 2021 and eight non-local bids were received, ranging from a low of \$356,248 to a high of \$581,367 (Attachment 3, Bid Results). The engineer's estimate for the project was \$420,000. Koios Engineering, Inc. of San Francisco, CA was the lowest responsive and responsible bidder with a bid of \$356,248. References for Koios Engineering, Inc. proved satisfactory, thus staff recommends award of the contract to Koios Engineering, Inc.

This sanitary sewer project supports the City's Strategic Plan goals of providing state

of-the-art, well-maintained infrastructure, amenities, and the goal of protecting the environment.

### BACKGROUND

To remain compliant with the September 22, 2014 Consent Decree, the City has implemented a long-term mandated Sanitary Sewer Capital Improvement Program to eliminate sanitary sewer overflows (SSOs) and to reduce storm water infiltration and inflow into the sanitary sewer system. Under this program, the City utilizes a comprehensive asset management approach based on complex and evolving hydrologic and hydraulic modeling and condition assessments to repair, replace, or upgrade the City's portion of the sanitary sewer system. Ultimately, these actions will assist East Bay Municipal Utility District (EBMUD) in their goal of eliminating discharges from their wet weather facilities by the end of 2035.

This is the eighth year of the twenty-two-year Consent Decree program, which stipulates that the City shall perform collection system repair and rehabilitation to control infiltration and inflow.<sup>1</sup> This is in support of and in addition to ongoing work previously identified in the City's Sanitary Sewer Management Plan (SSMP) and Asset Management Implementation Plan (AMIP).

This sanitary sewer project is part of the City's ongoing program to rehabilitate or replace its aging sanitary sewer system, and to eliminate potential health hazards to the public. The project is located throughout the City as shown on the Location Map (Attachment 2). The sanitary sewer collection system in this area needs immediate rehabilitation to prevent pipe failures, sewer blockages, and leakage problems. Field investigations performed using a closed-circuit television camera revealed deteriorated piping and pipe defects in the existing sanitary sewer mains. These conditions are similar to problems previously found in other sanitary sewer mains prior to their replacement.

Planned work entails point (spot) repair of 6-inch, 8-inch, and 10-inch diameter sanitary sewer pipe at eighteen locations; rehabilitation of approximately 61 linear feet of sewer mains; rehabilitation of maintenance holes; construction of maintenance holes; and any related work. These repairs will correct existing acute defects including imminent structural failures identified during the FY2021 sewer main inspection and condition assessment program. The planned scope of work also includes provision for emergency/urgent work related to acute sewer system defect at other locations that may arise during FY 2022. As required by the EPA and regional Water Quality Control Board (RWQCB) Consent Decree, such acute defects must be addressed within one year of being identified. The contract's eighty-five working day term includes a forty working day construction period, and an additional forty-five working days for project

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<sup>1</sup> At an average annual rate of no less than 22,120 feet of sanitary sewer mains on a three-fiscal-year rolling average.



closeout. A 10% contingency is included for related construction events.

The Living Wage Ordinance does not apply to this project as Department of Public Works construction contracts are subject to State prevailing wage laws. Koios Engineering, Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improvements to the City's sanitary sewer system will help protect water quality by reducing the frequency of SSOs, and infiltration and inflow into the City's sanitary sewer system that can negatively affect the San Francisco Bay.

#### RATIONALE FOR RECOMMENDATION

Contracted services are required for the specialized services required for this project, as the City lacks in-house resources needed to complete scheduled sanitary sewer rehabilitation and replacement projects. Further, the City must take timely action to address urgent/emergent sewer repairs without delay as the Consent Decree demands the City to repair acute defects within one year of discovery, and complete sanitary sewer mains rehabilitation and replacement at an average annual rate of no less than 22,120 feet on a three-fiscal-year rolling average. The City will have a three-year annual average of approximately 22,160 linear feet of replaced or rehabilitated sewer through the end of FY 2022 on June 30, 2022. Failure to meet consent decree requirements will subject the City to fines and stipulated penalties.

#### ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's sanitary sewer pipelines are in poor condition and in need of timely rehabilitation to prevent an increased probability of infiltration and inflows, sanitary sewer leakages, and backup problems in the sanitary sewer system.

#### CONTACT PERSON

Joe Enke, Manager of Engineering, Public Works, (510) 981-6411  
Daniel Akagi, Supervising Civil Engineer, Public Works, (510) 981-6394

Attachments:

- 1: Resolution
- 2: Location Map
- 3: Bid Results

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

CONTRACT: KOIOS ENGINEERING INC. FOR URGENT SEWER REPAIR  
FY2022 PROJECT.

WHEREAS, the Sanitary Sewer Project is part of the City's on-going Sanitary Sewer Capital Improvement Program to rehabilitate or replace the aging and deteriorated sanitary sewer system; and

WHEREAS, the Capital Improvement Program is a requirement of compliance with the National Pollution Discharge Elimination System Permit (NPDES) and California Regional Water Quality Control Board Consent Decree; and

WHEREAS, the City has neither the staff nor the equipment necessary to undertake this Sanitary Sewer Rehabilitation Project and other urgent/emergent sewer repairs; and

WHEREAS, on December 22, 2021 the City released an Invitation for Bids (Specification No. 22-11483-C) for sanitary sewer rehabilitation and replacement; and

WHEREAS, the City received eight bids, and Koios Engineering, Inc. was found to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2022 budget Sanitary Sewer Fund 611; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications No. 22-11483-C for the Urgent Sewer Repair FY2022 Project are approved.

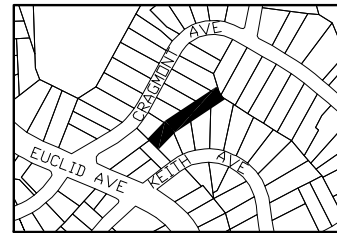
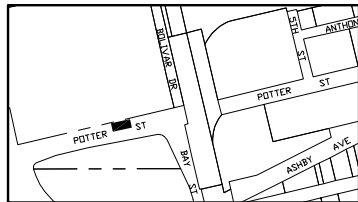
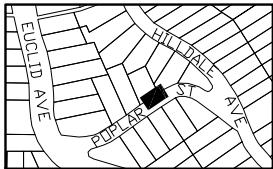
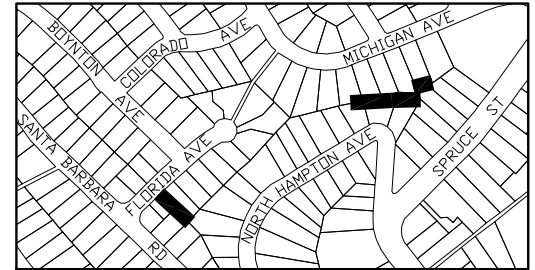
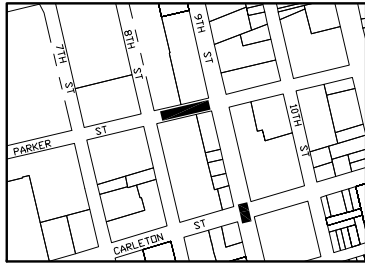
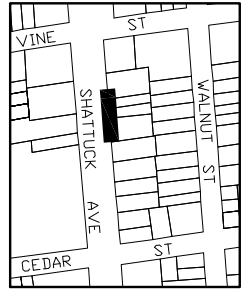
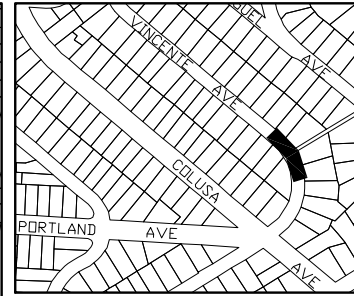
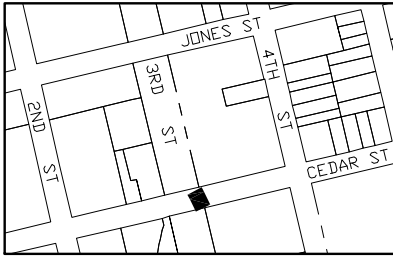
BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments with Koios Engineering, Inc., until completion of the project in accordance with the approved plans and specifications for the Urgent Sewer Repair FY2022 Project located throughout the City, in an amount not to exceed \$391,872 which includes a 10% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

CITY OF BERKELEY, CALIFORNIA

# SANITARY SEWER REHABILITATION

## URGENT SEWER REPAIR FY 2022

SPECIFICATION NO. 22-11483-C



■ — CONSTRUCTION AREA

LOCATION MAP

NOT TO SCALE



City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

Spec. No.  
22-11483-C

Bid Date: 1/11/2022

FOR: FY 2022 Urgent Sewer Repair

required w/ bid

|    | Bidders                     | Base Bid      | Bid Bond | Addendum (1) | Experience -<br>Fin. Qual. | Taxpayer ID | Opp.States | Nuclear Free | EBO | Sanctuary<br>City |
|----|-----------------------------|---------------|----------|--------------|----------------------------|-------------|------------|--------------|-----|-------------------|
| 1  | Precision Engineering, Inc. | \$ 581,367.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 2  | Glosage Engineering, Inc.   | \$ 392,512.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 3  | Westland Contractors, Inc.  | \$ 369,290.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 4  | Mosto                       | \$ 379,719.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 5  | DeVaney Engineering, Inc.   | \$ 446,606.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 6  | FJ&I Engineering, Inc.      | \$ 399,732.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 7  | Koios Engineering, Inc.     | \$ 356,248.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 8  | Andes Construction, Inc.    | \$ 417,715.00 | X        | X            | X                          | X           | X          | X            | X   | X                 |
| 9  |                             |               |          |              |                            |             |            |              |     |                   |
| 10 |                             |               |          |              |                            |             |            |              |     |                   |

Bid Recorder: Josh Roben 

Bid Opener: Darryl Sweet

Project Manager: Stephanie Angla 



Office of the City Manager

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract No. 108090-1 Amendment: IPS Group, Inc. for Parking Meter Operations

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 108090-1 with IPS Group, Inc. to provide parking meters, replacement parts, and support services, increasing the contract amount by an additional \$1,891,415 for a total contract amount not to exceed \$8,924,872 through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

The total cost of the amendment is \$1,891,415 which includes parking meters and multi-space (pay and display) pay stations, replacement parts, supplies, wireless data connection fees, system licenses, and repair services to maintain the City's parking meter system for two years. Funding is available in the Parking Meter Fund (Fund 631) in the amount of \$195,000 for FY 2022 with an additional \$320,000 to be appropriated as part of the Second Annual Appropriations Ordinance with the remaining amount of this contract amendment to be appropriated as part of the FY 2023/2024 budget process.

CURRENT SITUATION AND ITS EFFECTS

The City uses approximately 2,200 single-space parking meters and 230 multi-space pay stations supplied by IPS Group, Inc. to manage public on-street parking in commercial districts throughout the City. IPS "smart" meters accept coin and credit card payments, and are equipped with T-Mobile and Verizon modems allowing them to connect to cellular networks to receive programming and send transaction-related information. Staff retrieve transaction data and program meters via a web-based software operating system that is maintained by the vendor.

Since 2019, staff has been replacing the single space meters' original 2G modems with upgraded 4G modems. 2G connections are very slow and outmoded and these networks are currently being phased out by mobile carriers. Verizon's 2G network was shut off at the end of calendar year 2020, and T-Mobile's 2G network will be shut off by at the end of calendar year 2022. Due to funding gaps and vendor part unavailability resulting from the ongoing pandemic, the City has not yet completed upgrading the

modems for single space parking meters. Approximately one-third of single space meters still need to be upgraded, as do all 240 pay and display pay stations. The 4G upgrades are needed to support all meter functionality, including: all payment/revenue transactions, setting rates and time limits, and alerting staff to malfunctions. Without the upgrades, these activities will not be possible.

Amending the existing contract to extend the term by two years will result in completing the parking meter upgrades and maintaining operations

### BACKGROUND

The City has used IPS “smart” coin and credit card meters since December 2010, when they were introduced via the grant-funded Berkeley Transportation Action Plan (B-TAP) to facilitate demand-responsive pricing and time limit adjustments.<sup>1</sup> The B-TAP pilot project was later renamed the goBerkeley parking management program, and became a permanent baseline program in 2015.

The City expanded the use of IPS single-space meters in 2011, and by the end of 2014, IPS meters were installed citywide. As part of the existing contract, IPS multi-space pay stations were installed in 2015. Since its initial use in Berkeley, the equipment has been a cost-effective parking management mechanism, positively impacting operations by making it easier for customers to pay for parking while improving the integrity of parking data for staff. The City assumes a ten-year operable lifespan for single-space meters, and seven years for pay stations, which are already in need of replacement.

In November 2015, the City entered into a contract with IPS Group, Inc. via Resolution No. 67,093-N.S.<sup>2</sup> The contract was last extended via an amendment authorized by Resolution No. 69,419-N.S. in May 2020 to provide funding for critical infrastructure upgrades for cellular network connectivity and to extend the contract to June 30, 2022.<sup>3</sup> At the time, staff expected that a two-year extension would be sufficient to complete the upgrade work and issue a new Request for Proposals. However, this work has not yet been completed due to gaps in funding and vendor resource constraints resulting from the ongoing pandemic.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Both parking meter types are powered by environmentally friendly solar panels and a combination rechargeable and back-up battery pack. The pay stations include sensors that conserve battery life from the LED lighting that is illuminated with detection of customer presence or when a transaction is initiated. Additionally, proximity sensors in pay stations will “awaken” a meter upon a customer’s arrival, thereby maximizing power efficiency.

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<sup>1</sup> Resolutions 65,118-N.S. and 65,119-N.S.

<sup>2</sup> June 23, 2015 City Council Agenda: <https://bit.ly/394lzH9>

<sup>3</sup> May 26, 2020 City Council Resolution: <https://bit.ly/3wDNXgW>

RATIONALE FOR RECOMMENDATION

The IPS parking meter system, including single-space meters and pay stations, the web-based meter programming software, replacement parts, and support services are required to maintain the City's parking management operations, which generate revenue for the City. Furthermore, upgrading the single space meter modems to 4G is a critical task that must be completed before T-Mobile shuts down their 2G network at the end of 2022.

ALTERNATIVE ACTIONS CONSIDERED

Council could extend the term of the contract for only one year. While this would allow for the modem upgrades to be completed to the aging meter equipment, it would severely constrain the time available for staff to manage a complex procurement process for a replacement meter system. Additionally, a two-year extension allows the City to memorialize current parts and services costs, protecting against future vendor price increases.

CONTACT PERSON

Farid Javandel, Deputy Director, Public Works, 981-7061

Danette Perry, Parking Services Manager, Public Works, 981-7057

Attachment:

1: Resolution

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

CONTRACT NO. 10145A AMENDMENT: IPS PARKING METERS, PAY STATIONS,  
MANAGEMENT SYSTEM, AND ASSOCIATED SUPPORT SERVICES

WHEREAS, on June 23, 2015 by Resolution No. 67,093-N.S. the City Council authorized Contract No. 10145 with IPS Group, Inc. for multi-space and single space parking meters, parts, supplies, and fees for wireless data connections, system licenses, software escrow, and warranties; and

WHEREAS, IPS meters accept coin and credit card payments, and were originally equipped with T-Mobile and Verizon 2G modems allowing them to connect to cellular networks to receive programming and send transaction-related information; and

WHEREAS, the City purchased and installed IPS single-space meters and multi-space pay stations from November 2015 to June 2017, for which the contract provides a data management system, replacement parts, support, fees, and licenses; and

WHEREAS, the City is actively upgrading single space meters to 4G modems as T-Mobile and Verizon are phasing out their 2G networks, and as of December 2021 one-third of single space meters and all pay stations still need to be upgraded; and

WHEREAS, the 4G upgrades are needed to support all meter functionality, including: all payment/revenue transactions, setting rates and time limits, and alerting staff to malfunctions; and without the upgrades, these activities will not be possible; and

WHEREAS, the City assumes a ten-year operable lifespan for single-space meters, and seven years for pay stations, which already need replacement; and

WHEREAS, the contract was last amended on July 17, 2020 following Council authorization via Resolution No. 69,419-N.S., and is set to expire June 30, 2022; and

WHEREAS, Council approval is needed to extend the contract through June 30, 2024, to ensure the existing meter system is upgraded and maintained, by which time a new RFP process for a replacement parking meter system is expected to be completed; and

WHEREAS, the funding of \$1,891,415 for the contract amendment is from the Parking Meter Fund (Fund 631), and funding is subject to appropriation in the FY 2023 budget and in the FY 2024 budget; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City Manager is authorized to enter a contract and any amendments with IPS Group, Inc. for a total amount not to exceed \$8,924,872 through June 30, 2024 for single-space parking



February 22, 2022

meters and pay stations, upgrades, replacement parts, system maintenance, fees, and licenses.





Office of the Mayor

20

CONSENT CALENDAR

February 22, 2022

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmember Terry Taplin (Co-Sponsor),  
Councilmember Kate Harrison (Co-Sponsor)

Subject: Supporting the Agricultural Labor Relations Voting Choice Act

RECOMMENDATION

Adopt a Resolution in support of the Agricultural Labor Relations Voting Choice Act. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymember Buffy Wicks.

BACKGROUND

Under the 1975 Agricultural Labor Relations Act (ALRA), farm workers have the right to choose whether they want to be represented by a union. This representation election is held via secret ballot at a polling place designated by the Agricultural Labor Relations Board (ALRB), which is usually at the place of employment.

In recent years, the State of California has taken actions to make voting more accessible. This includes making it easier to vote by mail, increasing early voting, and the ability to drop off ballots at multiple locations. Many of these actions took place in response to the COVID-19 pandemic at a time when people may not have felt comfortable going inside a voting station. Not only did these actions ensure that voter turnout did not decrease during the pandemic, but it led to an increase in voter turnout. In the 2016 election, voter turnout in California was 78.0%. In 2020, it increased to 87.9%, the highest turnout since 1952.

The Agricultural Labor Relations Voting Choice Act looks to build upon to successes of California's voter reform by updating the ALRA. Specifically, it would allow farmworkers to vote using a representation ballot card, in addition to the existing voting procedures. This option would be beneficial to people who have a language barrier and/or lack familiarity with the voting process.

The City of Berkeley has long supported advancing election reform and supporting the United Farm Workers (UFW). In 1974, in the buildup to the passage of the ALRA, the City Council adopted a couple of resolutions in support of UFW, including support for AB 3370, which while it ultimately was not adopted, it laid the foundation for the ALRA.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

SUPPORTING THE AGRICULTURAL LABOR RELATIONS VOTING CHOICE ACT

WHEREAS, in 1975, farm workers won the right to vote for union representation under California's Agricultural Labor Relations Act and under the California Agricultural Labor Relations Act, farm worker representation elections were conducted the way other political elections were – at a physical polling place; and

WHEREAS, since then, the state has updated how Californians vote for their local, state and federal elected officials by making it easier to register to vote, increasing the amount of time to vote, adding more ways and access to vote, allowing someone else to turn in their ballot, this bill would similarly update how a farm worker exercises their existing right to vote for union representation; and

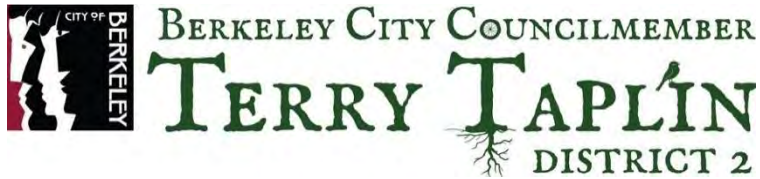
WHEREAS, California law was also changed to allow all state and local public workers - including teachers, firefighters, nurses, and staff - to vote to have a union by simply signing a union representation card; and

WHEREAS, following the 2020 general elections, Governor Gavin Newsom said, "Making voting easier, providing more choice, more opportunity...is fabulous" and signed into law ways to make it easier for Californians to vote in his elections, including the Recall Election in 2021 and the upcoming 2022 election; the Agricultural Labor Relations Voting Choice Act would afford farm workers similar opportunities in union representation elections by helping to facilitate farm workers' longstanding right to vote, free from any form of vote suppression; and

WHEREAS, under the Agricultural Labor Relations Voting Choice Act, the ballots will continue to remain secret, farm workers will have a choice to vote at a "polling place" as they do now, or they can receive assistance in filling out and returning their "representation ballot card" as long as the person who assists them co-signs the representation ballot card and returns it to the state agency overseeing farm worker union elections, the Agricultural Labor Relations Board, in a sealed and signed envelope.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports the United Farm Workers (UFW) in urging the Legislature and Governor to support the Agricultural Labor Relations Voting Choice Act in 2022.



CONSENT CALENDAR

February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Channing Street Bike Boulevard Improvements

RECOMMENDATION

That the City Council refers to the FY2023 budget process the funding of the following bicycle and pedestrian improvements along Channing Street:

- Approx. \$200,000 for four (4) Traffic Circles at Seventh Street, Ninth Street, Browning Street, and Bonar Street
- Approx. \$50,000 for one (1) Traffic Diverter at Tenth Street
- Approx. \$500,000 for two (2) Pedestrian Hybrid Beacons (PHB) at San Pablo Avenue and Sacramento Street
- Approx. \$70,000 for Rapid Rectangular Flashing Beacons (RRFB) and a median refuge island at Sixth and Channing Way

CURRENT SITUATION AND ITS EFFECTS

Following the sudden halt that COVID-19 brought to Berkeley's community life in March of 2020, the City Council launches its "Healthy Streets" program, which closed down over four miles of residential streets to through-traffic in order offer right-of-way space for pedestrians, cyclists, and socially distanced gatherings which were in high demand. As of December 2021, the Healthy Streets program has come to a close, and while many of Berkeley's residents have returned to their regular work and school routines, the close of the Healthy Streets network has been a loss for pedestrians and cyclists who found a reprieve from heavy car traffic in the Healthy Streets.

The end of the Health Streets program is a reminder of the serious need for the City Council to complete the vision of an interconnected network of safe streets laid out in the Bicycle Plan, Pedestrian Plan, and Vision Zero Action Plan. As Berkeley enters a new year that will almost certainly bring the serious injury and death of cyclists and pedestrians throughout the City, the Council must continue to fund the infrastructure improvements necessary to let all residents and visitors travel safely. The central proposal of Berkeley's Bicycle Plan is the establishment of a network of Bicycle Boulevards that connect to the whole City with improvements on each Boulevard that

make bike travel safer by slowing and deterring automobile traffic.<sup>1</sup> Among the many Bicycle Boulevards that are in need of improvements, Channing Street runs the length of Berkeley from West to East and is in need of improvements for both pedestrians and cyclists.

For the Channing Bicycle Boulevard, the Bicycle Plan recommends traffic circles at Seventh Street, Ninth Street, Browning Street, and Bonar Street, traffic diverters at Tenth Street, Rapid Rectangular Flashing Beacons (RRFB) and a median refuge island at Sixth Street, and Pedestrian Hybrid Beacons (PHB) at Sacramento Street and San Pablo Avenue.<sup>2</sup> These improvements seek to slow the car traffic that remains on the Bicycle Boulevard, divert traffic away from Channing at key intersections, and allow for the safe and seamless travel of cyclists across dangerous arterial streets. This proposal does not encompass all of the recommended improvements for Channing Street, but prioritizes those improvements within the Equity Priority Area and High-Injury Streets identified by the Vision Zero Action Plan.<sup>3</sup>

### FISCAL IMPACTS

Staff time and an estimated \$820,000<sup>4</sup> for the following improvements:

- Approx. \$200,000 for four (4) traffic circles
- Approx. \$50,000 for one (1) traffic diverter
- Approx. \$500,000 for two (2) Pedestrian Hybrid Beacons (PHB)
- Approx. \$70,000 for Rapid Rectangular Flashing Beacons (RRFB) and a median refuge island

### ENVIRONMENTAL IMPACTS AND CLIMATE IMPACTS

Establishing a network of safe streets for pedestrians and bicycles, promoting bicycle literacy, and distributing bicycles to those in need incentivize nonautomobile travel, reducing greenhouse gas emissions. The City estimates that transportation-related emissions accounts for approximately 60% of our community's total annual greenhouse gas emissions.<sup>5</sup> By encouraging alternatives to car transportation by making pedestrian and cyclist infrastructure safer and more accessible, these improvements stand to lower the emissions from our community's dominant source of carbon emissions.

### CONTACT

Terry Taplin, Councilmember, District 2, (510) 981-7120

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<sup>1</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017\\_Ch5\\_ProposedBikewayNetwork.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_Ch5_ProposedBikewayNetwork.pdf)

<sup>2</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017\\_AppendixE\\_Project%20Recs%20Priorities\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixE_Project%20Recs%20Priorities(1).pdf)

<sup>3</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

<sup>4</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017\\_AppendixE\\_Project%20Recs%20Priorities\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixE_Project%20Recs%20Priorities(1).pdf)

<sup>5</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-06\\_WS\\_Item\\_01\\_Climate\\_Action\\_Plan\\_Update\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx)





BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
 DISTRICT 2

22

CONSENT CALENDAR  
 February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor),  
 Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Subject: Streamlining Toxic Remediation in Manufacturing Districts

RECOMMENDATION

Refer to the City Manager the development of a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division; and refer to the Planning Commission several amendments to the zoning code in order to facilitate toxic remediation in manufacturing districts; in addition, refer to expedite consideration of Councilmembers Wozniak and Moore's 2012 referral<sup>1</sup> to the Planning Commission referenced in Background section, and request it be moved forward as quickly as possible; in addition, refer to the City Manager to consider any and all means to streamline and/or improve the city's processing of remediation of toxic sites.

POLICY COMMITTEE RECOMMENDATION

On January 20, 2022, the Land Use, Housing & Economic Development Policy Committee took the following action: *M/S/C (Hahn/Robinson) Positive recommendation to refer the item to Council as amended to expand the scope of the referral and specifically request expedited Planning Commission review of the previous 2012 referral. Vote: All Ayes.*

FINANCIAL IMPLICATIONS

Staff time.

CURRENT SITUATION AND ITS EFFECTS

Streamlining toxic remediation in manufacturing districts is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. Expediting toxic

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<sup>1</sup>[https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/2012/05May/2012-05-01\\_Item\\_20\\_Amend\\_the\\_Zoning\\_Code\\_to\\_Facilitate\\_Toxic\\_Remediation.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2012/05May/2012-05-01_Item_20_Amend_the_Zoning_Code_to_Facilitate_Toxic_Remediation.pdf)

remediation is also a racial equity issue, in light of research showing that environmental hazards are more likely to be sited in minority neighborhoods.<sup>234</sup>

The current process for toxic remediation in manufacturing districts that require the removal of a building, whether or not it is currently in use, is lengthy and inefficient. There may be some amendments that can be made to the zoning code to make the process much more efficient.

Currently, the City of Berkeley Municipal Code Section 23C.08.050 reads as follows:

**Demolitions of Buildings Used for Commercial, Manufacturing or Community, Institutional or Other Non-residential Uses**

- A. A main building used for non-residential purposes may be demolished subject to issuance of a Use Permit.
- B. A demolition of an accessory building containing less than 300 square feet of floor area is permitted as of right; an accessory building containing 300 square feet or more of floor area may be demolished subject to an AUP.
- C. Any application for a Use Permit or AUP to demolish a non-residential building or structure which is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review prior to consideration of the Use Permit or AUP. The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the Board its comments on the application. The Board shall consider the recommendations of the LPC in considering its action on the application.
- D. A Use Permit or an AUP for demolition of a non-residential building or structure may be approved only if the Board or Zoning Officer finds that the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and one of the following findings that the demolition:

1. Is required to allow a proposed new building or other proposed new Use;
2. Will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses;
3. Will remove a structure which represents an unabatable attractive nuisance to the public; or
4. Is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority. In such cases, it shall be demonstrated that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to

<sup>2</sup> Pastor, M., Sadd, J., & Hipp, J. (2001). Which came first? Toxic facilities, minority move-in, and environmental justice. *Journal of urban affairs*, 23(1), 1-21.

<sup>3</sup> Neumann, C. M., Forman, D. L., & Rothlein, J. E. (1998). Hazard screening of chemical releases and environmental equity analysis of populations proximate to toxic release inventory facilities in Oregon. *Environmental Health Perspectives*, 106(4), 217-226.

<sup>4</sup> Bolin, B., Matranga, E., Hackett, E. J., Sadalla, E. K., Pijawka, K. D., Brewer, D., & Sicotte, D. (2000). Environmental equity in a sunbelt city: the spatial distribution of toxic hazards in Phoenix, Arizona. *Global Environmental Change Part B: Environmental Hazards*, 2(1), 11-24.

such a requirement would threaten the viability of the plan or project. (Ord. 6478-NS § 4 (part), 1999)

Prior to any demolition, the project must be granted a Use Permit or an AUP, requiring findings, none of which include toxic remediation under a building.

BMC Section 23E.80.909 Paragraph D states that

D. Except as permitted under 23E.80.045, subdivisions A.1 or A.2, in order to approve a Use Permit under Section 23E.80.045 to change the use of or remove more than 25% of the floor area of a building currently or most recently used for manufacturing, wholesale trade or warehousing, the Zoning Officer or Board must find:

1. Any necessary Use Permits that have been approved to provide comparable quality replacement manufacturing, wholesale trade and/or warehousing space in Berkeley at a comparable rent and that such replacement space will be available before the demolition or change of use of the space; or
2. As a result of lawful business and building activities, there are exceptional physical circumstances (exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the District which make it financially infeasible to reuse the building for any of the range of manufacturing, wholesale trade or warehouse uses permitted in the District. The analysis of the financial feasibility effects (which shall be verified by the City) of these physical circumstances shall consider those costs necessary to make the building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings; and
3. Appropriate mitigation has been made for loss of the manufacturing, warehousing or wholesale trade space in excess of 25% of that space through providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

This requires findings that allow the removal of a building where there are “exceptional physical circumstances,” but such circumstances specifically do not include “presence of hazardous materials in the building(s), soil, or groundwater.”

### BACKGROUND

In order to streamline toxic soil remediation, former Councilmembers Wozniak and Moore recommended adding a fifth provision to Chapter 23C.08.050 Paragraph D stating: “It is required to allow the remediation of toxic soil in conformance with DTSC Clean-up Requirements and a City of Berkeley approved toxic clean-up and monitoring program.”

The councilmembers additionally recommended that Chapter 23E.80.090 Findings should be amended to include a new finding number 4 stating that: “As a result of previous building activities there are hazardous materials that are required to be remediated and monitored which could not otherwise be fully characterized, remediated or monitored without demolition of the building(s).”

The City Council approved this referral<sup>5</sup> to the Planning Commission in 2012, but the Commission failed to address this issue last year. The Commission must be directed to consider the above recommendations to improve the toxic remediation process as soon as possible, with support from city staff as needed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

As the level of the San Francisco Bay rises in the coming decades due to climate change, the toxic waste that lies in Berkeley's flatland soil will become more dangerous for current and future residents. During highwater storm events, the toxic contents of West Berkeley soils have an increased chance of seeping into homes and businesses.<sup>6</sup> A streamlined toxic soil remediation process will reduce Berkeley's industrial pollution at a fast pace, improving soil and water quality and likely improving the environmental health of those who live in the former manufacturing areas of Berkeley. As is the case with many cities around the world, the residents who live the closest to the polluted soils have historically been people of color. Due to this, this effort will take a major step towards reducing environmental racism in Berkeley. Furthermore, remediating Berkeley's toxic waste in light-industrial zones may encourage the redevelopment of the toxic land into future clean manufacturing uses, an essential plank of the Green New Deal, that Berkeley must encourage in its pursuit of decarbonization.

CONTACT PERSON

Councilmember Terry Taplin      Council District 2      510-981-7120

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<sup>5</sup>[https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/2012/05May/2012-05-01\\_Item\\_20\\_Amend\\_the\\_Zoning\\_Code\\_to\\_Facilitate\\_Toxic\\_Remediation.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2012/05May/2012-05-01_Item_20_Amend_the_Zoning_Code_to_Facilitate_Toxic_Remediation.pdf)

<sup>6</sup><https://www.nbcbayarea.com/investigations/toxins-long-buried-may-surface-as-groundwater-rises/2718842/#:~:text=Water%20rising%20beneath%20the%20ground,the%20San%20Francisco%20Bay%20Area.&text=Experts%20tell%20NBC%20Bay%20Area,event%2C%20or%20as%20groundwater%20rises.>



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Harrison  
Subject: Adopt a Resolution in Support of the California State Legislature Introducing and Passing a California Resident-Designated Support Person Act

RECOMMENDATION

Adopt a resolution in support of the California State Legislature introducing and passing a Resident-Designated Support Person Act.

Send copies of the resolution and letters to State Senator Skinner, Assemblymembers Wicks and Bonta.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The COVID-19 pandemic has had a devastating impact on residents of long-term care facilities. In addition to sickness and death from COVID-19 infections, residents suffered incalculable mental and physical health losses due to draconian visitation restrictions that separated residents from their families, friends, and essential support persons, who often provide life-saving and other services to their loved ones.

It is essential, at all times, for individuals residing in long-term care facilities to have access to family members and friends who provide critical supportive services which may include, but are not limited to, emotional, mental, medical, financial, social and physical support. Therefore, it is in the public interest for the California Legislature to immediately introduce legislation that allows residents to have immediate and unscheduled physical access to designated support persons without restriction on time, frequency, physical contact, or proximity during health emergencies such as the COVID-19 pandemic.

This Resolution and the accompanying letters to members of the state legislature call for urgent introduction and passage of such legislation.

BACKGROUND

For the past two years of the COVID-19 pandemic, residents of long-term care facilities and their family members faced the unimaginable hardship and loss: the virus took the lives of over 13,000 nursing home and assisted living facility residents and staff in California. As stated by the California for Nursing Home Reform (CANHR) advocacy

organization, the virus was not the only threat to such residents: “[u]nable to visit residents, family members watched their loved ones deteriorate from isolation.”

Throughout the pandemic and especially during the various surges of the virus, public health officials ordered health emergency visitation restrictions without appropriately weighing the potential harm to residents from critical supportive services which may include, but are not limited to, emotional, mental, social and physical support that are often best provided by friends and family.

Support persons with access to in-person contact enjoy, among other things, companionship, psycho-social support, cognitive stimulation, communication assistance, assistance with daily living tasks such as eating, dressing and hygiene support, meaningful connection, relational continuity, decision-making assistance, transportation, physical activities, and fulfill other personal needs for long term care facility residents. Recognition of the support role played by designated friends and family should not be seen as a substitute for consistent, ongoing care from facility staff, but rather part of the broader web of wholistic care.

Fortunately, the CANHR organization has drafted a “Resident-Designated Support Persons Act” that would allow long term care facility resident or resident representatives<sup>1</sup> to designate up to two individuals to provide in-person, on-site, support for a resident during state and local public health emergencies. Subject only to denial by the resident or their representative, the designated support person would have the right to enter the resident’s dwelling at any time and provide private support as needed in an unscheduled manner and without limits to the duration or frequency of their visits. Facilities would also allow individual residents to have at least one of their designated support persons physically present at any time.

A resident’s right to visitation with designated support persons would also include the right to leave the facility on outings, with or without accompaniment by the designated support persons, so long as reasonable infection control precautions are taken. Residents who exercise this right to outings may not be required to quarantine or isolate upon their return to the facility unless there is a known exposure to a contagious infection.

Critically, under the propose legislation, facilities may require designated support persons to adhere to the same, but not greater, infection control protocols required of care staff during a public health emergency, and facilities are required to provide personal protective equipment and any other mandated resources such as infection testing and relevant infection control training to designated support persons at no cost to the resident or designated support person.

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<sup>1</sup> An individual who has authority to act on behalf of the resident, including but not limited to, a conservator, guardian, person authorized as agent in the resident's advance health care directive, the resident's spouse, registered domestic partner, or family member, a person designated by the resident to act as a representative, or other surrogate decisionmaker designated consistent with statutory and case law.

The Act is written to take effect immediately.

FISCAL IMPACTS OF RECOMMENDATION

Staff time will be necessary for the Clerk to send the letter to the specified elected officials.

ENVIRONMENTAL SUSTAINABILITY

No discernable impact.

CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140

ATTACHMENTS

1. Resolution
2. Letters
3. Draft Legislation

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

RESOLUTION IN SUPPORT OF THE CALIFORNIA STATE LEGISLATURE  
INTRODUCING AND PASSING A CALIFORNIA RESIDENT-DESIGNATED SUPPORT  
PERSON ACT

Whereas, the COVID-19 pandemic has had a devastating impact on residents of long-term care facilities; and

Whereas, in addition to sickness and death from COVID-19 infections, residents suffered incalculable mental and physical health losses due to draconian visitation restrictions that separated residents from their families, friends, and essential support persons, who often provide life-saving and other services to their loved ones; and

Whereas, it is essential, at all times, for individuals residing in long-term care facilities to have access to family members and friends who provide critical supportive services which may include, but are not limited to, emotional, mental, medical, financial, social and physical support; and

Whereas, support persons with access to in-person contact bring residents, among other things, medical decision-making support, companionship, psycho-social support, cognitive stimulation, communication assistance, assistance with daily living tasks such as eating, dressing and hygiene support, meaningful connection, relational continuity, decision-making assistance, transportation, physical activities, and fulfill other personal needs for long term care facility residents; and

Whereas, the California for Nursing Home Reform advocacy organization has drafted the Resident-Designated Support Persons Act, which would allow long term care facility resident or resident representatives to designate up to two individuals to provide in-person, on-site, support for a resident during state and local public health emergencies; and

Whereas, it is in the public interest for the California Legislature to immediately introduce and pass legislation that allows residents to have immediate and unscheduled physical access to designated support persons without restriction on time, frequency, physical contact, or proximity during health emergencies such as the COVID-19 pandemic.

NOW, THEREFORE BE IT RESOLVED, the City Council of Berkeley expresses its support for the California Legislature immediately introducing and passing the Resident-Designated Support Persons Act.

BE IT FURTHER RESOLVED that copies of this Resolution and letters will be sent to State Senator Skinner and Assemblymembers Wicks and Bonta.



The Honorable State Senator Nancy Skinner  
Capitol Office, 1021 O Street, Suite 8630  
Sacramento, CA 95814

**Re: In Support of the California State Legislature Introducing and Passing a California Resident-Designated Support Person Act**

Dear Senator Skinner:

The Berkeley City Council conveys its urgent support for the California State Legislature introducing and passing a California Resident-Designated Support Person Act.

The COVID-19 pandemic has had a devastating impact on residents of long-term care facilities. In addition to sickness and death from COVID-19 infections, residents suffered incalculable loss due to draconian visitation restrictions that separated residents from their families, friends, and essential support persons, who often provide life-saving and other services to their loved ones.

It is essential, at all times, for individuals residing in long-term care facilities to have access to family members and friends who provide critical supportive services which may include, but are not limited to, emotional, mental, social and physical support.

Support persons with access to in-person contact bring residents, among other things, companionship, psycho-social support, cognitive stimulation, communication assistance, assistance with daily living tasks such as eating, dressing and hygiene support, meaningful connection, relational continuity, decision-making assistance, transportation, physical activities, and fulfill other personal needs for long term care facility residents. Recognition of the support role played by designated friends and family should not be seen as a substitute for consistent, ongoing care from facility staff, but rather part of the broader web of wholistic care.

Therefore, it is in the public interest for the California Legislature to immediately introduce and pass legislation that allows residents to have immediate and unscheduled physical access to designated support persons without restriction on time, frequency, physical contact, or proximity during health emergencies such as the COVID-19 pandemic.

For these reasons, we urge your support such for such legislation this session.

Thank you for your leadership and consideration.

Sincerely,

The Berkeley City Council

The Honorable Assemblymember Buffy Wicks  
Capitol Office, 1021 O Street, Suite 4240  
P.O. Box 942849, Sacramento, CA 94249-0015

**Re: In Support of the California State Legislature Introducing and Passing a California Resident-Designated Support Person Act**

Dear Honorable Assemblymember Wicks:

The Berkeley City Council conveys its urgent support for the California State Legislature introducing and passing a California Resident-Designated Support Person Act.

The COVID-19 pandemic has had a devastating impact on residents of long-term care facilities. In addition to sickness and death from COVID-19 infections, residents suffered incalculable loss due to draconian visitation restrictions that separated residents from their families, friends, and essential support persons, who often provide life-saving and other services to their loved ones.

It is essential, at all times, for individuals residing in long-term care facilities to have access to family members and friends who provide critical supportive services which may include, but are not limited to, emotional, mental, social and physical support.

Support persons with access to in-person contact bring residents, among other things, companionship, psycho-social support, cognitive stimulation, communication assistance, assistance with daily living tasks such as eating, dressing and hygiene support, meaningful connection, relational continuity, decision-making assistance, transportation, physical activities, and fulfill other personal needs for long term care facility residents. Recognition of the support role played by designated friends and family should not be seen as a substitute for consistent, ongoing care from facility staff, but rather part of the broader web of wholistic care.

Therefore, it is in the public interest for the California Legislature to immediately introduce and pass legislation that allows residents to have immediate and unscheduled physical access to designated support persons without restriction on time, frequency, physical contact, or proximity during health emergencies such as the COVID-19 pandemic.

For these reasons, we urge your support such for such legislation this session.

Thank you for your leadership and consideration.

Sincerely,

The Berkeley City Council

The Honorable Assemblymember Mia Bonta  
Capitol Office, 1021 O Street, Suite 5620  
P.O. Box 942849, Sacramento, CA 94249-0018

**Re: In Support of the California State Legislature Introducing and Passing a California Resident-Designated Support Person Act**

Dear Honorable Assemblymember Bonta:

The Berkeley City Council conveys its urgent support for the California State Legislature introducing and passing a California Resident-Designated Support Person Act.

The COVID-19 pandemic has had a devastating impact on residents of long-term care facilities. In addition to sickness and death from COVID-19 infections, residents suffered incalculable loss due to draconian visitation restrictions that separated residents from their families, friends, and essential support persons, who often provide life-saving and other services to their loved ones.

It is essential, at all times, for individuals residing in long-term care facilities to have access to family members and friends who provide critical supportive services which may include, but are not limited to, emotional, mental, social and physical support.

Support persons with access to in-person contact bring residents, among other things, companionship, psycho-social support, cognitive stimulation, communication assistance, assistance with daily living tasks such as eating, dressing and hygiene support, meaningful connection, relational continuity, decision-making assistance, transportation, physical activities, and fulfill other personal needs for long term care facility residents. Recognition of the support role played by designated friends and family should not be seen as a substitute for consistent, ongoing care from facility staff, but rather part of the broader web of wholistic care.

Therefore, it is in the public interest for the California Legislature to immediately introduce and pass legislation that allows residents to have immediate and unscheduled physical access to designated support persons without restriction on time, frequency, physical contact, or proximity during health emergencies such as the COVID-19 pandemic.

For these reasons, we urge your support such for such legislation this session.

Thank you for your leadership and consideration.

Sincerely,

The Berkeley City Council

SECTION 1. The Legislature finds and declares all of the following:

(a) The COVID-19 pandemic has had a devastating impact on residents of long term care facilities. In addition to sickness and death due to COVID-19 infections, residents suffered incalculable loss due to draconian visitation restrictions that separated residents from their families, friends, and essential support persons.

(b) It is essential, at all times, for individuals residing in long-term care facilities to have access to family members and friends who provide critical supportive services which may include, but are not limited to, emotional, mental, social and physical support. The Legislature affirms that a resident having physical access to family members or friends who provide support is necessary to mitigating a decline in the resident's physical, mental, and emotional wellbeing. Therefore, when a public health emergency precipitates government-ordered visitation restrictions, we deem it necessary to allow residents to have immediate and unscheduled physical access to designated support persons without restriction on time, frequency, physical contact, or proximity.

(c) Support persons with access to in-person contact provide, among other things, companionship, psycho-social support, cognitive stimulation, communication assistance, assistance with daily living tasks such as eating, dressing and hygiene support, meaningful connection, relational continuity, decisionmaking assistance, transportation, physical activities, and fulfill other personal needs for long term care facility residents.

(d) While designated support persons provide essential support to long term care residents, their access should not be seen as a substitute for consistent, ongoing care from facility staff.

SECTION 2. Chapter 2.47 (commencing with Section 1439.70) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2.47. Resident-Designated Support Persons Act

1439.70. For the purposes of this chapter, the following definitions shall apply:

(a) "Designated Support Persons" are individuals designated by a resident or resident representative to provide in-person, on-site, support for a resident.

(b) "Long-term care facility" or "facility" means facilities listed in Section 1418 of this code and subdivision (b) of Section 9701 of the Welfare and Institutions Code.

(c) "Long-term care facility staff" or "facility staff" means all individuals employed by or contracted directly with the facility who provide care to residents.

(d) "Public health emergency" - A public health emergency is a natural disaster, an outbreak of an infectious disease, bioterrorist attack, or other significant or catastrophic event that triggers a state or local government order to restrict residents' visitation rights in a long-term care home.

(e) "Resident" means a resident or patient of a long-term care facility.

(f) "Resident representative" means an individual who has authority to act on behalf of the resident, including but not limited to, a conservator, guardian, person authorized as agent in the resident's advance health care directive, the resident's spouse, registered domestic partner, or family member, a person designated by the resident to act as a representative, or other surrogate decisionmaker designated consistent with statutory and case law.

1439.71.

(a) Each long-term care resident shall have the right to in-person, on-site access to a minimum of up to two (2) designated support persons during any public health emergency in which residents' visitation rights are curtailed by a state or local order. Subject only to denial by the resident or their representative, the designated support person shall have the right to enter the resident's dwelling at any time and provide private support as needed in an unscheduled manner and without limits to the duration or frequency of their visits. Facilities shall allow individual residents to have at least one (1) of their designated support persons physically present at any time.

(b) A resident's right to visitation with designated support persons includes the right to leave the facility on outings, with or without accompaniment by the designated support persons, so long as reasonable infection control precautions are taken. Residents who exercise this right to outings may not be required to quarantine or isolate upon their return to the facility unless there is a known exposure to a contagious infection. Residents returning from an outing may not be required to practice stricter infection control precautions than those required of staff when they enter the facility.

(c) Residents or their representatives have the right to designate support persons immediately upon admission to a facility and anytime thereafter. Residents or their representatives shall have the right to modify their designations at any time.

(d) Selecting or modifying designated support persons shall in no way limit a resident's right to other types of visitation accommodations available during a public health emergency. This may include, but are not limited to, expansive end-of-life or compassionate care visits, socially-distanced visits, virtual visits, or telephonic visits.

1439.72.

(a) Facilities may require designated support persons to adhere to the same, but not greater, infection control protocols required of care staff during a public health emergency. Facilities are required to provide personal protective equipment and any other mandated resources such as infection testing and relevant infection control training to designated support persons at no cost to the resident or designated support person.

(b) Facilities must provide infection control protocols required of care staff, designated support persons, and other visitors to the residents, resident representatives, and their designated support persons in writing and in their primary language.

(c) Any changes in infection control protocols shall be communicated, reasonably in advance, to the residents, resident representatives, and their designated support persons in writing and in their primary language.

(d) Facilities may not require designated support persons to adhere to infection control protocols that have not been communicated as set forth in sections (b) and (c).

1439.73. Any waiver of the rights specified in this Act shall be deemed contrary to public policy and shall be void and unenforceable.

1439.74. This Chapter may not be suspended, overridden, or modified by an Executive Order, Public Health Emergency, Department of Public Health order, county or city rules, or local public health order.

1439.75. A violation of this Chapter shall be treated as a violation under Chapter 2 (commencing with Section 1250), Chapter 2.4 (commencing with Section 1417), or Chapter 3.2 (commencing with Section 1569). A violation shall constitute a class B violation, as defined in subdivision (e) of Section 1424, for long-term care health facilities, or grounds for a civil penalty as defined in subdivision (a) of Section 1569.49, for residential care facilities for the elderly.

SECTION 3. Section 1569.318 is added to the Health and Safety Code, to read:

1569.319. Every residential care facility for the elderly shall abide by the provisions of the Resident-Designated Support Persons Act (Chapter 2.47 (commencing with Section 1439.70)).

SECTION 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To protect the visitation rights of residents of long term care facilities and their ability to receive essential support from designated support persons during the COVID-19 state of emergency, it is necessary for this act to take effect immediately.



Councilmember Terry Taplin  
Councilmember Rashi Kesarwani  
Councilmember Rigel Robinson  
Mayor Jesse Arreguin

CONSENT CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Rigel Robinson (Author), Terry Taplin (Author), Rashi Kesarwani (Author), & Mayor Jesse Arreguin (Author)  
Subject: Budget Referral: South Sailing Basin Dredging

RECOMMENDATION

Refer to the City Manager to dredge the Berkeley Marina's South Sailing Basin (SSB), including 1) pursuing and proposing potential funding opportunities for both planning and implementation, and 2) performing the necessary bathymetric, hydrography, technical, permitting, and mitigation studies required to move forward as quickly as possible.

Furthermore, refer \$350,000 to the June 2022 budget process for the purposes of South Sailing Basin Dredging planning & evaluation.

BACKGROUND

The Berkeley Marina is a treasured public open space, with over 100 acres of park space, seven miles of trails, 17-acres of off-leash dog area, educational programming at the Shorebird Nature Center, the nationally celebrated Adventure Playground, bird-watching, picnic areas, and panoramic views. It serves as a regional hub for boaters and watersports.

In many ways, the heart of the Berkeley Marina is the South Sailing Basin, where the Cal Sailing Club and Cal Adventures are located. The three docks of the South Sailing Basin make the water accessible to Berkeleyans of all backgrounds, and have a true regional draw. Bay Area residents from near and far come to the South Sailing Basin, where they can find three public docks, two sailboat hoists, a windsurfing rigging area with wash-down facilities, well-maintained public bathrooms, and a beach launch at nearby Shorebird Park. The Berkeley Marina itself creates a breakwater and wind shadow for the South Sailing Basin, resulting in an ideal environment for learning windsurfers, sailors, kayakers, and swimmers.

However, over the last several decades, silt and mud have accumulated in the South Sailing Basin, making it more and more challenging for the cove to be used. On low tide days, the City's three public docks sit on the mud. More and more frequently, due to the severity of the silt accumulation, it is impossible to use the SSB altogether. As a result, Cal Sailing and Cal Adventures must close on those days.

This challenge has prompted recreational users in the South Sailing Basin to consider advocating for the relocation of the public docks to the Hs Lordships peninsula, where the water would be consistently deeper. A more practical near-term solution would be to dredge the South Sailing Basin. While the City should aspire to dredge as much of the basin as possible, the City should also consider dredging a channel for only the three docks if that is more feasible. The SSB has not been dredged since the 1970s, when it was done alongside the work that created the peninsula out to 199 Seawall Drive.

Even as accessibility to the bay by way of the South Sailing Basin decreases due to increased siltage, interest in recreational activities at the waterfront is only increasing. Attendance at Odyssey Open Water Swimming's weekly chaperoned swims has quadrupled since 2018.<sup>1</sup> Despite the pandemic, Cal Sailing Club recruited more members in 2021 than in 2019, averaging upwards of a thousand new members every year.

The silting of the South Sailing Basin threatens the long-term viability of recreational uses at the Marina, and thus threatens the mission of the Berkeley Marina itself. It is imperative that waterfront recreation continues to have a future at the Berkeley Marina. It is therefore imperative that the City address this concern in a timely manner.

Council recently voted to request state funding for a number of necessary improvements at the Berkeley Marina, including dredging the main channel for better boat access.<sup>2</sup> While including a funding request for dredging the SSB was considered, there is significant study that needs to be performed before that project is ready to pursue outside funding for implementation.

Dredging the South Sailing Basin is not currently on staff's work plan. However, the Berkeley Marina Area Specific Plan process does create an opportunity to rank priority for infrastructure upgrades. Dredging the South Sailing Basin will be considered through that process. This referral seeks to see SSB dredging integrated into staff's work plan.

At present, the City has a consultant on board responsible for planning work related to dredging the Main Harbor channel at the Berkeley Marina. Staff should consider expanding the scope of that consultant contract to also determine how to approach dredging the South Sailing Basin. This planning and evaluation would be a necessary precursor to the dredging work itself.

As the BMASP and Pier/Ferry projects move forward and bring new energy and uses to the Marina, it is critical that the City act with the same level of urgency to maintain the recreational uses that make the Berkeley Marina so special today.

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<sup>1</sup> <https://www.berkeleyside.org/2021/09/27/odyssey-open-water-swimming-san-francisco-bay>

<sup>2</sup> <https://www.berkeleyside.org/2021/10/27/officials-seek-state-money-help-revive-berkeley-marina>



FINANCIAL IMPLICATIONS

City staff have held a placeholder of \$5 million on our unfunded list of capital projects for dredging the South Sailing Basin. Total waterside infrastructure needs are estimated to range from \$64.5 million to \$108 million. Recent conversations suggest that the technical, permitting, and mitigation elements of dredging the SSB are more complex than initially understood and may require extensive study and significantly more funding than \$5 million. Staff should propose funding opportunities that could support dredging the South Sailing Basin and present Council with more precise figures on complete estimated costs. This referral refers to the budget process the consideration of \$350,000 for planning and evaluation work related to South Sailing Basin dredging.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Staff should research and consider the environmental impacts of dredging the South Sailing Basin. Dredging is important to maintain the feasibility of recreational uses at the Marina. As silt issues worsen, the draw of the Marina as a natural resource and public park will be jeopardized, creating further challenges for the City to maintain and preserve this beautiful public space.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

- 1: Citizens for East Shore Parks Letter, dated January 3, 2022



### Citizens for East Shore Parks

PO Box 6087, Albany, CA 94706

Office: 1604 Solano Avenue, Albany, CA 94707

Office: 510.524.5000 | [www.eastshorepark.org](http://www.eastshorepark.org)

[cespmanager@eastshorepark.org](mailto:cespmanager@eastshorepark.org)

January 3, 2022

Berkeley City Council  
2180 Milvia Street  
Berkeley CA 94704

Re: Limited Dredging South Sailing Basin

Dear Mayor Jesse Arreguin and Councilmembers Rashi Kesarwani, Terry Taplin, Ben Bartlett, Kate Harrison, Sophie Hahn, Susan Wengraf, Rigel Robinson, Lori Droste:

Silt in the South Sailing Basin has progressed to the point that it is now limiting small craft aquatic recreation during low tides. Swimmers, sailors, and kayakers, as well as paddle boarders and windsurfers are unable to launch and land through extensive muck on their way to open water. Citizens for East Shore Parks (CESP) therefore supports limited dredging of the South Sailing Basin. This dredging would be limited to the area around the 3 docks and both lifts, creating a channel into deeper water in order to preserve access to this valuable recreational resource.

We understand that dredging of the Berkeley Marina's main harbor (north of University) is scheduled. Having such dredging equipment in the area might reduce the cost of a limited dredge of the South Sailing Basin. Of course, any dredging would need to be carried out safely and responsibly. The dredging must be consistent with the protection of habitat and wildlife, especially rafting birds, not done in periods when rafting birds would be present, and performed in such a way as to maintain or enhance the habitat of the South Basin for wildlife.

Restoration of Bay access for water recreation would allow continued use of the Bay for much needed recreation. Additionally the dredging would allow the next generation of watercraft and recreational users to learn the skills and the responsibilities of sailing in SF Bay. If dredging is not carried out, these valued facilities could be eventually closed, and that would be a loss for everyone.

Please feel free to contact us with any questions. Citizens for East Shore Parks works to protect the Bay shoreline, the aquatic habitat, and to secure public access to shoreline open space along the magnificent East Bay Shore.

Sincerely,

Shirley Dean, CESP Board President

Robert Cheasty, CESP Executive Director

*Dwight Steele*  
Emeritus Co-Chair  
(1914 - 2002)

Sylvia McLaughlin  
Emeritus Co-Chair  
Secretary  
(1916-2016)

**Board of Directors:**

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Norman La Force  
Vice President

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**Executive Director:**

Robert Cheasty

**Manager:**

Roberta Wyn



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

25

CONSENT CALENDAR  
 February 22, 2022

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson  
 Subject: Support for AB 1602: Student Housing Revolving Loan Fund Act

RECOMMENDATION

Send a letter to Assemblymember Kevin McCarty, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 1602, the California Student Housing Revolving Loan Fund Act of 2022.

BACKGROUND

Assembly Bill 1602, introduced by Assemblymember Kevin McCarty, would establish a revolving loan fund offering \$5 billion in zero-interest loans to facilitate the construction of affordable student, faculty, and staff housing for the University of California, the California State University, and the California Community Colleges. This funding would create approximately 25,000 beds of student housing at below market rents.

AB 1602 provides priority for campuses with a greater unmet demand for student housing, as well as projects with an accelerated construction timeline. The bill also includes requirements for the project to be within a five-mile radius of the campus and for at least 50% of student residents to meet the criteria for need-based financial assistance, with limited exceptions.

Nearly half of all students enrolled at the CSU and CCC, and 40% of students at the UC are low-income and struggle to afford the rising cost of attending college. College students throughout California face a drastic housing crisis — one that will continue to worsen if mandated enrollment growth is not coupled with an increase in student housing construction.

Despite UC Berkeley's efforts in recent years to build more on-campus student housing, more support from the state is critical. UC Berkeley has the lowest percentage of beds for its student body of any campus in the UC system.<sup>1</sup> This crisis affects not only students, but also long-term residents who face increased competition for housing, resulting in gentrification and displacement.

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1

[https://evcp.berkeley.edu/sites/default/files/housing\\_master\\_plan\\_task\\_force\\_final\\_draft\\_january\\_2017.pdf](https://evcp.berkeley.edu/sites/default/files/housing_master_plan_task_force_final_draft_january_2017.pdf)

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Angie Chen, Legislative Assistant

Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1602](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1602)

February 22, 2022

The Honorable Kevin McCarty  
Assemblymember, 7th District  
State Capitol, Room 2136  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 1602**

Dear Assemblymember Kevin McCarty,

The Berkeley City Council would like to convey our full support for Assembly Bill 1602, which would provide much-needed funding for efforts to alleviate California's student housing crisis.

The City of Berkeley is home to UC Berkeley, which, like many other UC, CSU, and CCC campuses across California, suffers from a severe undersupply of student housing and struggles to guarantee on-campus housing for its undergraduate students. UC Berkeley students are also impacted by the regional Bay Area housing crisis, meaning that securing affordable off-campus housing is not much easier. This puts gentrification and displacement pressure on long-term residents.

Despite the campus administration's efforts in recent years to build more student housing, more support from the state is critical. The \$5 billion in zero-interest loans provided by AB 1602 represent a solution that matches the scale of the problem. The City particularly appreciates your commitment to ensuring that the housing built is below local market rental rates, and that campuses with a greater unmet demand for student housing may be prioritized.

The Berkeley City Council strongly supports AB 1602 and thanks you for being a champion on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks





Office of the City Manager

26

PUBLIC HEARING  
February 22, 2022

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: ZAB Appeal: 1527 Sacramento Street, Administrative Use Permit #ZP2020-0034

RECOMMENDATION

Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2020-0034 to: 1) add a 520 square-foot two-story addition with an average height of 21 feet 9 inches at the rear of the existing building; 2) add a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling, and dismiss the appeal.

FINANCIAL IMPLICATIONS

None.

CURRENT SITUATION AND ITS EFFECTS

On April 28, 2020, Jason Kaldis (“Applicant”) submitted an application for an Administrative Use Permit (AUP) to remodel and expand a single-family home located at 1527 Sacramento Street.

The applicant shared the plans with the owners and occupants of five of the seven neighboring properties in-person in early March 2020. The applicant sent plans to the neighbors at 1529 and 1525 Sacramento Street via certified mail in early April 2020.

On May 13, 2020, staff received a letter from the owners of 1529 Sacramento Street stating concerns that are similar to their appeal points listed below. Staff met via videoconference with the owners of 1529 Sacramento Street and the daughter of the owner of 1525 Sacramento Street in June 2020 to discuss their concerns and the AUP process. Staff met with the owners of 1529 Sacramento Street and two of the family members of the owner of 1525 Sacramento Street for a site visit at their properties in August 2020, and the Land Use Planning Manager met with them in November 2020. The owners of 1529 Sacramento Street and two of the family members of the owner of 1525 Sacramento Street also submitted written questions and concerns, to which staff provided responses.

On June 14, 2021, the Notice of Administrative Decision was issued by the Zoning Officer, initiating a 20-day appeal period. On July 2, 2021, Joyce Lewis filed an appeal of the Zoning Officer's decision on behalf of Sterling Lewis of 1525 Sacramento Street and his family. On July 6, 2021, Micah and Michele Liedeker of 1529 Sacramento Street filed an appeal of the Zoning Officer's decision.

On September 23, 2021, the Zoning Adjustments Board (ZAB) conducted a public hearing for the appeal of the Administrative Use Permit. After hearing public comments and holding discussion, and adding Condition #11 (construction schedule must be shared with the neighbors at 1525 and 1529 Sacramento Street), the ZAB approved the Administrative Use Permit and dismissed the appeal by a vote of 8-0-0-1 (Yes: Duffy, Kahn, Kim, Gaffney, Olson, Thagard, Thompson, Tregub; No: None; Abstain: None; Absent: O'Keefe).

On September 30, 2021, staff issued the notice of the ZAB decision, and on October 13, 2021, an appeal of the ZAB decision was filed with the City Clerk by Joyce Lewis, daughter of Sterling Lewis, the owner of 1525 Sacramento Street. The Clerk set the matter for review by the Council on February 22, 2022.

On or before February 8, 2022, staff posted the public hearing notice at the site and two nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal.

### PROJECT DESCRIPTION

The subject property is located on the east side of Sacramento Street, between Rose Street and Cedar Street; the rear of the lot faces Buena Avenue. The project site is rectangular, with a 25-foot wide lot line along Sacramento Street and 111-foot lot depth. The parcel is currently developed with an 824 square-foot, one-story single-family dwelling with a covered porch at the front of the lot and an uncovered deck at the rear along the south side property line. The parcel is non-conforming to current zoning standards in terms of minimum lot size, lot coverage, and building setbacks from the front (west) and right (right) side property lines. There is a garage along the right rear (southeast) corner of the lot, which is accessed from Buena Avenue.

The proposed project is a 564 square-foot addition, consisting of a 520 square-foot second floor addition and a 44 square-foot first floor addition at the rear of the existing residence. The existing average building height is 12 feet 3 inches. With the addition, the new average height would be 21 feet 9 inches. The existing dwelling has two bedrooms and one bathroom; with the addition, two bedrooms and a bathroom would be provided on the second floor and a portion of the first floor would be converted to a family room.

A hot tub would be added to the rear yard, 1 foot 6 inches from the north (left) property line and 7 feet from the rear property line. The storage shed attached to the garage



would be removed to bring the total lot coverage into compliance with zoning standards (maximum 40 percent coverage allowed). The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure would be legalized with this zoning permit and recognized with a subsequent building permit.

### BACKGROUND

At the September 23, 2021 ZAB hearing, the ZAB added Condition of Approval #11:

*11. Prior to project construction, the Project Liaison shall email the construction schedule to the neighbors at 1525 and 1529 Sacramento Street, and offer to meet with them to discuss the construction procedures and schedule. City Planning Staff shall be copied on the email.*

The issues raised in the appellant's letters and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the attached appeal letters (Attachment 2, parts 1 and 2) for the full text.

The letter and petition that accompanies the appeal letter was originally submitted to the City on August 18, 2020. The six appeal points listed below are from page 7 of the appeal letter. After submitting the appeal letter on October 13, 2021, the appellant sent an addendum to the appeal letter raising four points, and attaching the appeal letter submitted on July 6, 2021 by Micah and Michele Liedeker, and Joyce Lewis' talking points for her presentation at the September 23, 2021 ZAB meeting.

### Appeal Letter

**Issue #1: No adjustments or suggestions were made by ZAB to protect the use, enjoyment, property rights, or adverse impact of the addition on the neighbors at 1525 and 1529 Sacramento Street.**

Response: The project approved by ZAB conforms to the development standards of the R-1 district, including residential density, lot coverage, useable open space, and setbacks. New windows will be installed along all building elevations, but the new windows will be outside of required setbacks. Most of the new windows at the first floor will be located in the same general places as existing windows, with limited new impacts to the privacy of neighbors. The proportions, setbacks, and roof slopes of the addition maintain the character of the existing property and surrounding neighborhood. Further, the proposed addition will not create detrimental air, views, or light impacts (see Findings and Conditions, included as Exhibit A to the resolution). ZAB added a Condition of Approval to require the project liaison (often the owner, architect, or contractor) to email the construction schedule to the neighbors at 1525 and 1529 Sacramento Street, and to offer to meet with them to discuss the construction procedures and schedule, in order to mitigate their concerns about noise and dust. ZAB considered and discussed the evidence presented at the hearing, and acted within its

purview to approve the proposed project. Therefore, staff recommends Council dismiss this appeal point.

**Issue #2: Applicant mistakenly stated that neighbors at 1525 and 1529 Sacramento Street were unwilling to compromise.**

Response: The appellants contend that they are willing to compromise, but they have not indicated that they would support a modified second-story addition. The appellant has stated that the applicant should not add a second story, and should instead seek a variance to exceed the lot coverage in order to add a one-story addition.

Administrative Use Permits apply to the height of the addition, the size of the addition, alterations to the front porch in the non-conforming front setback, and the addition of a hot tub. The existing average building height is 12 feet 3 inches. With the addition, the new average height will be 21 feet 9 inches, less than the average height limit of 28 feet. The project is a major residential addition because more than 15 percent of the lot area will be added. The 564 square-foot addition consists of a 520 square-foot second floor addition setback approximately 35 feet from the front property line, and a 44 square-foot first floor addition at the rear of the existing residence. The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure would be legalized with an Administrative Use Permit and established with a subsequent building permit. The project approved by ZAB conforms to the development standards of the R-1 district, and meets the findings for non-detriment as described in the findings and conditions (Exhibit A). Staff recommends the Council dismiss this appeal point.

**Issue #3: The shadow study submitted by the applicant is vague and ambiguous, and there are not explicit details on the extent of shading on each window.**

Response: The shadow studies prepared by the applicant comply with the City's [instructions](#). The proposed project meets the development standards of the district and the shadows caused by the proposed addition are normal for an urbanized area. Because the impacts would occur on limited areas and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and the shading impacts were not deemed detrimental. Staff recommends the Council dismiss this appeal point.

**Issue #4: Staff did not provide an honest and thorough analysis of BMC Section 23.406.030.F (formerly Section 23B.28.050<sup>1</sup>).**

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<sup>1</sup> The prior Zoning Ordinance was in effect at the time this application was deemed complete and was heard by ZAB. The version of the BMC Title 23, Zoning Ordinance, that was in effect at the time this application was deemed complete is available online:

Response: The required findings under BMC Section 23.406.030.F.1<sup>2</sup> are based on the broad land use regulatory (“police”) powers of all cities and counties and those terms (health, safety, and welfare) are not defined in the BMC. The appellants draw a connection between the health, safety, and peace of the residents of 1525 Sacramento Street and 1529 Sacramento Street and negative aspects of construction, and the proposed addition. The City has interpreted health, safety and welfare to mean access to sunlight, air, and privacy, which are analyzed in the Findings and Conditions (Exhibit A). Construction impacts, such as noise and dust, are addressed in the City’s Standard Conditions of Approval. ZAB also added a condition of approval to assuage concerns about construction impacts. Staff believes that the Finding under BMC Section 23.406.030.F.1 can be made, and thus recommends the Council dismiss this appeal point.

**Issue #5: The proposed addition will lead to adverse economic impacts for the resident of 1525 Sacramento Street, including higher energy bills due to increased shadows, more caregiving services to help the occupant in lower light conditions, the need to install skylights to provide more light, and solar cells to offset increased energy costs. These economic impacts will be an unconstitutional “taking.”**

Response: The economic concerns listed in the appeal letter do not address the findings made by the ZAB regarding the proposed project. Takings jurisprudence arises from the Fifth Amendment to the United States Constitution, and provides that no private property can be taken *for public use* without the payment of just compensation. There are many different types of takings (physical invasions of property, regulatory takings that restrict the use of property, or land use exactions such as easements), none of which are applicable to the effect of this project upon neighboring parcels. The Zoning Officer, the ZAB, and City Council must base the decision to approve or deny a project on the required findings in the BMC. A project cannot be denied or approved based on speculation, unsubstantiated opinions, or the level of support or opposition of various parties regarding its potential economic impacts. Staff recommends the Council dismiss this appeal point.

**Issue #6: The applicant has refused to modify the project to address increased shadows, and loss of heat and natural light for 1525 Sacramento Street.**

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[https://www.cityofberkeley.info/Planning\\_and\\_Development/Land\\_Use\\_Division/Zoning\\_Ordinance\\_Revision\\_Project\\_\(ZORP\).aspx](https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Zoning_Ordinance_Revision_Project_(ZORP).aspx)

<sup>2</sup> 1. To approve an AUP, the Zoning Officer shall find that the proposed project or use:

- (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood, of the proposed use; and
- (b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

Response: The existing average building height is 12 feet 3 inches. With the addition, the new average height will be 21 feet 9 inches, below the limit of 28 feet. When the project was first submitted in April 2020, the proposed maximum ridge height was 23 feet 4 ¾ inches; the project was revised and resubmitted in August 2020, with a maximum ridge height of 22 feet 9 inches, 7 ¾ inches lower than originally proposed. Furthermore, when the project was originally submitted, the right (south) setback for the area of the addition was 2 feet 1 3/8 inch, the same as the existing house (which is allowed with an Administrative Use Permit to extend a non-conforming setback, per BMC Section 23.324.050(D)(2)). The proposal was revised in August 2020 to meet the 3-foot setback, which complies with the requirement in BMC Section 23.304.030(B). The proposed project otherwise meets the development standards of the district, and the shadows caused by the proposed addition are normal for an urbanized area. Because the impacts would occur on limited areas and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and the shading impacts were not deemed detrimental. Staff recommends the Council dismiss this appeal point.

#### Addendum to the ZAB Appeal

**Issue #1: The architect's response to the July 6, 2021 appeal letter was received on September 13, 2021, only ten days before the ZAB meeting, and did not answer the appellants' questions about shadows.**

Response: The appellants (1525 and 1529 Sacramento Street) have shared several concerns related to the shadow studies prepared by the applicant throughout the application process, and staff and the applicant have responded to those concerns in emails, letters, the ZAB staff report, and this Council report. In the addendum to the appeal of the ZAB decision, the appellants state that they would like to know the percentage of light lost to specific windows, and the hours per day, and the days per year that the windows would be affected. The appellants state that they need this specific data so that they have more information on potential economic loss.

The shadow studies prepared by the applicant comply with the City's [instructions](#). The shadows caused by the proposed addition are normal for an urbanized area. 1525 Sacramento is adjacent to the north of 1527 Sacramento, and it is set back approximately 5 feet from the shared property line. The potential impacts are summarized as follows:

- Two hours after sunrise on the winter solstice (December 21), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover a window in the living room, front bedroom, closet, bathroom window, and two bedrooms near the rear.

- At noon on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover windows in a closet, bathroom, and six bedroom windows near the rear.
- Two hours before sunset on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover two bedroom windows near the middle of the house, and cover one quarter of the last bedroom window at the rear of the dwelling.
- At noon on March 13 (representative of the application date), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover half of a bedroom window at the front of the house, windows in a closet, bathroom, and two bedroom windows near the middle of the house.

The shading impacts were not deemed detrimental by the Zoning Officer or ZAB. Therefore, staff recommends the Council dismiss this appeal point.

**Issue #2: ZAB did not require mediation, and only asked the applicant, and not the appellants, whether mediation was pursued.**

Response: Mediation is not required by Title 23 of the BMC when there is a conflict between parties.<sup>3</sup> ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends Council dismiss this appeal point.

**Issue #3: Staff has stated in emails that they do not analyze BMC Section 23.406.030(F) (formerly Section 23B.28.050) regarding health, safety and welfare.**

Response: In emails exchanged between staff and the appellants in July of 2020, staff explained that although the Finding under BMC Section 23.406.030(F) (see footnote 2 on page 4 of this report) contains the word “health,” “health” is not defined in the BMC. Because the use is conforming, i.e., a residential addition in a residential district, it is considered innocuous in the larger scheme of land use planning (as opposed to introducing an industrial use in a residential district, for example). Staff believes that the Finding under BMC Section 23.406.030(F)(1) can be made, and thus recommends the Council dismiss this appeal point.

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<sup>3</sup> BMC Section 23.404.050(F)(1) *After the close of public hearing, the review authority shall either approve, modify, or deny the application; continue the hearing to a future date; or refer the application to a mediation or conflict resolution service.*

**Issue #4: The addition will have economic impacts for neighbors, such as decreased property values.**

Response: Analysis of the potential economic impact of a small residential project is not required by the BMC. A project cannot be denied or approved based on speculation, therefore staff recommends Council dismiss this appeal point.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project approved by the ZAB is in compliance with all applicable State and local environmental requirements, would be located in a transit-rich area, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

RATIONALE FOR RECOMMENDATION

The ZAB considered all of the information received from staff, the applicant, the appellants, and the neighbors, and determined that the project is consistent with the zoning ordinance and applicable policies of the General Plan, and would not result in detrimental impacts to residents, adjacent properties, the surrounding area, or to the general welfare of the city.

Staff believes that the ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. None of the issues raised on appeal are different from those raised at the ZAB hearing, and no new evidence or argument would dispute the reasoned findings of the ZAB. Therefore, staff recommends that the City Council uphold the ZAB decision to approve the second-story addition with an average height of 21 feet 9 inches, legalize the enclosure of the front porch in the non-conforming front setback, and add an unenclosed hot tub, with the ZAB-approved condition of approval related to notification of neighbors regarding the construction schedule.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

Action Deadline:

Pursuant to BMC Section 23.410.040(I), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS

Jordan Klein, Director, Planning & Development Department, (510) 981-7534  
Steven Buckley, Land Use Planning Manager, (510) 981-7411  
Allison Riemer, Project Planner, (510) 981-7433

Attachments:

- 1: Resolution
  - Exhibit A: Findings and Conditions
  - Exhibit B: Project Plans, dated April 27, 2021
- 2: Appeal Letters, received October 13, 2021
- 3: ZAB Staff Report, dated September 23, 2021
- 4: Index to Administrative Record
- 5: Administrative Record
- 6: Public Hearing Notice

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

UPHOLD THE ZONING ADJUSTMENTS BOARD (ZAB) DECISION TO APPROVE ADMINISTRATIVE USE PERMIT #ZP2020-0034 TO ADD 1) A 520 SQUARE FOOT SECOND-STORY ADDITION WITH AN AVERAGE HEIGHT OF 21 FEET 9 INCHES AT THE REAR; 2) A MAJOR RESIDENTIAL ADDITION OF MORE THAN 15 PERCENT OF THE LOT AREA, INCLUDING 44 SQUARE FEET AT THE FIRST FLOOR; 3) LEGALIZE THE ENCLOSURE OF THE FRONT PORCH IN THE NON-CONFORMING FRONT SETBACK; AND 4) ADD AN UNENCLOSED HOT TUB, ON A 2,783 SQUARE-FOOT LOT THAT CONTAINS A ONE-STORY 824-SQUARE-FOOT SINGLE-FAMILY DWELLING, AND DISMISS THE APPEAL

WHEREAS, on April 28, 2020, Jason Kaldis (“Applicant”) submitted an application for an Administrative Use Permit (AUP) to remodel and expand a single-family home located at 1527 Sacramento Street; and

WHEREAS, on June 14, 2021, staff deemed this application complete and determined that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under Section 15301 (“Existing Facilities”) of the CEQA Guidelines; and

WHEREAS, on June 14, 2021, the Notice of Administrative Decision was issued by the Zoning Officer, initiating a 20-day appeal period. On July 2, 2021, Joyce Lewis filed an appeal of the Zoning Officer’s decision on behalf of Sterling Lewis of 1525 Sacramento Street and his family. On July 6, 2021, Micah and Michele Liedeker of 1529 Sacramento Street filed an appeal of the Zoning Officer’s decision; and

WHEREAS, on September 23, 2021, the Zoning Adjustments Board (ZAB) conducted a public hearing for the appeal of the Administrative Use Permit. After hearing public comments and holding discussion, and adding Condition #11 (construction schedule must be shared with the neighbors at 1525 and 1529 Sacramento Street), the ZAB approved the Administrative Use Permit and dismissed the appeal by a vote of 8-0-0-1 (Yes: Duffy, Kahn, Kim, Gaffney, Olson, Thagard, Thompson, Tregub; No: None; Abstain: None; Absent: O’Keefe); and

WHEREAS, on September 30, 2021, staff issued the notice of the ZAB decision, and on October 13, 2021, an appeal of the ZAB decision was filed with the City Clerk by Joyce Lewis, daughter of Sterling Lewis, the owner of 1525 Sacramento Street. The Clerk set the matter for review by the Council on February 22, 2022; and

WHEREAS, on or before February 8, 2022, staff posted the public hearing notice at the site and two nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and



WHEREAS, on February 22, 2022, the Council held a public hearing to consider the ZAB's decision, and, in the opinion of this Council, the facts stated in or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby adopts the findings for approval made by the ZAB in Exhibit A, affirms the decision of the ZAB to approve Use Permit #ZP2020-0034, and dismisses the appeal. Exhibits

A: Findings and Conditions

B: Project Plans, dated April 27, 2021

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FINDINGS AND CONDITIONS  
SEPTEMBER 23, 2021

# 1527 Sacramento Street

## Administrative Use Permit #ZP2020-0034

**On a 2,783 square foot lot that contains a one-story 824-square-foot single-family dwelling: 1) 520 square foot second-story addition with an average height of 21 feet 9 inches at the rear; 2) major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub.**

### PERMITS REQUIRED

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- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition.
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition above 14 ft. in average height.
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B to make alterations in a non-conforming yard.
- Administrative Use Permit pursuant to BMC Section 23D.08.060.C to add an unenclosed hot tub.

### CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 ("Existing Facilities"). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

### FINDINGS FOR APPROVAL

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2. As required by BMC Section 23B.28.050.A, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The subject property complies with BMC Section 23D.16.070 (R-1 Single Family Residential District Development Standards) for maximum residential density (one dwelling unit on the lot where only one is allowed), maximum lot coverage (39.9 percent

lot coverage where the maximum allowed is 40 percent), and usable open space (over 400 square feet where a minimum of 400 square feet is required). The second-story addition is setback approximately 35 feet from the front lot line and approximately 44 feet from the rear lot line (20 is required for each). Because this lot is less than 40 feet in width, the minimum setback from the side lot lines is three feet per BMC Section 23D.16.070.D.2, and the second-story addition will be setback 4 feet 3 inches from the north side lot line, and 3 feet from the south lot line.

- B. The site complies with BMC Section 23D.16.080 (Parking) by providing a required off-street parking space within the detached garage where one space (covered or uncovered) is required.
  - C. The existing average building height is 12 feet 3 inches. With the addition, the new average height will be 21 feet 9 inches. When the project was first submitted in April 2020, the proposed maximum ridge height was 23 feet 4  $\frac{3}{4}$  inches; the project was revised and resubmitted in August 2020, with a maximum ridge height of 22 feet 9 inches, 7  $\frac{3}{4}$  inches lower than originally proposed. Furthermore, when the project was originally submitted, the right (south) setback for the area of the addition was 2 feet 1  $\frac{3}{8}$  inch, the same as the existing house (which is allowed with an Administrative Use Permit to extend a non-conforming setback, per BMC Section 23C.04.070.B). The proposal was revised in August 2020 to meet the 3-foot setback, which complies with the requirement in BMC Section 23D.16.070.D.2.
  - D. The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure will be legalized with this Administrative Use Permit and established with a subsequent building permit.
  - E. New windows will be installed along all building elevations, and the new windows will be outside of required setbacks. Most of the new windows at the first floor will be located in generally the same place as existing windows. Therefore, there will be limited impacts to the privacy of neighbors.
  - F. The hot tub will be at the left rear corner of the lot. The unenclosed hot tub will not affect the neighbor's privacy because it will be 14 feet 9 inches from the closest neighbor at 1517 Buena Avenue. The mechanical equipment and pump for the hot tub will be enclosed under the tub. Operation is subject to Conditions of Approval #31 – 34 as well as the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels.
3. Pursuant to BMC Section 23D.16.090.B (Findings to Deny a Use Permit), the Zoning Officer finds that the residential addition would not unreasonably obstruct sunlight, air, or views for the following reasons:
- A. Sunlight: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. The studies show that the addition will create an incremental increase in shadows on three neighboring dwellings at 1529 Sacramento Street, 1525 Sacramento Street, and 1517 Buena Avenue, as follows:
    - Two hours before sunset on the summer solstice, shadows on the north side of the dwelling at 1529 Sacramento Street will increase slightly and reach half of the middle third of a rear bedroom window;
    - Two hours after sunrise on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover a window in the living room, front bedroom, closet, bathroom window, and two bedrooms near the rear;

- At noon on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover windows in a closet, bathroom, and six bedroom windows near the rear;
- Two hours before sunset on the winter solstice, shadows on the west side of the dwelling at 1517 Buena Avenue will slightly increase, but no windows will be affected.

Because the impacts to neighboring properties will occur on limited areas and will only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental.

- B. Air: The addition is found to be consistent with the existing development and building-to-building separation pattern in this R-1 neighborhood because the addition will be outside of all required setbacks and will not exceed height or story limits. Therefore, there will be no impacts to air circulation.
- C. Views: The addition would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23F.04.010 (Definitions). The neighborhood is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles, and the area includes mature vegetation which provides additional visual screening.
4. Pursuant to BMC Section 23C.04.070.B, the Zoning Officer finds that:
- A. Although the project would make alterations to the existing covered porch within the non-conforming front yard, the alterations may be authorized because the existing use of the property is conforming (single-family dwelling in the R-1 Single Family Residential District).
- B. The roof within the front setback will not exceed the existing average height limit.
- C. The alterations of the building will not further reduce the existing non-conforming front yard.
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## STANDARD CONDITIONS

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The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

### 1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

### 2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

### 3. Uses Approved Deemed to Exclude Other Uses (BMC Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

### 4. Modification of Permits (BMC Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer.

### 5. Plans and Representations Become Conditions (BMC Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

### 6. Subject to All Applicable Laws and Regulations (BMC Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

### 7. Exercised Permit for Use Survives Vacancy of Property (BMC Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.



11. Prior to project construction, the Project Liaison shall email the construction schedule to the neighbors at 1525 and 1529 Sacramento Street, and offer to meet with them to discuss the construction procedures and schedule. City Planning Staff shall be copied on the email.

**Standard Construction-related Conditions Applicable to all Projects:**

12. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 510-981-7010, or 1947 Center Street, 4<sup>th</sup> floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 510-981-7500, or 1947 Center Street, 3<sup>rd</sup> floor, for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

13. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
14. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
23. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
  - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
  - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.



- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

- 25. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

**Prior to Issuance of Occupancy Permit or Final Inspection:**

- 27.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 28.** All landscape, site and architectural improvements shall be completed per the attached approved drawings received March 24, 2021, and April 27, 2021.

**At All Times (Operation):**

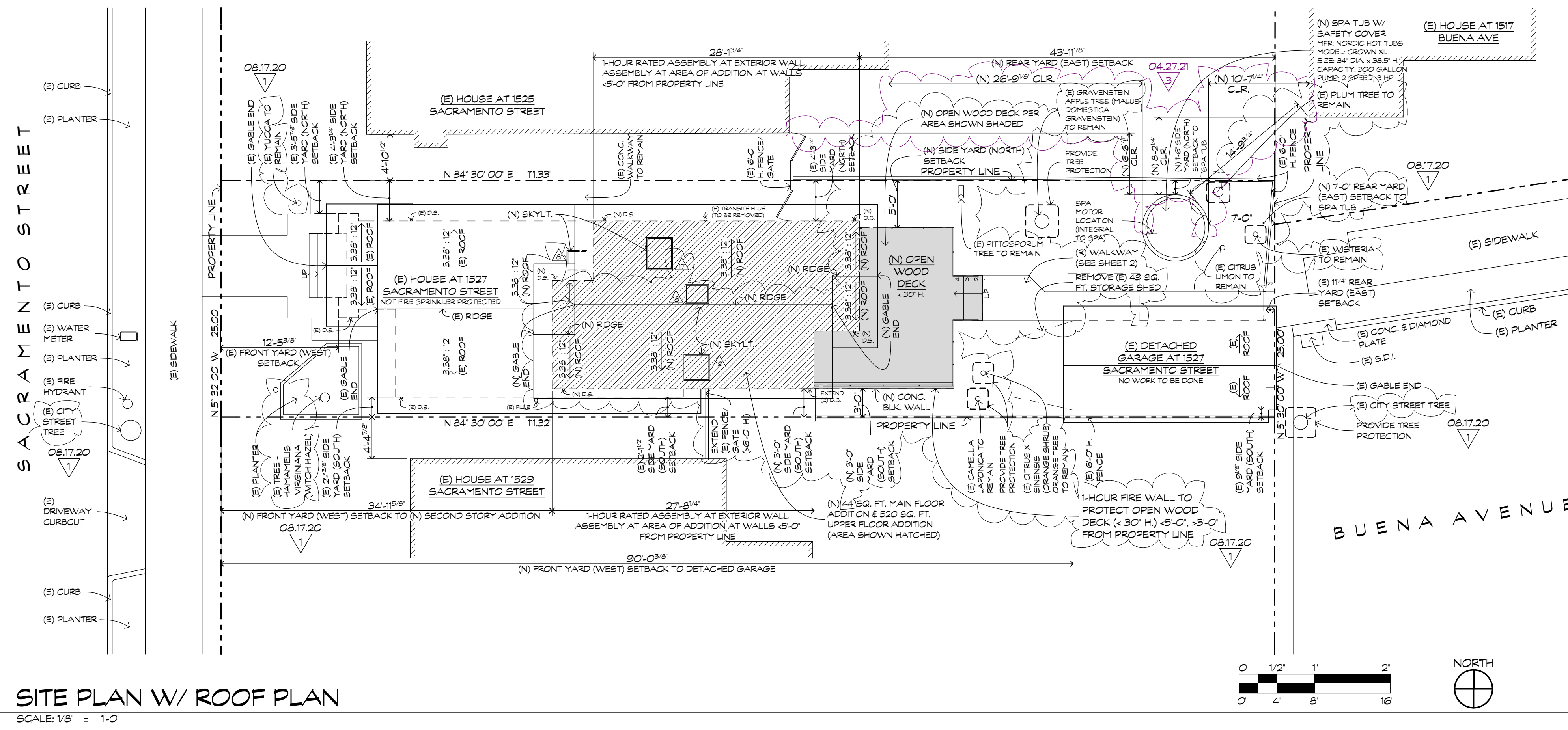
- 29.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 30. Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

31. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
32. The hot tub pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
33. The hot tub shall be equipped with safety features in accordance with the California Building Code.
34. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.
35. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.



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Prepared by: Allison Riemer  
Reviewed by: Samantha Updegrave, Zoning Officer



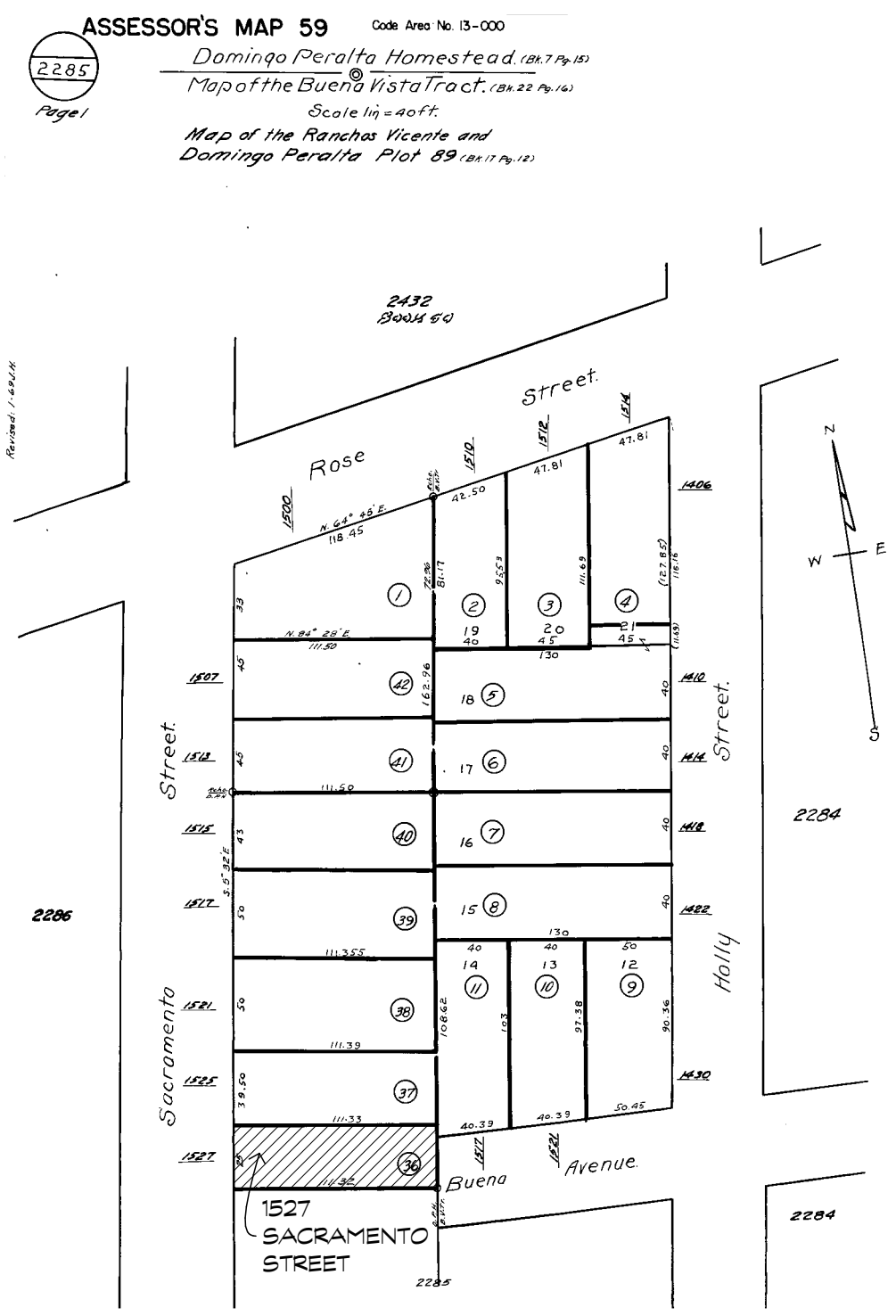
**SITE PLAN W/ ROOF PLAN**  
SCALE: 1/8" = 1'-0"

**BEST MANAGEMENT PRACTICES:**

- BEFORE IT RAINS, MATERIALS ARE TO BE SWEEPED AND REMOVED FROM SURFACES THAT DRAIN TO STORM DRAINS, CREEKS OR CHANNELS. EXPOSED PILES OF SOIL, CONSTRUCTION MATERIALS AND WASTES ARE TO BE COVERED WITH PLASTIC SHEATHING OR TEMPORARY ROOFS TO PREVENT RUNOFF DURING PERIODS OF RAIN.
- DUMPSTERS, IF USED, SHALL BE COVERED WITH A TARP AT THE END OF EVERY DAY AND DURING WET WEATHER.
- ALL LEAKS, DRIPS, AND OTHER SPILLS ARE TO BE CLEANED UP IMMEDIATELY SO AS NOT TO CONTACT STORM WATER.
- PAVEMENT OR SURFACES WHERE MATERIALS HAVE SPILLED ARE NEVER TO BE WASHED DOWN. USE DRY CLEANUP METHODS WHEN EVER POSSIBLE. IF WATER MUST BE USED TO FLUSH PAVEMENT, RUNOFF IS TO BE COLLECTED TO SETTLE OUT SEDIMENTS AND PROTECT STORM DRAIN INLETS.
- VEHICLES OR EQUIPMENT ARE TO BE WASHED AT APPROPRIATE OFF-SITE LOCATIONS.
- ALL WASTES ARE TO BE DISPOSED OF PROPERLY. MATERIALS THAT CANNOT BE REUSED OR RECYCLED MUST BE TAKEN TO AN APPROPRIATE LANDFILL OR DISPOSED OF AS HAZARDOUS WASTE. DEBRIS IS NEVER TO BE THROWN INTO CHANNELS, CREEKS, OR WETLAND AREAS. DEBRIS IS NEVER TO BE STORED OR LEFT IN THE STREET OR NEAR A CREEK WHERE IT MAY CONTACT RUNOFF.
- PROTECT ALL STORM DRAIN INLETS IN VICINITY OF SITE USING SEDIMENT CONTROLS SUCH AS BERMS, FIBER ROLLS OR FILTERS.
- CONTRACTOR SHALL TRAIN AND PROVIDE INSTRUCTION TO ALL EMPLOYEES/ SUBCONTRACTORS RE: CONSTRUCTION BMPs

| Name (printed)                                                                                                                          | Signature                 | Address                | Renter / Owner | Date    | Have no objections | Have objections (Please state briefly) | Have no comment |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------|----------------|---------|--------------------|----------------------------------------|-----------------|
|                                                                                                                                         |                           | 1529 SACRAMENTO STREET |                |         |                    |                                        |                 |
| Katherine + Jenna Booth                                                                                                                 | <i>Katherine Booth</i>    | 1528 SACRAMENTO STREET | OWNER          | 3/8/20  | ✓                  |                                        |                 |
|                                                                                                                                         |                           | 1525 SACRAMENTO STREET |                |         |                    |                                        |                 |
| SHARON KLEIN                                                                                                                            | <i>Sharon Klein</i>       | 1524 SACRAMENTO STREET | owner          | 3/14/20 | ✓                  |                                        |                 |
| Craig Wood                                                                                                                              | <i>Craig Wood</i>         | 1520 SACRAMENTO STREET | owner          | 3/12/20 | ✓                  |                                        |                 |
| Richard K Fas2HOLD                                                                                                                      | <i>Richard K Fas2HOLD</i> | 1517 BUENA AVENUE      | Owner          | 3/7/20  | ✓                  |                                        |                 |
| MAKLA PAS2HOLD                                                                                                                          | <i>MAKLA PAS2HOLD</i>     | 1517 BUENA AVENUE      | owner          | 3/7/20  | ✓                  |                                        |                 |
| The owner has confirmed that all owners AND occupants signatures have been gathered for all neighbors at abutting and confronting lots. |                           |                        |                |         |                    |                                        |                 |
| Owners Signature: <i>[Signature]</i>                                                                                                    |                           |                        |                |         |                    |                                        |                 |
| PAUL WIDEG                                                                                                                              | <i>Paul Widig</i>         | 1518 BUENA AVENUE      | OWNER          | 3/7/20  | ✓                  |                                        |                 |
| Vivian Pison                                                                                                                            | <i>Vivian Pison</i>       | 1518 BUENA AVENUE      | owner          | 3/7/20  | ✓                  |                                        |                 |

**NEIGHBOR SIGNATURES**  
SCALE: 1" = 1'-0"



**ASSESSOR'S PARCEL MAP**  
NOT TO SCALE

**PARTIES INVOLVED**

**OWNER:** ANNA TALAMO & JONATHAN LIPSCHUTZ  
1527 SACRAMENTO STREET  
BERKELEY, CA 94702  
(510) 528-6856  
berkeleyshimpr@gmail.com  
atgroves@gmail.com

**ARCHITECT:** JASON KALDIS ARCHITECTS, INC.  
1250 ADDISON STREET, STUDIO 210  
BERKELEY, CA 94702  
(510) 549-3584  
(510) 549-3574 FAX  
CONTACT: JASON OR JENNY  
Jason@kaldisarchitect.com  
JennyYu@kaldisarchitect.com

**LAND SURVEYOR:** ANDREAS DEAK  
216 BUENA VISTA AVE  
ALAMEDA, CA 94501  
(510) 865-4289  
CONTACT: ANDREAS  
andreasdeak@yahoo.com

**SCOPE OF WORK:**

- REQUEST FOR:**
- AN AUP FOR A MAIN FLOOR ADDITION AND A NEW UPPER FLOOR SECOND STORY ADDITION RESULTING IN AN AVERAGE HEIGHT GREATER THAN 14'-0" H. AS ALLOWED PER SEC. 23D.16.0700
    - 564 SQ. FT. TOTAL (44 SQ. MAIN FLOOR LEVEL AND 520 SQ. FT. UPPER FLOOR LEVEL) ADDITION TO THE REAR (EAST) AND SIDE (NORTH) YARD OF THE EXISTING HOUSE
  - AN AUP TO ADD AN UNENCLOSED NEW SPA/HOT TUB IN THE REAR YARD SETBACK AS ALLOWED PER SEC. 23D.08.0600
  - TO ENCLOSE THE EXISTING FRONT PORCH HORIZONTALLY EXTENDING THE LEGAL NON-CONFORMING FRONT SETBACK OF THE PORCH COLUMNS

**DRAWING INDEX**

- SHEET 1: SITE PLAN WITH ROOF PLAN @ 1/8" = 1'-0"  
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PROJECT DATA  
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(FOR REFERENCE)  
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USABLE OPEN SPACE DIAGRAM  
LOT COVERAGE DIAGRAM  
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- SHEET 2: PROPOSED MAIN FLOOR ELECTRICAL & LIGHTING PLAN @ 1/4" = 1'-0"  
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- SHEET 2.2: REMOVED WINDOW & EXT. DOOR SCHEDULE  
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- SHEET 2A: EXISTING MAIN FLOOR PLAN @ 1/4" = 1'-0"  
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- SHEET 3: PROPOSED EXTERIOR ELEVATIONS @ 1/4" = 1'-0"  
TYPICAL NEW EXT. BUILDING MATERIALS
- SHEET 3A: EXISTING EXTERIOR ELEVATIONS @ 1/4" = 1'-0"  
TYPICAL EXISTING EXT. BUILDING MATERIALS

**PROJECT DATA**

ADDITION AND REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ  
1527 SACRAMENTO STREET  
BERKELEY, CA 94702

APN: 59-2285-36

LOT SIZE: 111.52' x 25.00'  
LOT AREA: 2783 SQ. FT.  
HOUSE BUILT IN: 1919  
T24 CLIMATE ZONE: NO  
CREEK ON PARCEL: NONE  
CONSTRUCTION TYPE: V-B (NOT FIRE SPRINKLER PROTECTED)  
NO. OF STORIES: EXISTING (HOUSE) - 1; PROPOSED (HOUSE) - 2  
EXISTING (DETACHED GARAGE) - 1

USE: R-3 AT HOUSE; (SINGLE FAMILY DWELLING)  
U AT DETACHED GARAGE

|                       | EXISTING                                | PROPOSED                                                 | REQUIREMENT                          |
|-----------------------|-----------------------------------------|----------------------------------------------------------|--------------------------------------|
| MAX. RIDGE HEIGHT:    | (WEST) 13'-7 1/8"<br>(EAST) 13'-10 1/4" | 22'-9"<br>23'-0"                                         | 35'-0" MAX.                          |
| MAX. AVG. HEIGHT:     | 12'-3"                                  | 21'-9"                                                   | 28'-0" MAX.                          |
| MAX. EAVES HEIGHT:    | (WEST) 10'-1 3/4"<br>(EAST) 11'-2 3/4"  | 20'-3"<br>20'-6"                                         | N/A<br>N/A                           |
| FRONT SETBACK (WEST): | 12'-5 3/8"                              | NO CHANGE                                                | 20'-0" MIN.                          |
| SIDE SETBACK (NORTH): | 4'-3 1/4"                               | NO CHANGE                                                | 3'-0" MIN.<br>(10% x 25'-0" < 3'-0") |
| SIDE SETBACK (SOUTH): | 2'-1 3/8"                               | 3'-0" (AT UPPER STORY ADDITION & LOWER STORY ALTERATION) | 3'-0" MIN.<br>(10% x 25'-0" < 3'-0") |
| REAR SETBACK (EAST):  | 48'-5 5/8"                              | 43'-11 1/8"                                              | 20'-0" MIN.                          |

**HABITABLE & CONDITIONED FLOOR AREA CALCULATIONS**

|                                                     | EXISTING           | PROPOSED            | TOTAL               |
|-----------------------------------------------------|--------------------|---------------------|---------------------|
| MAIN FLOOR                                          | 824 SQ. FT.        | +44 SQ. FT.         | 868 SQ. FT.         |
| UPPER FLOOR                                         | 0 SQ. FT.          | +520 SQ. FT.        | 520 SQ. FT.         |
| <b>TOTAL HABITABLE &amp; CONDITIONED FLOOR AREA</b> | <b>824 SQ. FT.</b> | <b>+564 SQ. FT.</b> | <b>1388 SQ. FT.</b> |

**NON-HABITABLE & NON-CONDITIONED FLOOR AREA CALCULATIONS**

|                                                             | EXISTING           | PROPOSED           | TOTAL              |
|-------------------------------------------------------------|--------------------|--------------------|--------------------|
| COVERED FRONT ENTRY (ACC. STRUCTURE)                        | 53 SQ. FT.         | NO CHANGE          | 53 SQ. FT.         |
| DETACHED GARAGE & STORAGE                                   | 240 SQ. FT.        | -49 SQ. FT.        | 191 SQ. FT.        |
| <b>TOTAL NON-HABITABLE &amp; NON-CONDITIONED FLOOR AREA</b> | <b>293 SQ. FT.</b> | <b>-49 SQ. FT.</b> | <b>244 SQ. FT.</b> |

**LOT COVERAGE**

(E) LOT COVERAGE (EXISTING BUILDING FOOTPRINT ÷ LOT AREA)  
1117 SQ. FT. ÷ 2783 SQ. FT. = 40.14% (< 40% MAX.)

(N) LOT COVERAGE (NEW BUILDING FOOTPRINT ÷ LOT AREA)  
1112 SQ. FT. ÷ 2783 SQ. FT. = 39.96% (< 40% MAX.)

**USABLE OPEN SPACE**

|              | EXISTING           | PROPOSED            | TOTAL              |
|--------------|--------------------|---------------------|--------------------|
| FRONT YARD   | 0 SQ. FT.          | NO CHANGE           | 0 SQ. FT.          |
| REAR YARD    | 564 SQ. FT.        | +207 SQ. FT.        | 771 SQ. FT.        |
| <b>TOTAL</b> | <b>564 SQ. FT.</b> | <b>+207 SQ. FT.</b> | <b>771 SQ. FT.</b> |

EFFECTIVE JANUARY 1, 2020, THIS PROJECT IS TO COMPLY WITH THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE LOCATED IN TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS INCLUDING: 2019 CALIFORNIA ADMINISTRATIVE CODE, 2019 CALIFORNIA BUILDING CODE (CBC), 2019 CALIFORNIA RESIDENTIAL CODE (CRC), 2019 CALIFORNIA GREEN BUILDING CODE, 2019 CALIFORNIA FIRE CODE, 2019 CALIFORNIA REFERENCE CODE, 2019 CMC, 2019 CEC, 2019 CPC, CALIFORNIA ENERGY CODE AS AMENDED BY THE CITY OF BERKELEY AND THE CALIFORNIA BUILDING STANDARDS CODE BASED ON THE 2018 IBC, 2018 IRC, 2018 UMC, 2018 UPC, AND 2017 NEC, NFPA 70

- AUP APPLICATION SET REV 2.5 04.27.21
- AUP APPLICATION SET REV 2 02.09.21
- AUP APPLICATION SET REV 1 08.17.20
- AUP APPLICATION SET 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ  
1527 SACRAMENTO STREET  
BERKELEY, CA 94702

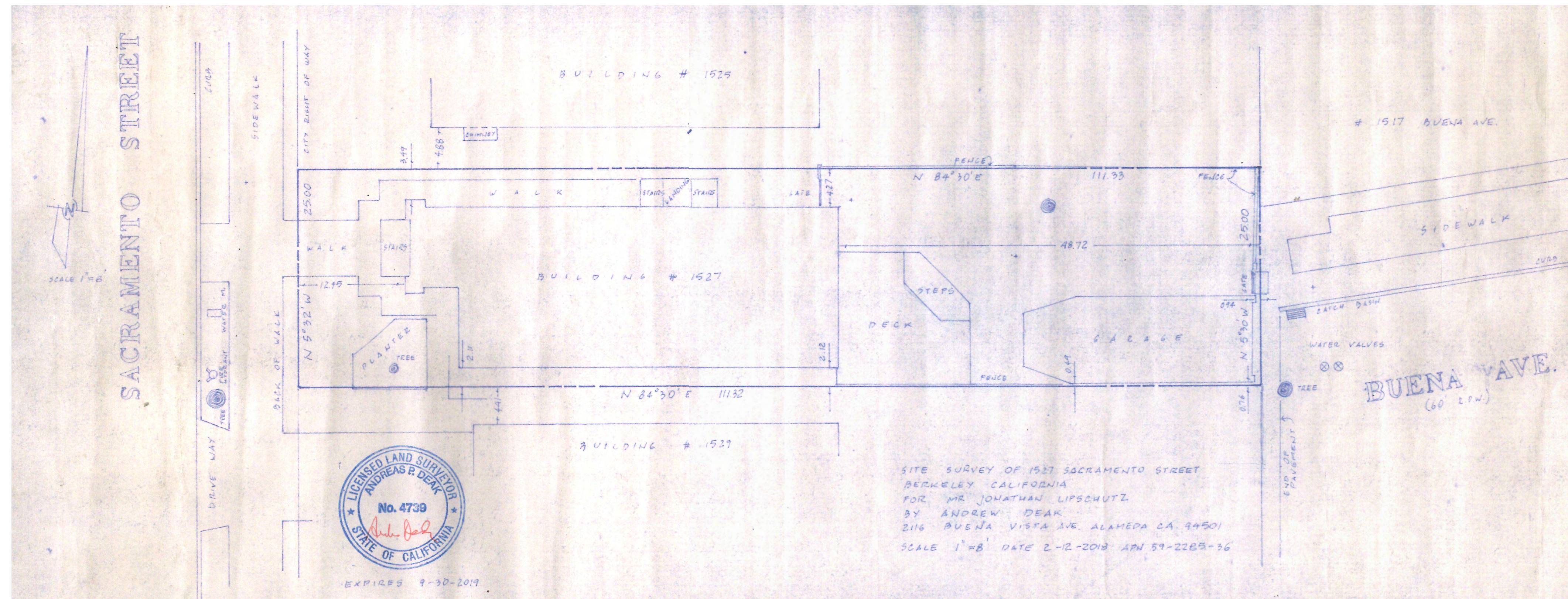
DATE: 02.09.21  
08.17.20  
02.26.20

**JASON KALDIS ARCHITECT, INC.**  
1250 ADDISON STREET - STUDIO 210  
BERKELEY, CA 94702  
PH (510) 549-3584 FX (510) 549-3574  
JASON@KALDISARCHITECT.COM

DRAWING TITLE: SITE PLAN WITH ROOF PLAN @ 1/8" = 1'-0", PARTIES INVOLVED, PROJECT DATA, SCOPE OF WORK, DRAWING INDEX, ASSESSOR'S PARCEL MAP, BEST MANAGEMENT PRACTICES, NEIGHBOR SIGNATURE FORM.

SHEET: 1 OF 1

DATE: 18026

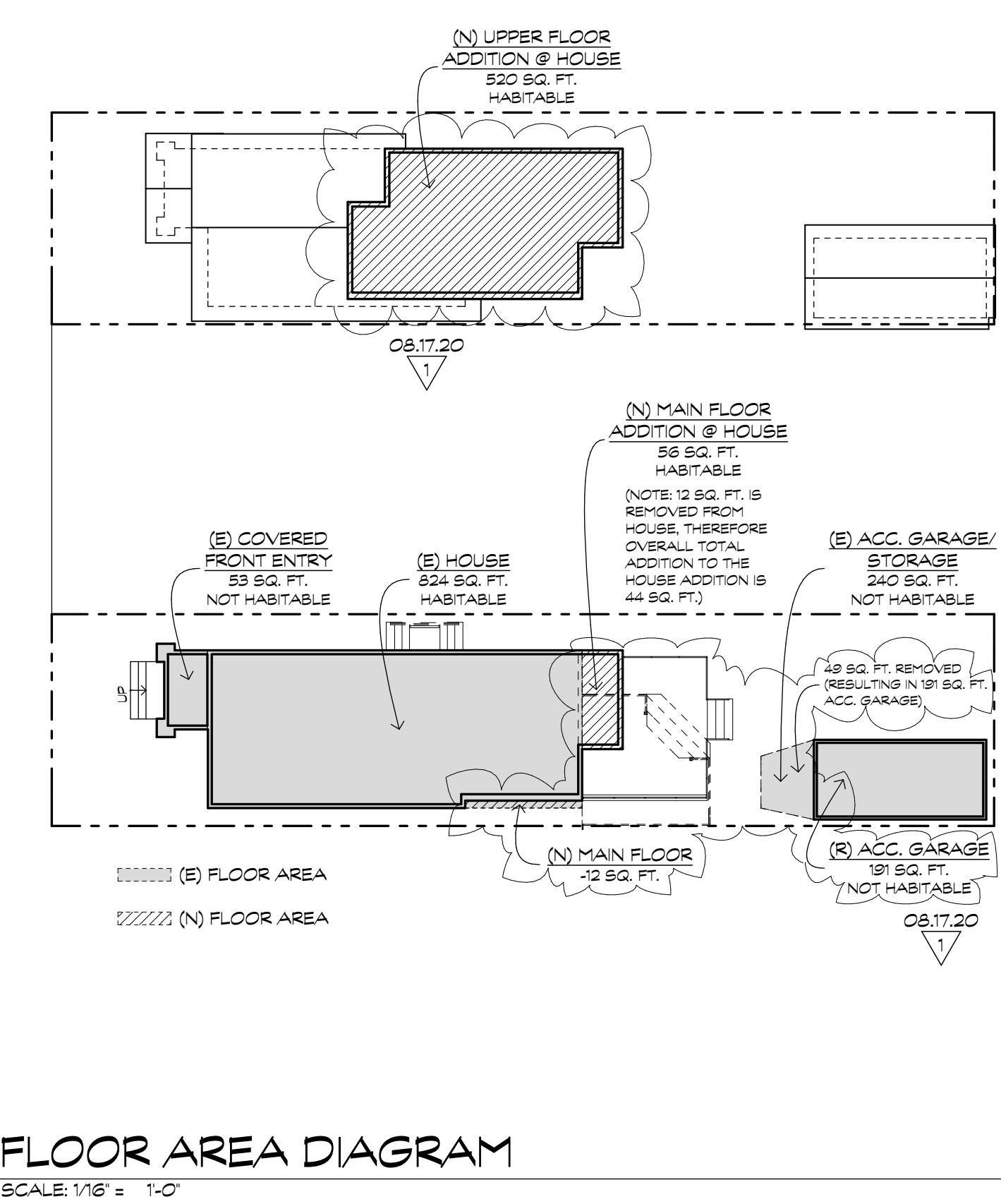
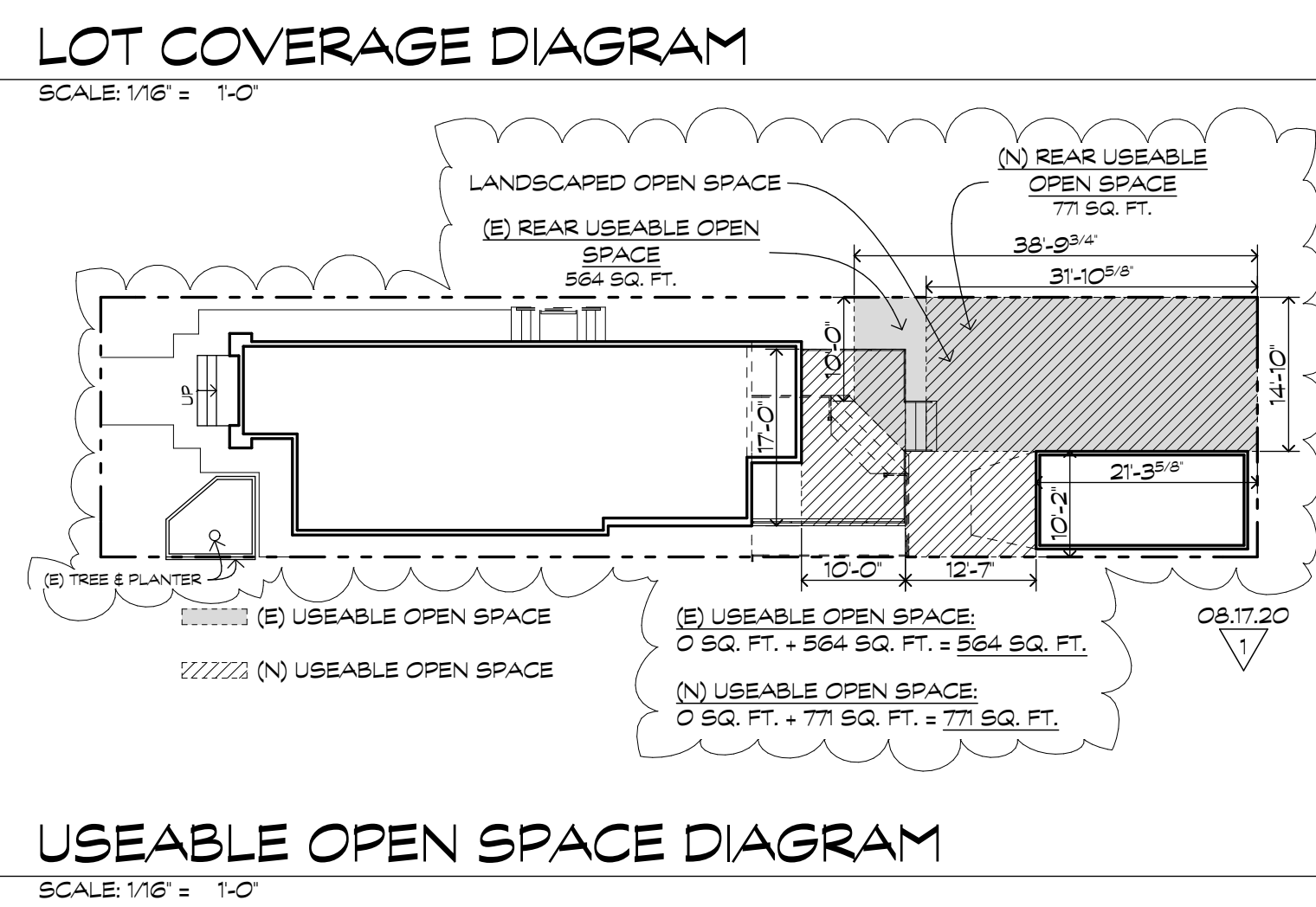
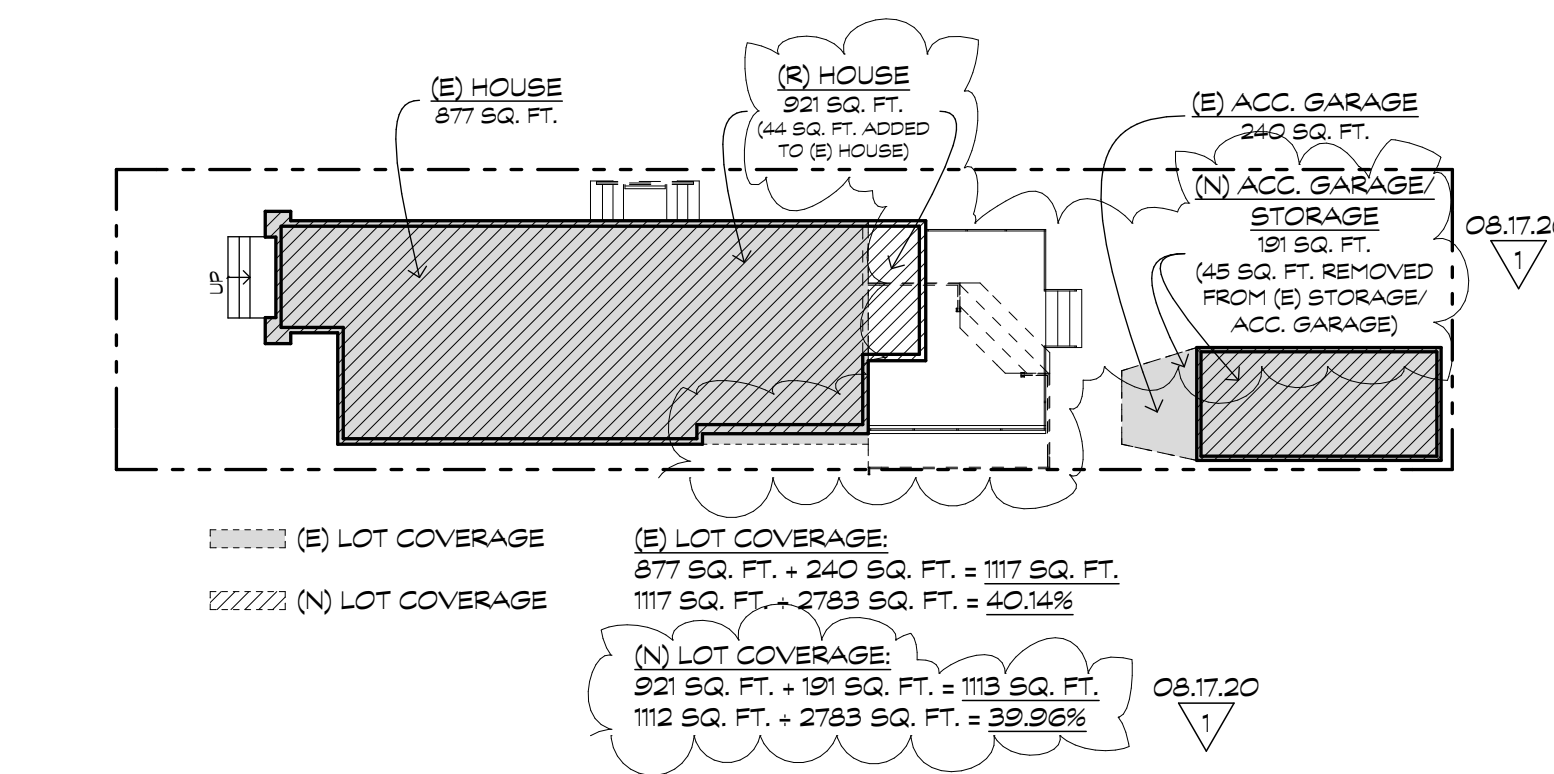
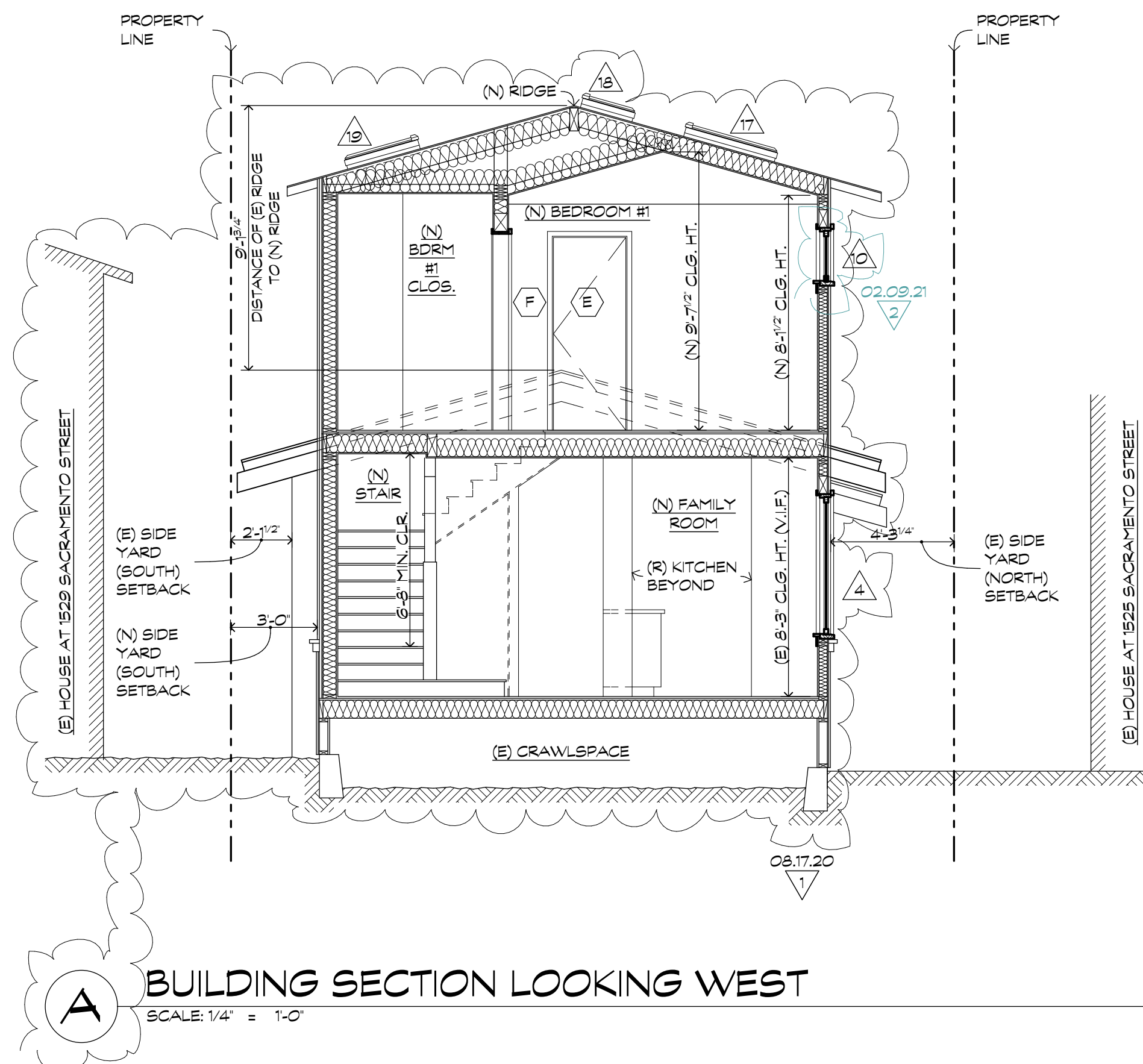


**SITE SURVEY (BY ANDREAS DEAK) - (FOR REFERENCE)**

SCALE: 1" = 8'-0"

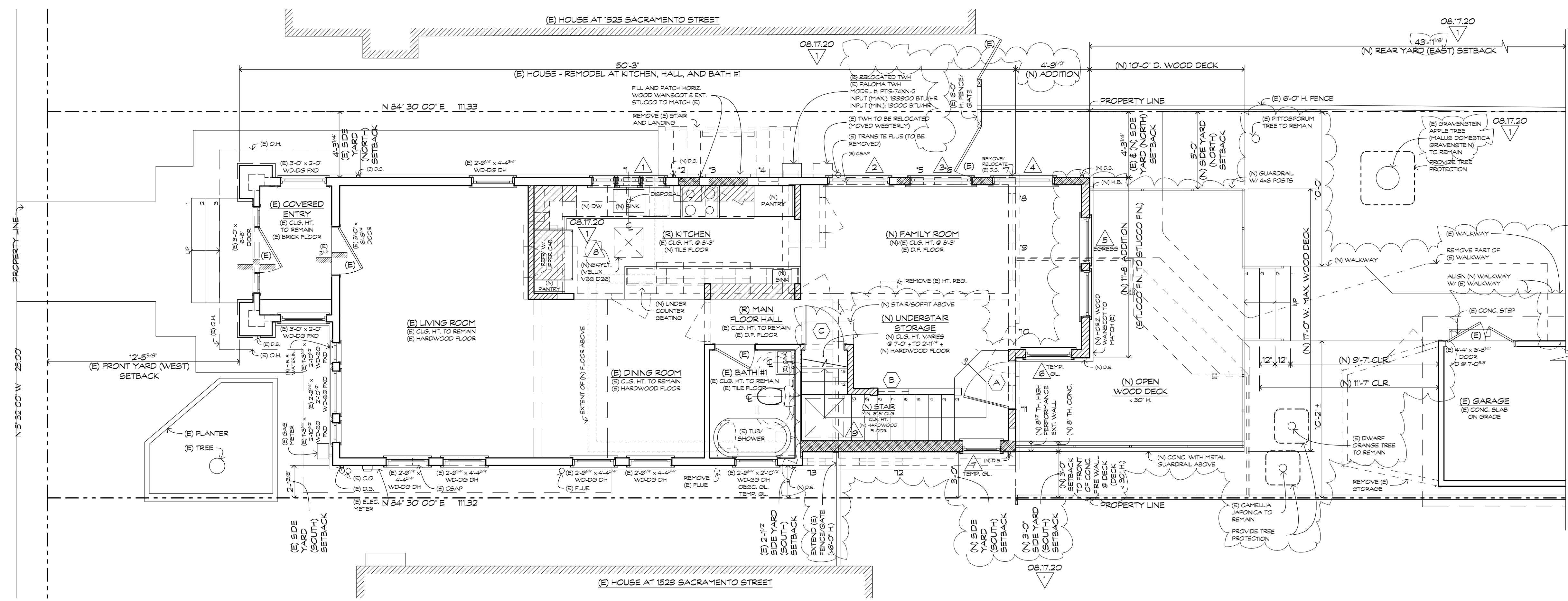
**GENERAL NOTES**

- SITE CONDITIONS:** BIDDERS SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ALL EXISTING LIMITATIONS. ALL FEATURES OF CONSTRUCTION NOT FULLY SHOWN SHALL BE OF THE SAME TYPE AND CHARACTER AS THAT SHOWN FOR SIMILAR CONDITIONS. FOR SPECIAL CONDITIONS OR DISCREPANCIES, NOTIFY THE ARCHITECT BEFORE BIDDING OR PROCEEDING WITH THE WORK.
- PERMIT FEES AND INSURANCE:** THE CONTRACT SHALL INCLUDE ALL PERMIT FEES UNLESS SPECIFICALLY NOTED IN THE BID AND CONTRACT. THE CONTRACTOR SHALL CARRY LIABILITY, PROPERTY DAMAGE, AND WORKERS COMPENSATION INSURANCE, AND PROVIDE OWNER CERTIFICATES FOR THESE POLICIES. THE OWNER SHALL CARRY FIRE INSURANCE.
- BUILDING CODES:** ALL WORK SHALL CONFORM TO ALL APPLICABLE CURRENT CODES AND ORDINANCES. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ALL MODIFICATIONS REQUESTED BY THE BUILDING DEPARTMENT, THE OWNER, CONSULTANTS, AND OTHER PARTIES.
- TRADE STANDARDS:** WORK SHALL BE COMPLETED SKILLFULLY AND IN ACCORDANCE WITH ACCEPTED TRADE STANDARDS. STANDARDS FOR CARE AND WORKMANSHIP SHALL BE AS DEFINED AND OUTLINED BY THE NATIONAL TRADE BODY SUCH AS SHACNA, THE COUNCIL OF AMERICAN WMA, NECA, LATHING AND PLASTER INSTITUTE OF NORTHERN CALIFORNIA, ETCETERA.
- MANUFACTURERS' INSTRUCTIONS:** FOLLOW THE MANUFACTURERS' INSTRUCTIONS CAREFULLY. INSTRUCTIONS AND WARRANTIES SHALL BE GIVEN TO THE OWNER UPON SUBSTANTIAL COMPLETION.
- SUBSTITUTIONS:** SUBSTITUTIONS WILL BE CONSIDERED, BUT THE CONTRACTOR SHALL NOT SUBSTITUTE EQUIPMENT, MATERIAL, OR METHODS WITHOUT SPECIFIC APPROVAL BY THE ARCHITECT.
- SCHEDULE:** THE CONTRACTOR SHALL INFORM THE OWNER AND ARCHITECT OF THE CONSTRUCTION SCHEDULE PRIOR TO STARTING WORK. THE CONTRACTOR SHALL MAKE EVERY EFFORT TO MINIMIZE DISRUPTION TO OCCUPANTS AND NEIGHBORS DURING CONSTRUCTION.
- COORDINATION OF WORK:** THE CONTRACTOR SHALL COORDINATE WORK BETWEEN SUBCONTRACTORS, TRADESPEOPLE, AND SUPPLIERS AS SHOWN IN THE DRAWINGS, SPECIFICATIONS, AND CONTRACT.
- CHANGE ORDERS:** ALL CHANGE ORDERS SHALL BE AGREED TO AND IN WRITING PRIOR TO EXECUTION OF WORK.
- DIMENSIONS:** CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. DIMENSIONS ARE TO THE ROUGH FRAME UNLESS OTHERWISE NOTED. ANY DISCREPANCIES BETWEEN THE DRAWINGS AND/OR SPECIFICATIONS MUST BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO PROCEEDING WITH WORK.
- NOTCHES, BORES AND CUTS TO THE STRUCTURE:** DO NOT NOTCH, BORE OR CUT MEMBERS FOR PIPES, DUCTS OR OTHER REASONS EXCEPT AS SHOWN ON DRAWINGS WITHOUT THE SPECIFIC ADVANCE APPROVAL OF THE ARCHITECT.
- DEMOLITION:** THE CONTRACTOR SHALL EXECUTE DEMOLITION WORK TO ENSURE THE SAFETY OF PERSONS AND ADJACENT PROPERTY FROM DAMAGE BY SETTLEMENT, FALLING DEBRIS, AND OTHER CAUSES IN CONNECTION WITH THIS WORK. WHERE EXISTING CONSTRUCTION IS CUT, DAMAGED, OR REMODELED, PATCH OR REPLACE WITH MATERIALS THAT MATCH THE KIND, QUALITY AND PERFORMANCE OF ADJACENT SURFACES.
- ASBESTOS:** IF THE CONTRACTOR ENCOUNTERS ASBESTOS, HE OR SHE SHALL WARN ALL EMPLOYEES, SUBCONTRACTORS, OWNER, OCCUPANTS, AND ARCHITECT PRIOR TO DEMOLITION OR CONSTRUCTION. MATERIALS CONTAINING ASBESTOS BECOME DISTURBED OR AIRBORNE, THEY MUST BE REMOVED. REMOVAL AND DISPOSAL MUST CONFORM TO THE LATEST REQUIREMENTS OF THE EPA, OSHA, CALIFORNIA DEPARTMENT OF HEALTH SERVICE AND LOCAL AUTHORITIES. ASBESTOS REMOVAL IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- CLEANUP:** THE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS AT THE END OF THE JOB AND DISPOSE OF IT LEGALLY. CLEAN ALL NEW WINDOWS AND LEAVE THE JOB BROOM CLEAN.
- WARRANTY:** CONTRACTOR SHALL WARRANT ALL WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION OR FROM THE COMMENCEMENT OF SPECIFIC WARRANTIES, AND MAKE CORRECTIONS TO THE WORK DURING THESE PERIODS.



AUP APPLICATION SET REV 2 02.09.21  
 AUP APPLICATION SET REV 1 08.17.20  
 AUP APPLICATION SET 02.26.20

|                                                                                                                                                                                      |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| FOR ADDRESS:<br>ADDITION & REMODEL FOR<br>ANNA TALAMO & JONATHAN<br>LIPSCHUTZ<br>1527 SACRAMENTO STREET<br>BERKELEY, CA 94702                                                        | DATE:<br>02.09.21<br>08.17.20<br>02.26.20 |
| <b>JASON KALDIS<br/>ARCHITECT, INC.</b>                                                                                                                                              |                                           |
| 1250 ADDISON STREET - STUDIO 210<br>BERKELEY, CA 94702<br>PH (510) 549-3384 FX (510) 549-3374<br>JASON@JKALDISARCHITECT.COM                                                          |                                           |
| DRAWING TITLE:<br>SITE SURVEY (BY ANDREAS DEAK) (FOR REFERENCE)<br>LOT COVERAGE & FLOOR AREA DIAGRAM<br>USEABLE OPEN SPACE DIAGRAM<br>BUILDING SECTION LOOKING EAST<br>GENERAL NOTES | SHEET:<br><b>1.1</b><br>OF<br>18026       |

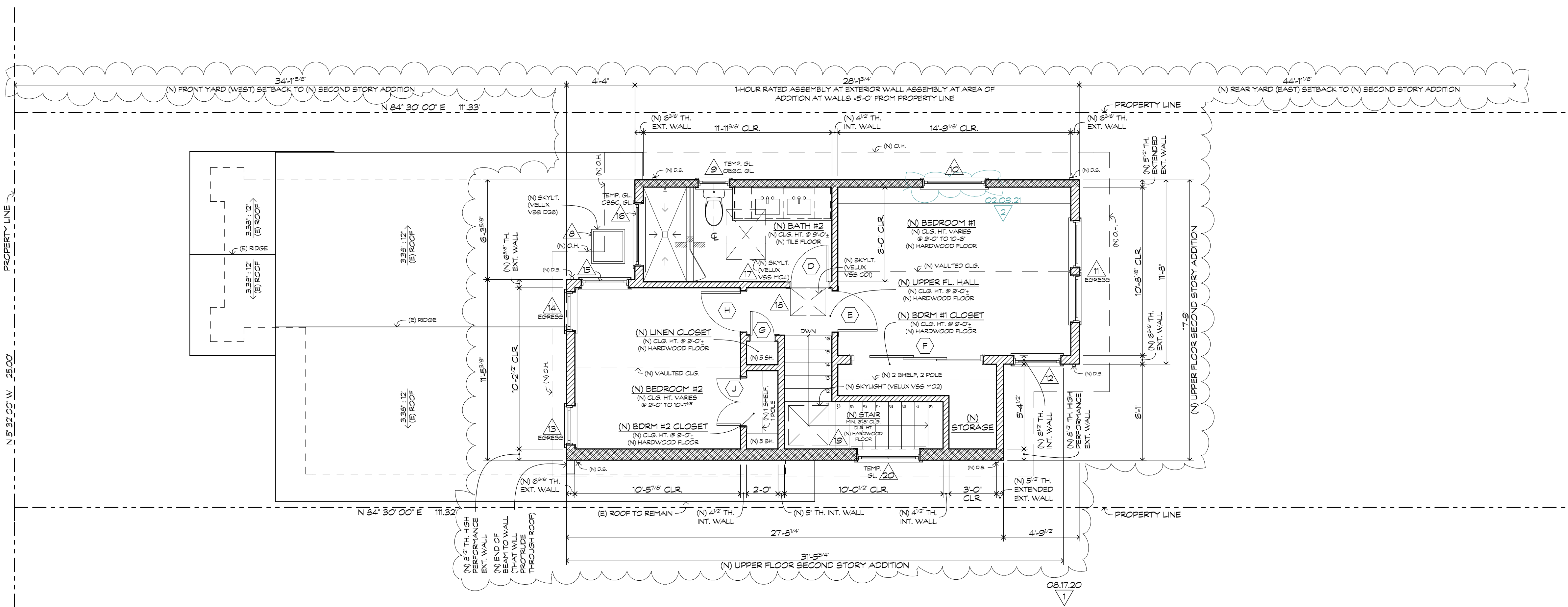
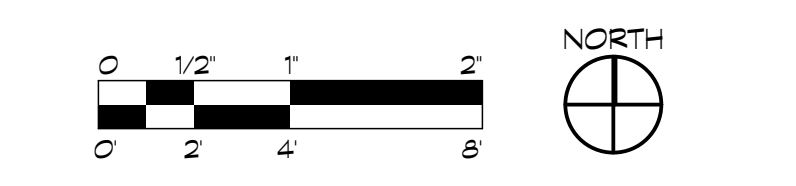


**PROPOSED MAIN FLOOR PLAN**

SCALE: 1/4" = 1'-0"

- ARCHITECTURAL LEGEND**
- NEW (N) 1-HR. RATED EXT. WALL
  - NEW (N) 1-HR. RATED INT. WALL
  - NEW (N) WALL
  - EXISTING (E) WALL TO REMAIN
  - EXISTING (E) WALL TO BE REMOVED
  - LINE ABOVE
  - LINE BELOW OR BEYOND
  - PROPERTY LINE
  - SECTION
  - DETAIL NUMBER
  - SHEET NUMBER
  - WINDOW KEY
  - DOOR KEY
  - REVISION
  - CEILING MOUNTED LIGHT
  - WALL MOUNTED LIGHT
  - RECESSED LIGHT
  - RECESSED ADJUSTABLE LIGHT
  - CABLE/TRACK LIGHTING
  - UNDERCABINET LIGHT
  - JUNCTION BOX
  - CEILING FAN W/ LIGHT
  - CEILING FAN
  - LIGHT-EXHAUST FAN COMBO
  - EXHAUST FAN
  - SWITCH
  - 3 WAY SWITCH
  - DUPLEX WALL OUTLET
  - QUAD WALL OUTLET
  - FLOOR OUTLET
  - TELEPHONE JACK
  - T.V./DATA CABLE JACK
  - SPEAKER
  - CHIMES
  - PUSH BUTTON
  - SMOKE ALARM
  - CARBON MONOXIDE ALARM
  - HEATE DETECTOR/ALARM
  - THERMOSTAT CONTROLS
  - HEAT REGISTER @ CEILING
  - HEAT REGISTER @ FLOOR
  - HEAT REGISTER @ WALL OR TOECK
  - SUPPLY LINE

- KEY TO ABBREVIATIONS**
- AAP = ATTIC ACCESS PANEL
  - AP = ACCESS PANEL
  - CAR = COLD AIR RETURN
  - CAP = CRAWLSPACE ACCESS PANEL
  - D = DIMMER
  - DS = DOWN SPOUT
  - (E) = EXISTING
  - F = FLUORESCENT
  - FAU = FORCED AIR UNIT
  - FN = FINISH (DIMENSION OFF SURFACE)
  - FV = FOUNDATION VENT
  - GRF = GROUND FAULT CIRCUIT INTERRUPTER
  - HB = HOSE BIB
  - H2O = WATER SUPPLY
  - LED = T24 QUALIFYING LED
  - MS = MOTION SENSOR
  - (N) = NEW
  - OH = OVERHANG
  - OS = OCCUPANCY SENSOR
  - PC = PHOTOCELL
  - (R) = REMODEL EXISTING
  - RO. = ROUGH (DIMENSION OFF FRAMING)
  - SS = SANITARY SEWER
  - VS = VACANCY SENSOR
  - WH = WATER HEATER
  - WP = WATERPROOF/WEATHERPROOF
  - 1S. 1P = 1 SHELF, 1 POLE
  - 220V = 220 VOLT

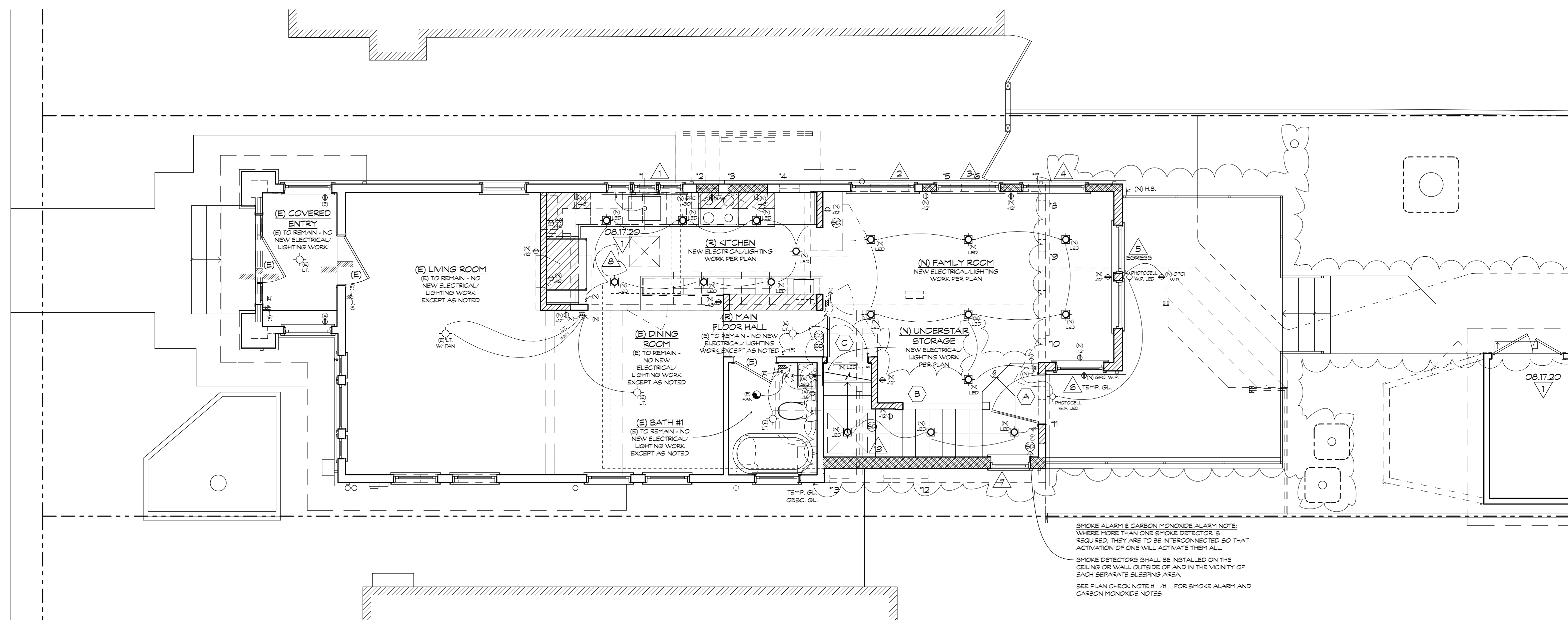


**PROPOSED UPPER FLOOR PLAN**

SCALE: 1/4" = 1'-0"

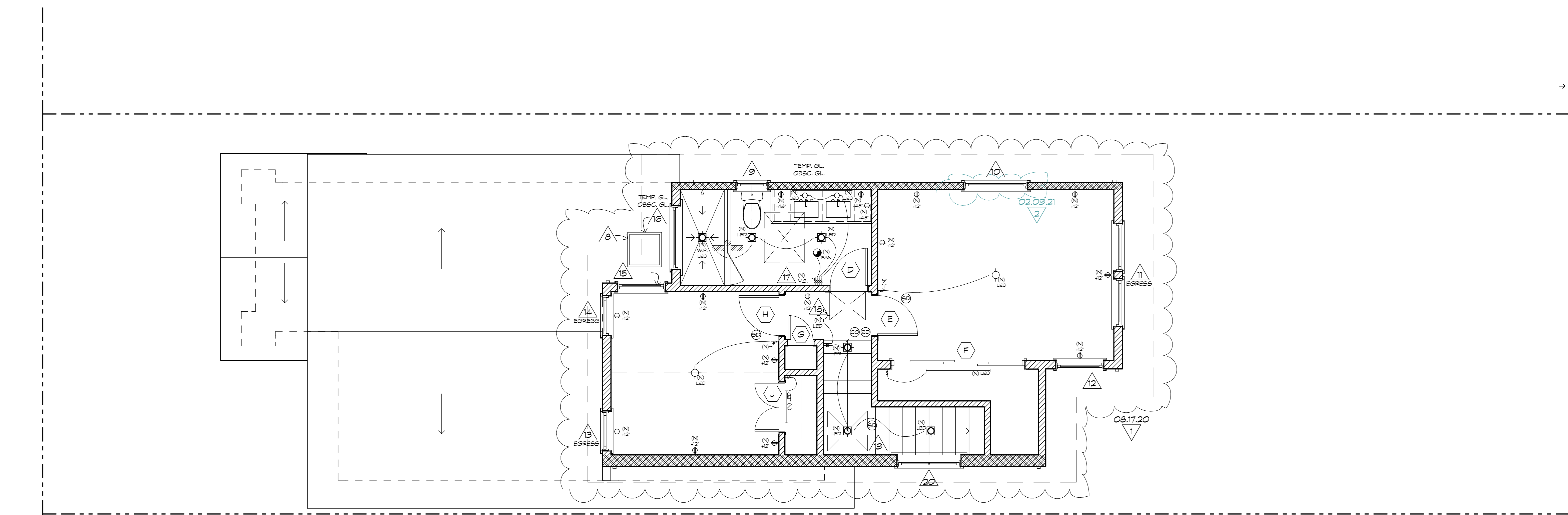
AUP APPLICATION SET REV 2 02.09.21  
 AUP APPLICATION SET REV 1 08.17.20  
 AUP APPLICATION SET 02.26.20

|                                                                                                                                                                       |                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| FOR ADDRESS:<br>ADDITION & REMODEL FOR<br>ANNA TALAMO & JONATHAN<br>LIPSCHUTZ<br>1527 SACRAMENTO STREET<br>BERKELEY, CA 94702                                         | DATE:<br>02.09.21<br>08.17.20<br>02.26.20<br>DRAWN BY:<br>JK |
| <b>JASON KALDIS</b><br>ARCHITECT, INC.<br>1250 ADDISON STREET - STUDIO 210<br>BERKELEY, CA 94702<br>PH (510) 549-3584 FX (510) 549-3574<br>JASON@JKALDISARCHITECT.COM |                                                              |
| DRAWING TITLE:<br>PROPOSED MAIN FLOOR PLAN<br>@ 1/4" = 1'-0"<br>PROPOSED UPPER FLOOR PLAN<br>@ 1/4" = 1'-0"<br>ARCHITECTURAL LEGEND                                   | SHEET:<br>2<br>OF<br>18026                                   |



**PROPOSED MAIN FLOOR ELECTRICAL & LIGHTING PLAN**

SCALE: 1/4" = 1'-0"



**PROPOSED UPPER FLOOR ELECTRICAL & LIGHTING PLAN**

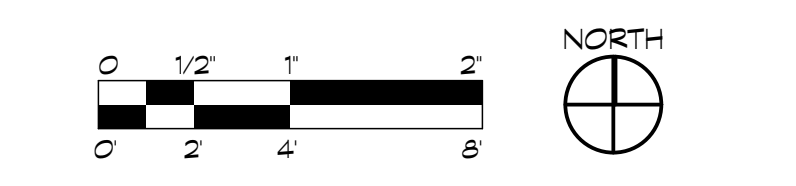
SCALE: 1/4" = 1'-0"

**ARCHITECTURAL LEGEND**

|  |                                 |
|--|---------------------------------|
|  | NEW (N) 1-HR. RATED EXT. WALL   |
|  | NEW (N) 1-HR. RATED INT. WALL   |
|  | NEW (N) WALL                    |
|  | EXISTING (E) WALL TO REMAIN     |
|  | EXISTING (E) WALL TO BE REMOVED |
|  | LINE ABOVE                      |
|  | LINE BELOW OR BEYOND            |
|  | PROPERTY LINE                   |
|  | SECTION                         |
|  | DETAIL NUMBER                   |
|  | SHEET NUMBER                    |
|  | WINDOW KEY                      |
|  | DOOR KEY                        |
|  | REVISION                        |
|  | CEILING MOUNTED LIGHT           |
|  | WALL MOUNTED LIGHT              |
|  | RECESSED LIGHT                  |
|  | RECESSED ADJUSTABLE LIGHT       |
|  | CABLE/TRACK LIGHTING            |
|  | UNDERCABINET LIGHT              |
|  | JUNCTION BOX                    |
|  | CEILING FAN W/ LIGHT            |
|  | CEILING FAN                     |
|  | LIGHT-EXHAUST FAN COMBO         |
|  | EXHAUST FAN                     |
|  | SWITCH                          |
|  | 3 WAY SWITCH                    |
|  | DUPLEX WALL OUTLET              |
|  | QUAD WALL OUTLET                |
|  | FLOOR OUTLET                    |
|  | TELEPHONE JACK                  |
|  | T.V./DATA CABLE JACK            |
|  | SPEAKER                         |
|  | CHIMES                          |
|  | PUSH BUTTON                     |
|  | SMOKE ALARM                     |
|  | CARBON MONOXIDE ALARM           |
|  | HEATE DETECTOR/ALARM            |
|  | THERMOSTAT CONTROLS             |
|  | HEAT REGISTER @ CEILING         |
|  | HEAT REGISTER @ FLOOR           |
|  | HEAT REGISTER @ WALL OR TOEKICK |
|  | SUPPLY LINE                     |

**KEY TO ABBREVIATIONS**

|        |   |                                  |
|--------|---|----------------------------------|
| AAAP   | = | ATTIC ACCESS PANEL               |
| AP     | = | ACCESS PANEL                     |
| CAR    | = | COLD AIR RETURN                  |
| CAP    | = | CRAWLSPACE ACCESS PANEL          |
| D      | = | DIMMER                           |
| DS     | = | DOWN SPOUT                       |
| (E)    | = | EXISTING                         |
| F      | = | FLUORESCENT                      |
| FAU    | = | FORCED AIR UNIT                  |
| FN     | = | FINISH (DIMENSION OFF SURFACE)   |
| FV     | = | FOUNDATION VENT                  |
| GFI    | = | GROUND FAULT CIRCUIT INTERRUPTER |
| HB     | = | HOSE BIB                         |
| H2O    | = | WATER SUPPLY                     |
| LED    | = | T24 QUALIFYING LED               |
| MS     | = | MOTION SENSOR                    |
| (N)    | = | NEW                              |
| OH     | = | OVERHANG                         |
| OS     | = | OCCUPANCY SENSOR                 |
| PC     | = | PHOTOCELL                        |
| (R)    | = | REMODEL EXISTING                 |
| RO     | = | ROUGH (DIMENSION OFF FRAMING)    |
| SS     | = | SANITARY SEWER                   |
| VS     | = | VACANCY SENSOR                   |
| WH     | = | WATER HEATER                     |
| WP     | = | WATERPROOF/WEATHERPROOF          |
| 1S, 1P | = | 1 SHELF, 1 POLE                  |
| 220V   | = | 220 VOLT                         |



|                          |          |
|--------------------------|----------|
| AUP APPLICATION SET REV2 | 02.09.21 |
| AUP APPLICATION SET REV1 | 08.17.20 |
| AUP APPLICATION SET      | 02.26.20 |

|                                                                                                                                                                                    |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| FOR ADDRESS:<br>ADDITION & REMODEL FOR<br>ANNA TALAMO & JONATHAN<br>LIPSCHUTZ<br>1527 SACRAMENTO STREET<br>BERKELEY, CA 94702                                                      | DATE:<br>02.09.21<br>08.17.20<br>02.26.20      |
| <b>JASON KALDIS</b><br><b>ARCHITECT, INC.</b>                                                                                                                                      |                                                |
| 1250 ADDISON STREET - STUDIO 210<br>BERKELEY, CA 94702<br>PH (510) 549-3584 FX (510) 549-3574<br>JASON@JKALDISARCHITECT.COM                                                        |                                                |
| DRAWING TITLE:<br>PROPOSED MAIN FLOOR ELECTRICAL<br>& LIGHTING PLAN @ 1/4" = 1'-0"<br>PROPOSED UPPER FLOOR<br>ELECTRICAL & LIGHTING PLAN<br>@ 1/4" = 1'-0"<br>ARCHITECTURAL LEGEND | SHEET<br><b>2.1</b><br>OF THIRTYEIGHT<br>18026 |

| APPLIANCE SCHEDULE                                                  |                            |                            |                            |                            | TALAMO/LIPSCHUTZ RESIDENCE<br>1527 SACRAMENTO ST<br>BERKELEY, CA 94702 |
|---------------------------------------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|------------------------------------------------------------------------|
| APPLIANCE TYPE                                                      | MANUFACTURER               | MODEL NAME                 | MODEL NO.                  | COLOR/FINISH               |                                                                        |
| MICROWAVE                                                           | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER |                                                                        |
| DISHWASHER                                                          | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER |                                                                        |
| REFRIGERATOR                                                        | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER |                                                                        |
| GAS RANGE                                                           | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER |                                                                        |
| EXHAUST HOOD                                                        | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER |                                                                        |
| GARBAGE DISPOSAL                                                    | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER | TO BE CONFIRMED WITH OWNER |                                                                        |
| OWNER TO FURNISH AND CONTRACTOR TO UNLOAD & INSTALL ALL APPLIANCES. |                            |                            |                            |                            |                                                                        |

| PLUMBING SCHEDULE |                        |                  |                  |                  |                  | TALAMO/LIPSCHUTZ RESIDENCE<br>1527 SACRAMENTO ST<br>BERKELEY, CA 94702 |
|-------------------|------------------------|------------------|------------------|------------------|------------------|------------------------------------------------------------------------|
| LOCATION          | FIXTURE                | MANUFACTURER     | PRODUCT NAME     | MODEL NO.        | FINISH - COLOR   |                                                                        |
| (R) BATH #1       | TUB FILLER & CONTROLS  | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
|                   | PEDESTAL SINK          | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
|                   | FAUCETS                | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
|                   | SHOWER HEAD & CONTROLS | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
|                   | TOILET                 | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
| (N) BATH #2       | TOILET                 | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
|                   | UNDERMOUNT SINK        | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
|                   | FAUCET                 | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
| (R) KITCHEN       | UNDERMOUNT SINK        | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |
|                   | FAUCET                 | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER | CONFIRM W/ OWNER                                                       |

| DOOR SCHEDULE                                                                                                                                                                                                                                            |                    |                 |                            |                        |                            |  | TALAMO/LIPSCHUTZ RESIDENCE<br>1527 SACRAMENTO ST<br>BERKELEY, CA 94702 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------|----------------------------|------------------------|----------------------------|--|------------------------------------------------------------------------|
| SIZE (W x H x TH)                                                                                                                                                                                                                                        | STYLE              | MATERIAL        | FINISH                     | HARDWARE               | REMARKS                    |  |                                                                        |
| 3'-0" x 6'-8" x 1 3/4"                                                                                                                                                                                                                                   | ISFD               | CW-DG (CONFIRM) | PAINT EA. FACE & ALL EDGES | ENTRY LATCH & DEADBOLT | (N) FAMILY ROOM            |  |                                                                        |
| 2'-0" x 2'-8" (MIN.) x 1 3/8"                                                                                                                                                                                                                            | CONFIRM WITH OWNER | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES |                        | (N) FAMILY ROOM            |  |                                                                        |
| 2'-8" x 6'-8" x 1 3/8"                                                                                                                                                                                                                                   | SINGLE PANEL       | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES |                        | (N) UNDERSTAR STORAGE      |  |                                                                        |
| 2'-4" x 6'-8" x 1 3/8"                                                                                                                                                                                                                                   | SINGLE PANEL       | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES | PRIVACY                | (N) BATH #2                |  |                                                                        |
| 2'-8" x 6'-8" x 1 3/8"                                                                                                                                                                                                                                   | SINGLE PANEL       | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES | PRIVACY                | (N) BEDROOM #1             |  |                                                                        |
| 8'-0" x 6'-8" x 1 3/8"                                                                                                                                                                                                                                   | SLIDER (3 PANEL)   | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES | RECESSED PULLS         | (N) BDRM #1 CLOSET/STORAGE |  |                                                                        |
| 1'-6" x 6'-8" x 1 3/8"                                                                                                                                                                                                                                   | SINGLE PANEL       | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES |                        | (N) LINEN CLOSET           |  |                                                                        |
| 2'-8" x 6'-8" x 1 3/8"                                                                                                                                                                                                                                   | SINGLE PANEL       | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES | PRIVACY                | (N) BEDROOM #2             |  |                                                                        |
| 3'-0" x 6'-8" x 1 3/8" (PAIR OF 1'-6" WIDE DOORS)                                                                                                                                                                                                        | SINGLE PANEL       | SOLID CORE WOOD | PAINT EA. FACE & ALL EDGES |                        | (N) BDRM #2 CLOSET         |  |                                                                        |
| The architect is not responsible for the ordering of doors. Contractor, owner, and door supplier are to verify all door rough openings and verify coordination between manufacturer's model number, door size, safety glazing, finishes and accessories. |                    |                 |                            |                        |                            |  |                                                                        |

| FINISH SCHEDULE            |                             |                                           |                                                                                                      |                                                                                       |                                           |                                                          | TALAMO/LIPSCHUTZ RESIDENCE<br>1527 SACRAMENTO ST<br>BERKELEY, CA 94702 |
|----------------------------|-----------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------|
| ROOM                       | FLOOR                       | BASE                                      | WALLS                                                                                                | CEILING                                                                               | TRIM                                      | REMARKS                                                  |                                                                        |
| (E) LIVING ROOM            | PRESERVE (E) HARDWOOD FLOOR | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. PAINTED (AT EAST WALL)               | PRESERVE (E) CEILING                                                                  | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (E) DINING ROOM            | PRESERVE (E) HARDWOOD FLOOR | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. PAINTED (AT EAST, SOUTH & WEST WALL) | PRESERVE (E) CEILING                                                                  | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (R) KITCHEN                | (N) TILE FLOOR              | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED | PRESERVE (E) CEILING                                                                  | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (R) MAIN FLOOR HALL        | PRESERVE (E) D.F. FLOOR     | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | PATCH/ REFINISH AS NECESSARY TO MATCH (E)                                                            | PRESERVE (E) CEILING                                                                  | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (R) BATH #1                | (N) TILE FLOOR              | MATCH (E) AT HOUSE                        | PATCH/ REFINISH AS NECESSARY TO MATCH (E)                                                            | PRESERVE (E) CEILING                                                                  | PATCH/ REFINISH AS NECESSARY TO MATCH (E) | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) FAMILY ROOM            | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. PAINTED (AT EAST, SOUTH & WEST WALL) | PATCH/ REFINISH AS NECESSARY TO MATCH (E); (N) 1/2 TH. GYP. BD. (AT ADDITION) PAINTED | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) UNDERSTAR STORAGE      | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. PAINTED                                                                         | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) STAR                   | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. (AT EAST, WEST & NORTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT SOUTH WALL) PAINTED | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) UPPER FLOOR HALL       | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. PAINTED                                                                         | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) BATH #2                | (N) TILE FLOOR              | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) BEDROOM #1             | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) BDRM #1 CLOSET/STORAGE | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. (AT EAST, WEST & NORTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT SOUTH WALL) PAINTED | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) BEDROOM #2             | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. (AT EAST, WEST & SOUTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT NORTH WALL) PAINTED | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |
| (N) BDRM #2 CLOSET         | (N) HARDWOOD FLOOR          | MATCH (E) AT HOUSE                        | (N) 1/2 TH. GYP. BD. (AT EAST, WEST & NORTH WALL) & 5/8" TH. TYPE X GYP. BD. (AT SOUTH WALL) PAINTED | (N) 1/2 TH. GYP. BD. PAINTED                                                          | MATCH (E) AT HOUSE                        | TYP. GYP. BD. TEXTURE TO MATCH (E) HOUSE CEILING & WALLS |                                                                        |

| WINDOW SCHEDULE                                                                                                                                                                                                                                                                                                             |                        |                                                              |                                                              |        |                                                                    |  | TALAMO/LIPSCHUTZ RESIDENCE<br>1527 SACRAMENTO ST<br>BERKELEY, CA 94702 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------|--------------------------------------------------------------|--------|--------------------------------------------------------------------|--|------------------------------------------------------------------------|
| ROUGH OPENINGS                                                                                                                                                                                                                                                                                                              | TYPE                   | MFR. & MODEL #                                               | See Ext. Elev. for Lites (WxH)                               | FINISH | FIN. INT. HD. @ 6'-8" TYP. UNLESS OTHERWISE NOTED, REMARKS         |  |                                                                        |
| 1                                                                                                                                                                                                                                                                                                                           | (3) 1'-8" x 4'-0"      | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA1842)   |                                                              |        | (R) KITCHEN: HD @ 7'-0"                                            |  |                                                                        |
| 2                                                                                                                                                                                                                                                                                                                           | 4'-0" x 2'-0"          | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2022)   |                                                              |        | (N) FAMILY ROOM: HD @ 7'-0"                                        |  |                                                                        |
| 3                                                                                                                                                                                                                                                                                                                           | 4'-0" x 2'-0"          | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2022)   |                                                              |        | (N) FAMILY ROOM: HD @ 7'-0"                                        |  |                                                                        |
| 4                                                                                                                                                                                                                                                                                                                           | 4'-0" x 2'-0"          | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2022)   |                                                              |        | (N) FAMILY ROOM: HD @ 7'-0"                                        |  |                                                                        |
| 5                                                                                                                                                                                                                                                                                                                           | (2) 3'-0" x 5'-0"      | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3050 E) |                                                              |        | (N) FAMILY ROOM: HD @ 7'-0; EGRESS QUALIFYING                      |  |                                                                        |
| 6                                                                                                                                                                                                                                                                                                                           | 3'-0" x 5'-0"          | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3050 E) |                                                              |        | (N) FAMILY ROOM: HD @ 7'-0; EGRESS QUALIFYING                      |  |                                                                        |
| 7                                                                                                                                                                                                                                                                                                                           | 2'-8" x 4'-8"          | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2848)   |                                                              |        | (N) STAIR (AT LANDING): HD @ 7'-0; TEMP. GL.                       |  |                                                                        |
| 8                                                                                                                                                                                                                                                                                                                           | 1'-0 1/2" x 1'-10 1/8" | SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT                | VELUX SKYLIGHT (VSS D26)                                     |        | (R) KITCHEN: TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT |  |                                                                        |
| 9                                                                                                                                                                                                                                                                                                                           | 2'-0" x 4'-8"          |                                                              | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2046)   |        | (N) BATH #2: HD @ 7'-0; TEMP. GL.; CBCC. GL.                       |  |                                                                        |
| 10                                                                                                                                                                                                                                                                                                                          | 4'-0" x 2'-0"          | AWNING                                                       | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA1842)   |        | (N) BEDROOM #1: HD @ 7'-0"                                         |  |                                                                        |
| 11                                                                                                                                                                                                                                                                                                                          | (2) 3'-0" x 4'-8"      |                                                              | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3048 E) |        | (N) BEDROOM #1: HD @ 7'-0; EGRESS QUALIFYING                       |  |                                                                        |
| 12                                                                                                                                                                                                                                                                                                                          | 3'-0" x 4'-8"          |                                                              | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3048 E) |        | (N) BEDROOM #1: HD @ 7'-0; EGRESS QUALIFYING                       |  |                                                                        |
| 13                                                                                                                                                                                                                                                                                                                          | 2'-8" x 4'-8"          |                                                              | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2848 E) |        | (N) BEDROOM #2: HD @ 7'-0; EGRESS QUALIFYING                       |  |                                                                        |
| 14                                                                                                                                                                                                                                                                                                                          | 2'-8" x 4'-8"          |                                                              | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2848 E) |        | (N) BEDROOM #2: HD @ 7'-0; EGRESS QUALIFYING                       |  |                                                                        |
| 15                                                                                                                                                                                                                                                                                                                          | 3'-0" x 4'-8"          |                                                              | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA3048 E) |        | (N) BEDROOM #2: HD @ 7'-0; EGRESS QUALIFYING                       |  |                                                                        |
| 16                                                                                                                                                                                                                                                                                                                          | 4'-0" x 2'-0"          | AWNING                                                       | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA1842)   |        | (N) BATH #2: HD @ 7'-0; TEMP. GL.; CBCC. GL.                       |  |                                                                        |
| 17                                                                                                                                                                                                                                                                                                                          | 2'-8 1/8" x 3'-1 7/8"  | SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT                | VELUX SKYLIGHT (VSS M04)                                     |        | (N) BATH #2: TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT |  |                                                                        |
| 18                                                                                                                                                                                                                                                                                                                          | 1'-8" x 2'-2 7/8"      | SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT                | VELUX SKYLIGHT (VSS C01)                                     |        | (N) STAIR: TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT   |  |                                                                        |
| 19                                                                                                                                                                                                                                                                                                                          | 2'-8 1/8" x 2'-8"      | SOLAR POWERED FRESH AIR CURB MOUNTED SKYLIGHT                | VELUX SKYLIGHT (VSS M02)                                     |        | (N) STAIR: TEMP. GL.; EDL FLASHING KIT FOR DECK MOUNTED SKYLIGHT   |  |                                                                        |
| 20                                                                                                                                                                                                                                                                                                                          | 4'-0" x 2'-0"          | FIXTURE                                                      | MARVIN ESSENTIAL INTEGRITY ALL-ULTRIX BY MARVIN (ESCA2022)   |        | (N) STAIR: HD @ 7'-0; FROM SECOND FLOOR LEVEL: TEMP. GL.           |  |                                                                        |
| The architect is not responsible for the ordering of windows and skylights. Contractor, owner, window supplier, and skylight supplier are to verify all window and skylight rough openings and verify coordination between manufacturer's model number, window and skylight size, safety glazing, finishes and accessories. |                        |                                                              |                                                              |        |                                                                    |  |                                                                        |

**MARVIN ESSENTIAL INTEGRITY ALL ULTRIX) WINDOW NOTES:**

**REFERENCE STANDARDS:** AMERICAN ARCHITECTURAL MANUFACTURERS ASSOCIATION (AAMA); NATIONAL FENESTRATION RATING COUNCIL (NFRC); LATEST EDITIONS.

**INSTALLATION:** INSTALL PER MANUFACTURER'S INSTRUCTIONS. COORDINATE WINDOW AND SCREEN INSTALLATION WITH SECURITY INSTALLATION.

**MATERIALS:** FIBERGLASS WITH DUAL GLAZED WINDOWS

**OPERATION TYPE:** AWNING

**GLAZING:** STANDARD LOW-E-272, ARGON INSULATING GLASS, TEMPERED PER CODE AT HAZARDOUS LOCATIONS.

**MANUFACTURER:** MARVIN ESSENTIAL (INTEGRITY ALL-ULTRIX BY MARVIN)

**1. EXTERIOR CASING:** MATCH EXISTING

**2. EXTERIOR FINISH:** MATCH EXISTING

**3. HEAD FLASHING:** G.S.M. DRIP CAP FLASHING AT ALL WINDOW AND DOOR HEADS. SEE DETAILS.

**4. PENETRATIONS:** (IE, WINDOWS, DOORS, VENTS, TYP.) FLASHING RECOMMENDATIONS: 12" WIDE FORTIFIBER MOISTUR-E-Z SEAL FLASHING OR 9" WIDE PROTECTO WRAP BT-25XL FLASHING INSTALLED PER MFR'S INSTRUCTIONS; TYPICALLY, INSTALL SILL FLASHINGS FIRST, JAMB FLASHINGS NEXT, THEN HEAD FLASHING, FOLLOWED BY SHINGLED BUILDING PAPER (INSTALLED FROM THE BOTTOM UP). BE SURE THAT BUILDING PAPER TUCKS UNDER THE SILL STRIP FLASHING WITH THE NEXT COURSE OF BUILDING PAPER OVER THE JAMB STRIP FLASHINGS. ASSEMBLY SHALL INSURE THAT ALL EXTERIOR OPENINGS EXPOSED TO THE WEATHER SHALL BE FLASHED IN SUCH A MANNER AS TO MAKE THEM WATERPROOF (PER UBC). SEE ARCHITECTURAL DETAILS FOR MORE INFORMATION.

**5. SEALANTS:** USE ONLY PRODUCTS AS RECOMMENDED & MANUFACTURED BY FLASHING MEMBRANE MFR. INSTALLATION INSTRUCTIONS.

**VELUX CLAD WOOD SKYLIGHT NOTES:**

**REFERENCE STANDARDS:** ANSL, ASTM AND VELUX ARCHITECTURAL SPECIFICATION SHEET.

**INSTALLATION:** INSTALL PER MANUFACTURER'S INSTRUCTIONS.

**MATERIALS:** WOOD FRAME ROOF WINDOW TO BE "VELUX VSS D26, VSS M02, VSS M04, & VSS C01" AS MANUFACTURED BY VELUX-AMERICA LLC.

**OPERATION TYPE:** VSS: SOLAR-POWERED "FRESH AIR" SKYLIGHTS

**GLAZING:** DUAL PANE LAMINATE GLAZING (6x04), TEMPERED PER CODE AT HAZARDOUS LOCATIONS.

**MANUFACTURER:** VELUX-AMERICA LLC.

**1. CURB KIT & FLASHING SYSTEM:** TYPE EDL, WITH PREFABRICATED 22 GAUGE LAQUERED ALUMINUM, STEP FLASHING, CURB FLASHING.

**2. ACCESSORIES:** CONFIRM WITH OWNER

| REMOVED WINDOWS & EXTERIOR DOORS |                       |                       |                |  |
|----------------------------------|-----------------------|-----------------------|----------------|--|
| *                                | NOMINAL FRAME SIZE    | OPERATION TYPE        | FRAME/ GLAZING |  |
| 1                                | 2'-8 1/4" x 2'-0 3/8" | DH                    | RETROFIT WD-DG |  |
| 2                                | 1'-4" x 4'-0 3/4"     | CALIFORNIA COOLER     | WD             |  |
| 3                                | 2'-5 3/4" x 6'-5 3/4" | INSWING 1/2 LITE DOOR | WOOD           |  |
| 4                                | 1'-3 1/4" x 2'-0 1/2" | CSMT                  | WD-DG          |  |
| 5                                | 1'-8 3/4" x 2'-8 3/4" | CSMT                  | WD-DG          |  |
| 6                                | 1'-8 3/4" x 2'-8 3/4" | CSMT                  | WD-DG          |  |
| 7                                | 1'-8 3/4" x 2'-8 3/4" | CSMT                  | WD-DG          |  |
| 8                                | 2'-5" x 2'-8 3/4"     | CSMT                  | WD-DG          |  |
| 9                                | 2'-5" x 2'-8 3/4"     | CSMT                  | WD-DG          |  |
| 10                               | 3'-0" x 6'-7"         | ISFD 15 LITE          | WD-SG          |  |
| 11                               | 2'-8 1/4" x 4'-4 3/4" | DH                    | WD-DG          |  |
| 12                               | 2'-8 1/4" x 4'-4 3/4" | DH                    | WD-DG          |  |
| 13                               | 1'-2 1/2" x 2'-10"    | FIXD                  | WD-DG          |  |

AUP APPLICATION SET REV2 02.09.21  
AUP APPLICATION SET REV1 08.17.20  
AUP APPLICATION SET 02.26.20

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ  
1527 SACRAMENTO STREET  
BERKELEY, CA 94702

JASON KALDIS ARCHITECT, INC.  
1250 ADDISON STREET - STUDIO 210  
BERKELEY, CA 94702  
PH (510) 549-3584 FX (510) 549-3574  
JASON@KALDISARCHITECT.COM

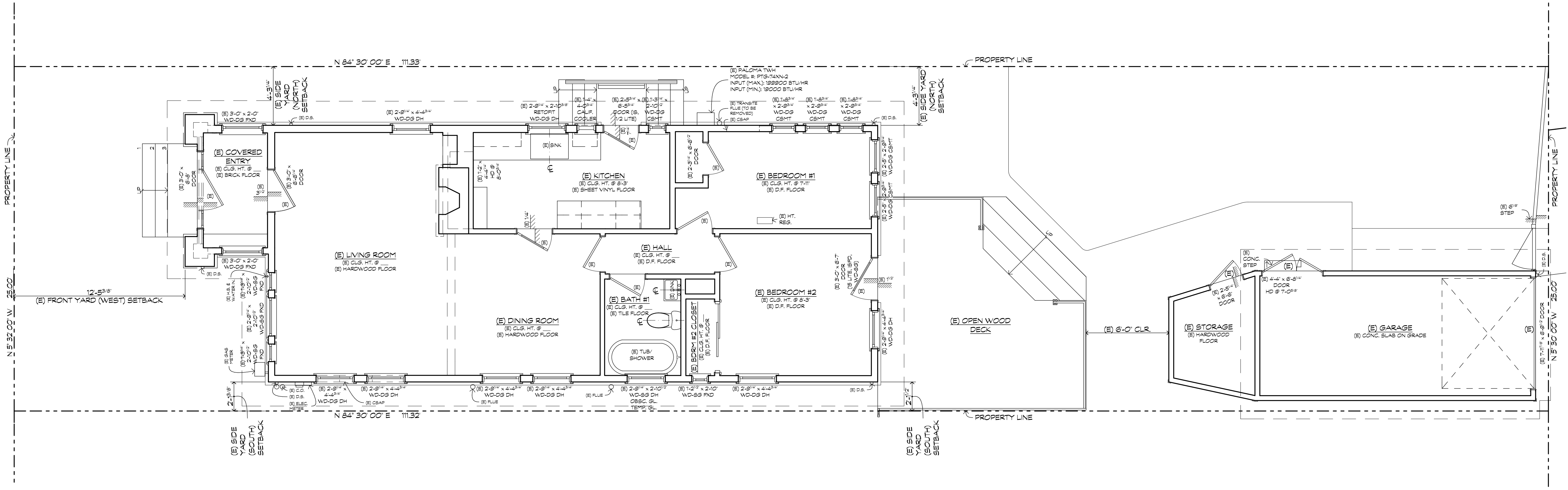
DRAWING TITLE: REMOVED EXT. WINDOWS & DOORS  
WINDOW/DOOR SCHEDULE  
FINISH/PLUMBING SCHEDULE  
APPLIANCE SCHEDULE

DATE: 02.09.21  
08.17.20  
02.26.20

BY: JASON KALDIS  
DATE: 02.26.20

2.2

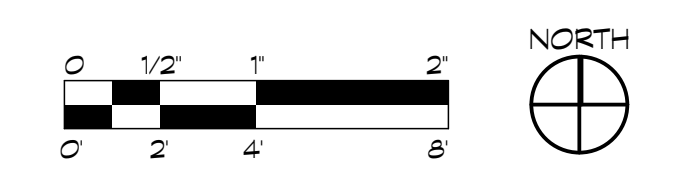
SACRAMENTO STREET



EXISTING MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"

- ARCHITECTURAL LEGEND**
- NEW (N) 1-HR. RATED EXT. WALL
  - NEW (N) 1-HR. RATED INT. WALL
  - NEW (N) WALL
  - EXISTING (E) WALL TO REMAIN
  - EXISTING (E) WALL TO BE REMOVED
  - LINE ABOVE
  - LINE BELOW OR BEYOND
  - PROPERTY LINE
  - SECTION
  - DETAIL NUMBER
  - SHEET NUMBER
  - WINDOW KEY
  - DOOR KEY
  - REVISION
  - CEILING MOUNTED LIGHT
  - WALL MOUNTED LIGHT
  - RECESSED LIGHT
  - RECESSED ADJUSTABLE LIGHT
  - CABLE/TRACK LIGHTING
  - UNDERCABINET LIGHTING
  - JUNCTION BOX
  - CEILING FAN W/ LIGHT
  - CEILING FAN
  - LIGHT-EXHAUST FAN COMBO
  - EXHAUST FAN
  - SWITCH
  - 3 WAY SWITCH
  - DUPLEX WALL OUTLET
  - QUAD WALL OUTLET
  - FLOOR OUTLET
  - TELEPHONE JACK
  - T.V./DATA CABLE JACK
  - SPEAKER
  - CHIMES
  - PUSH BUTTON
  - SMOKE ALARM
  - CARBON MONOXIDE ALARM
  - HEAT DETECTOR/ALARM
  - THERMOSTAT CONTROLS
  - HEAT REGISTER @ CEILING
  - HEAT REGISTER @ FLOOR
  - HEAT REGISTER @ WALL OR TOEKICK
  - SUPPLY LINE

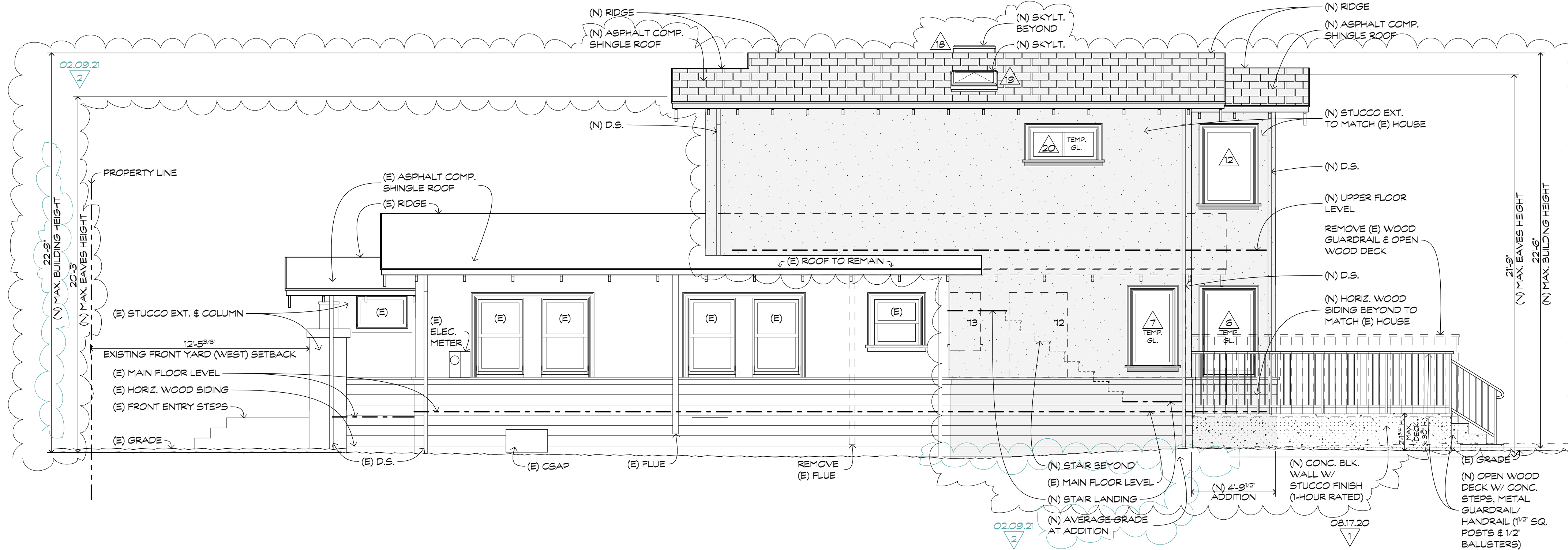
- KEY TO ABBREVIATIONS**
- AAP = ATTIC ACCESS PANEL
  - AP = ACCESS PANEL
  - CAR = COLD AIR RETURN
  - CAP = CRAWLSPACE ACCESS PANEL
  - D = DIMMER
  - DS = DOWN SPOUT
  - (E) = EXISTING
  - F = FLUORESCENT
  - FAU = FORCED AIR UNIT
  - FN = FINISH (DIMENSION OFF SURFACE)
  - FV = FOUNDATION VENT
  - GFI = GROUND FAULT CIRCUIT INTERRUPTER
  - HB = HOSE BIB
  - H2O = WATER SUPPLY
  - LED = T24 QUALIFYING LED
  - MS = MOTION SENSOR
  - (N) = NEW
  - OH = OVERHANG
  - OS = OCCUPANCY SENSOR
  - PC = PHOTOCELL
  - (R) = REMODEL EXISTING
  - RO. = ROUGH (DIMENSION OFF FRAMING)
  - SS = SANITARY SEWER
  - VS = VACANCY SENSOR
  - WH = WATER HEATER
  - WP = WATERPROOF/WEATHERPROOF
  - 1S, 1P = 1 SHELF, 1 POLE
  - 220V = 220 VOLT



AUP APPLICATION SET REV2 02.09.21  
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 AUP APPLICATION SET 02.26.20

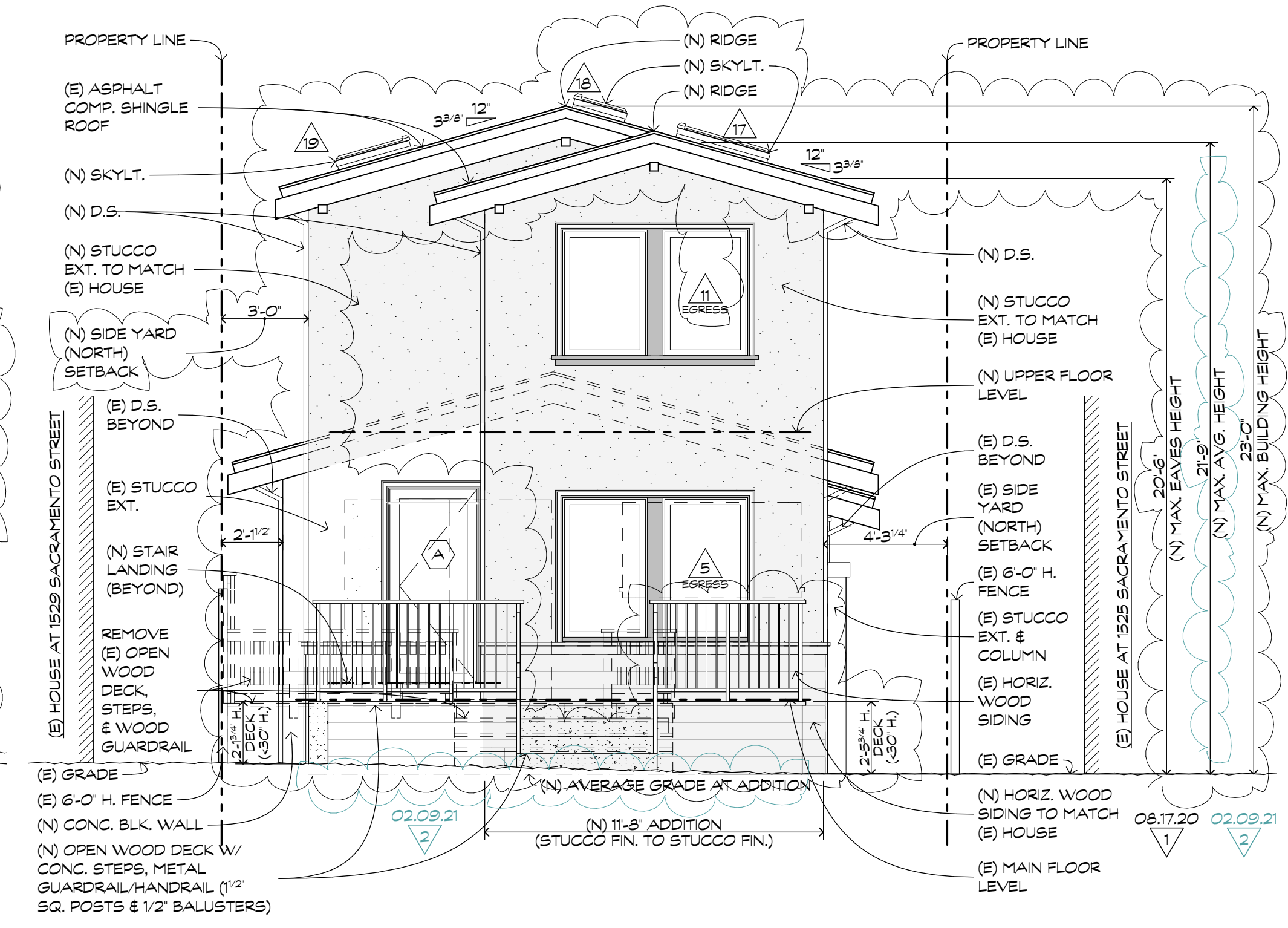
|                                                                                                                               |                                          |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| FOR ADDRESS:<br>ADDITION & REMODEL FOR<br>ANNA TALAMO & JONATHAN<br>LIPSCHUTZ<br>1527 SACRAMENTO STREET<br>BERKELEY, CA 94702 | DATE<br>02.09.21<br>08.17.20<br>02.26.20 |
| <b>JASON KALDIS<br/>ARCHITECT, INC.</b>                                                                                       |                                          |
| 1250 ADDISON STREET - STUDIO 210<br>BERKELEY, CA 94702<br>PH (510) 549-3584 FX (510) 549-3574<br>JASON@JKALDISARCHITECT.COM   |                                          |
| DRAWING TITLE<br>EXISTING MAIN FLOOR PLAN<br>@ 1/4" = 1'-0"<br>ARCHITECTURAL LEGEND                                           | SHEET<br><b>2A</b><br>OF NUMBER<br>18026 |





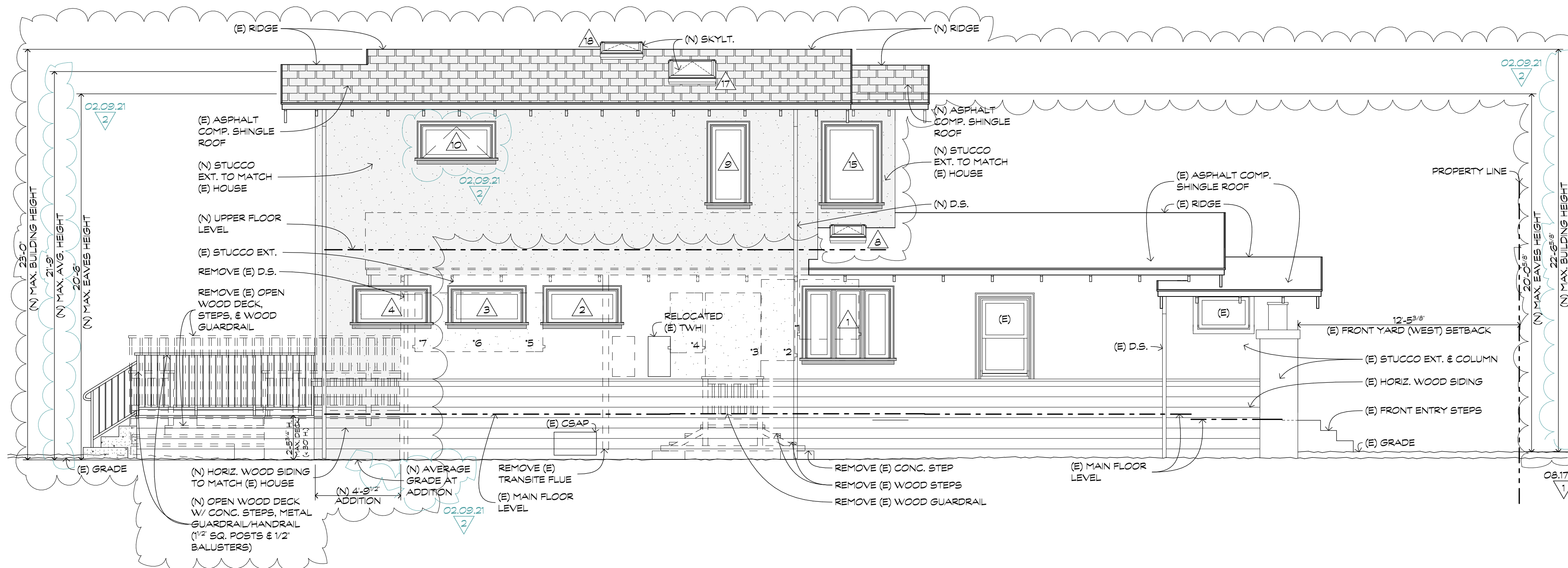
PROPOSED SOUTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



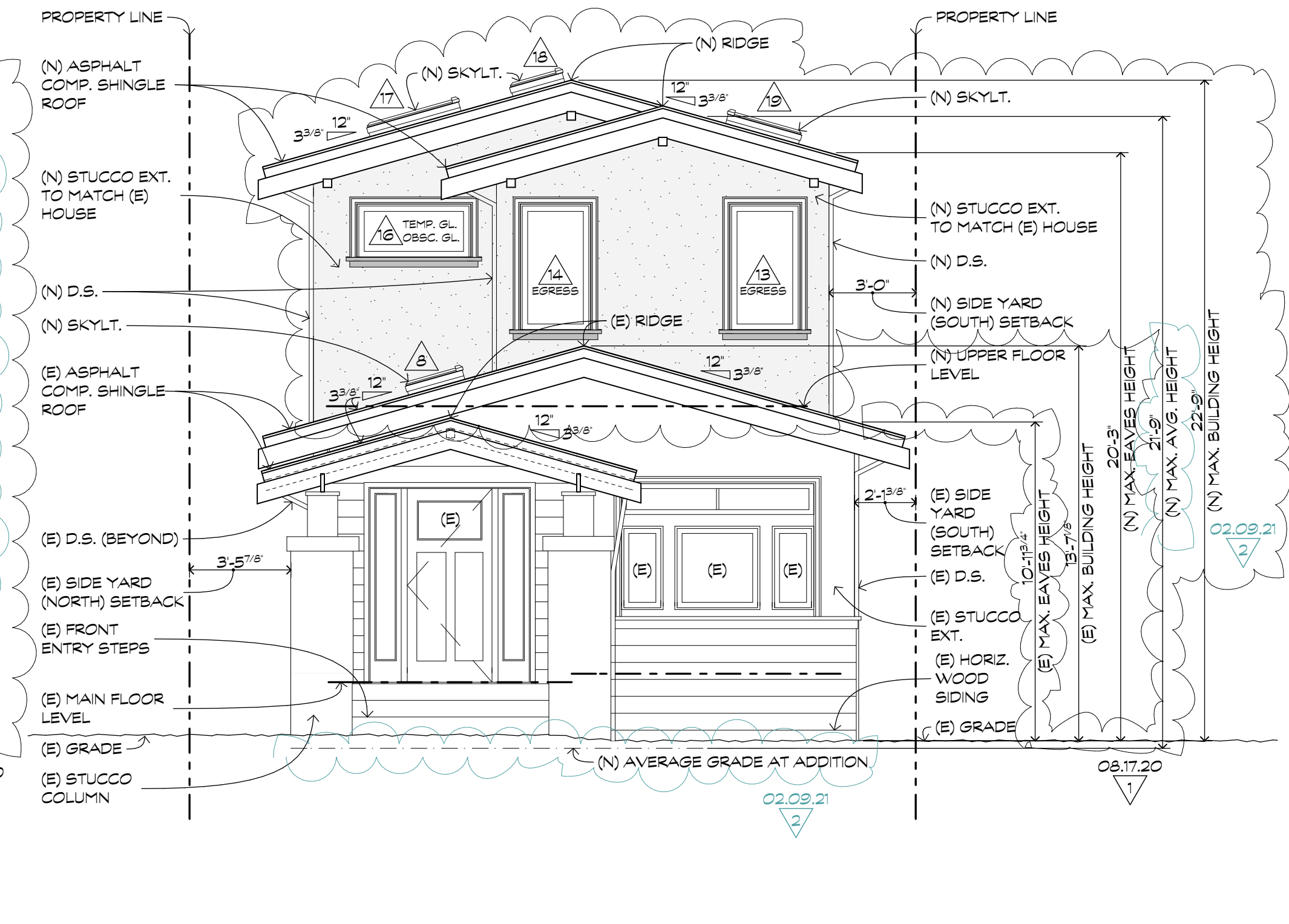
PROPOSED EAST EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED NORTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED WEST EXTERIOR ELEVATION

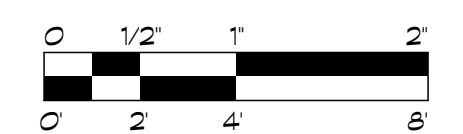
SCALE: 1/4" = 1'-0"

TYPICAL (N) EXTERIOR BUILDING MATERIALS

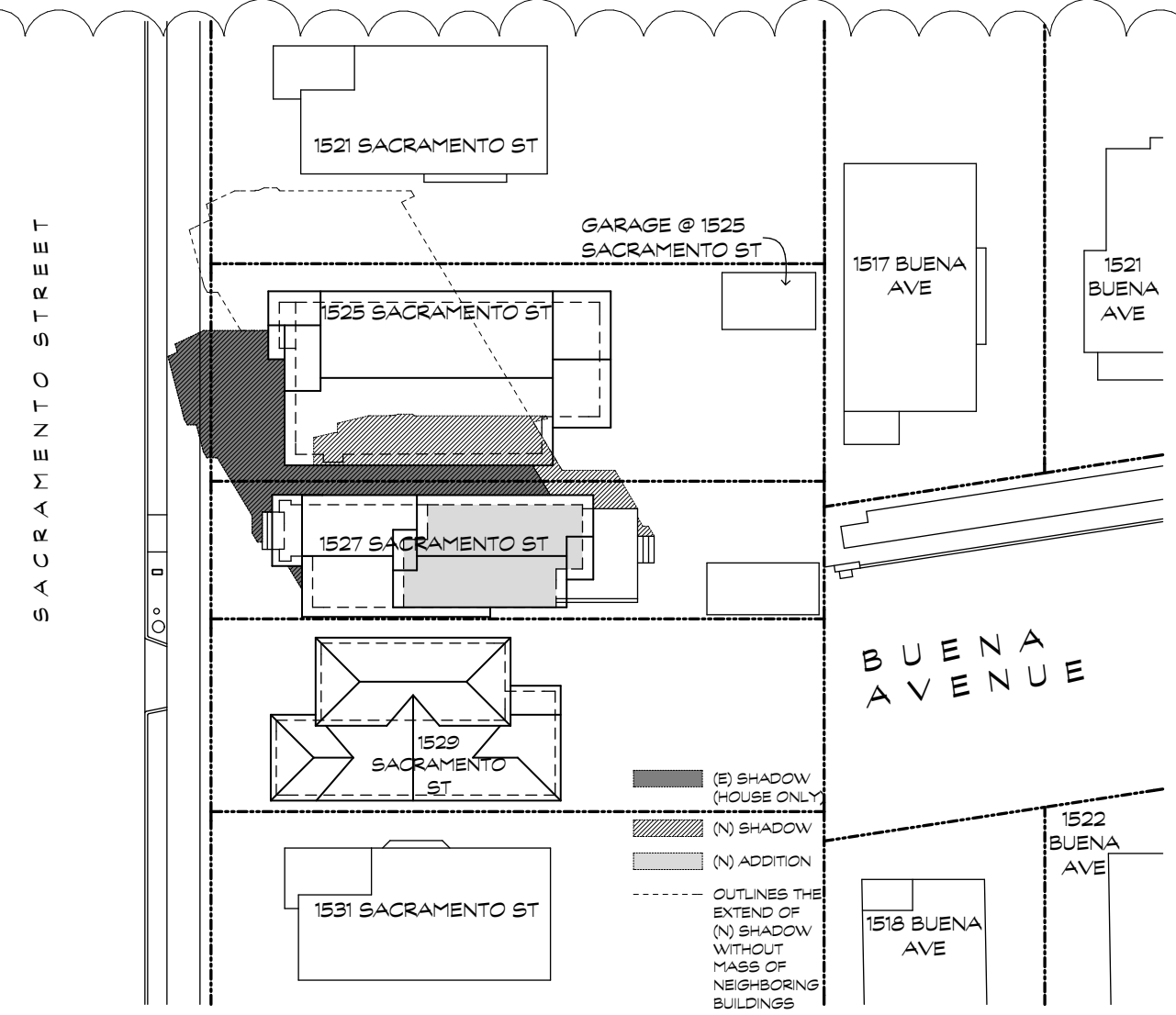
- (N) CLASS 'A' COMPOSITION SHINGLE ROOF
- (N) STUCCO, PAINTED (MATCH (E), TYP.)
- (E) HORIZONTAL WOOD EXT. WAINSCOT, PAINTED (MATCH (E), TYP.)
- (N) FIBERGLASS WINDOWS (AS MFRD. BY MARVIN ESSENTIALS (INTEGRITY ALL-ULTREX))
- SKYLIGHTS (AS MFRD. BY VELLUX)
- (N) WOOD/GLAD WOOD DOORS
- (N) PAINTED EXTERIOR CASING (MATCH (E), TYP.)
- (N) G.S.M. FOUNDATION VENTS
- (N) CONCRETE LANDING & STAIRS
- (N) OPEN WOOD DECK, GUARDRAIL, BALUSTERS, & WOOD/CONC. STEPS
- (N) GUTTERS, & DOWNSPOUTS
- (N) PAINTED/STAINED WOOD CORBELS/BRACKETS (MATCH (E), TYP.)
- (N) WALL MTD. LIGHTING

AUP APPLICATION SET REV2 02.09.21  
 AUP APPLICATION SET REV1 08.17.20  
 AUP APPLICATION SET 02.26.20

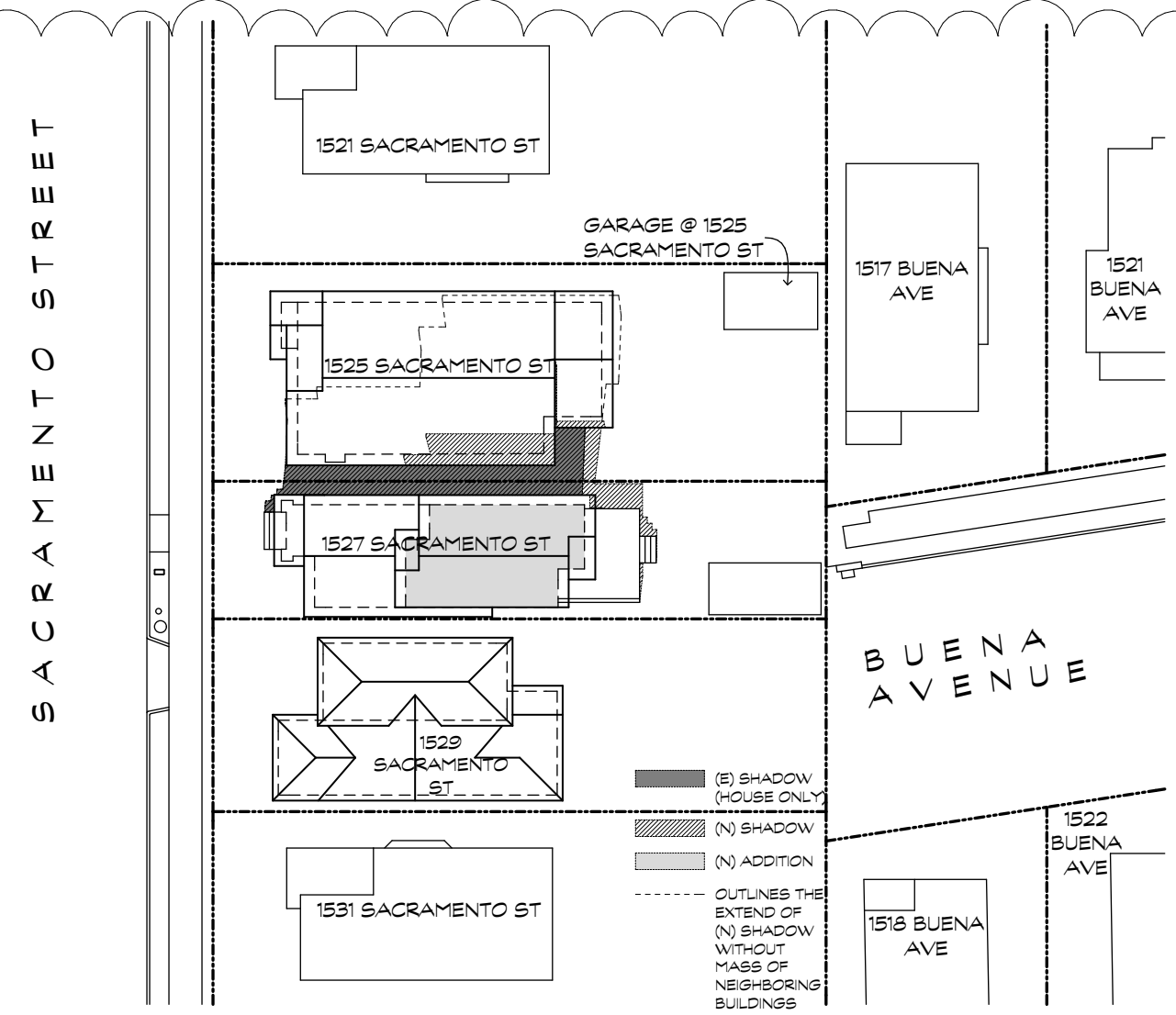
|                                                                                                                               |                                           |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| FOR ADDRESS:<br>ADDITION & REMODEL FOR<br>ANNA TALAMO & JONATHAN<br>LIPSCHUTZ<br>1527 SACRAMENTO STREET<br>BERKELEY, CA 94702 | DATE:<br>02.09.21<br>08.17.20<br>02.26.20 |
| <b>JASON KALDIS<br/>ARCHITECT, INC.</b>                                                                                       |                                           |
| 1250 ADDISON STREET - STUDIO 210<br>BERKELEY, CA 94702<br>PH (510) 549-3584 FX (510) 549-3574<br>JASON@JKALDISARCHITECT.COM   |                                           |
| DRAWING TITLE:<br>PROPOSED EXTERIOR ELEVATIONS<br>@ 1/4" = 1'-0"<br>TYPICAL (N) EXTERIOR BUILDING<br>MATERIALS                | SHEET:<br><b>3</b><br>OF<br>18026         |



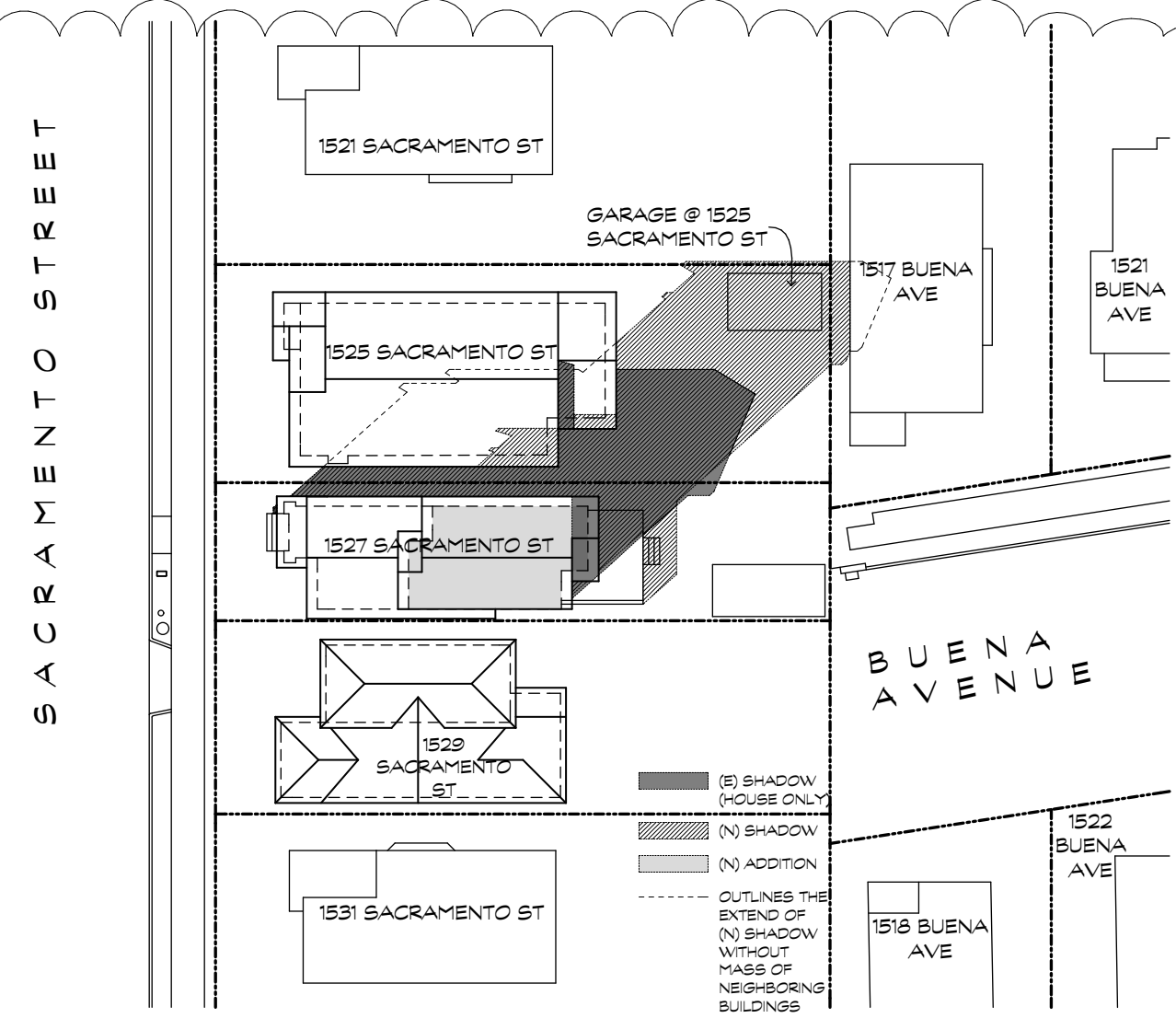




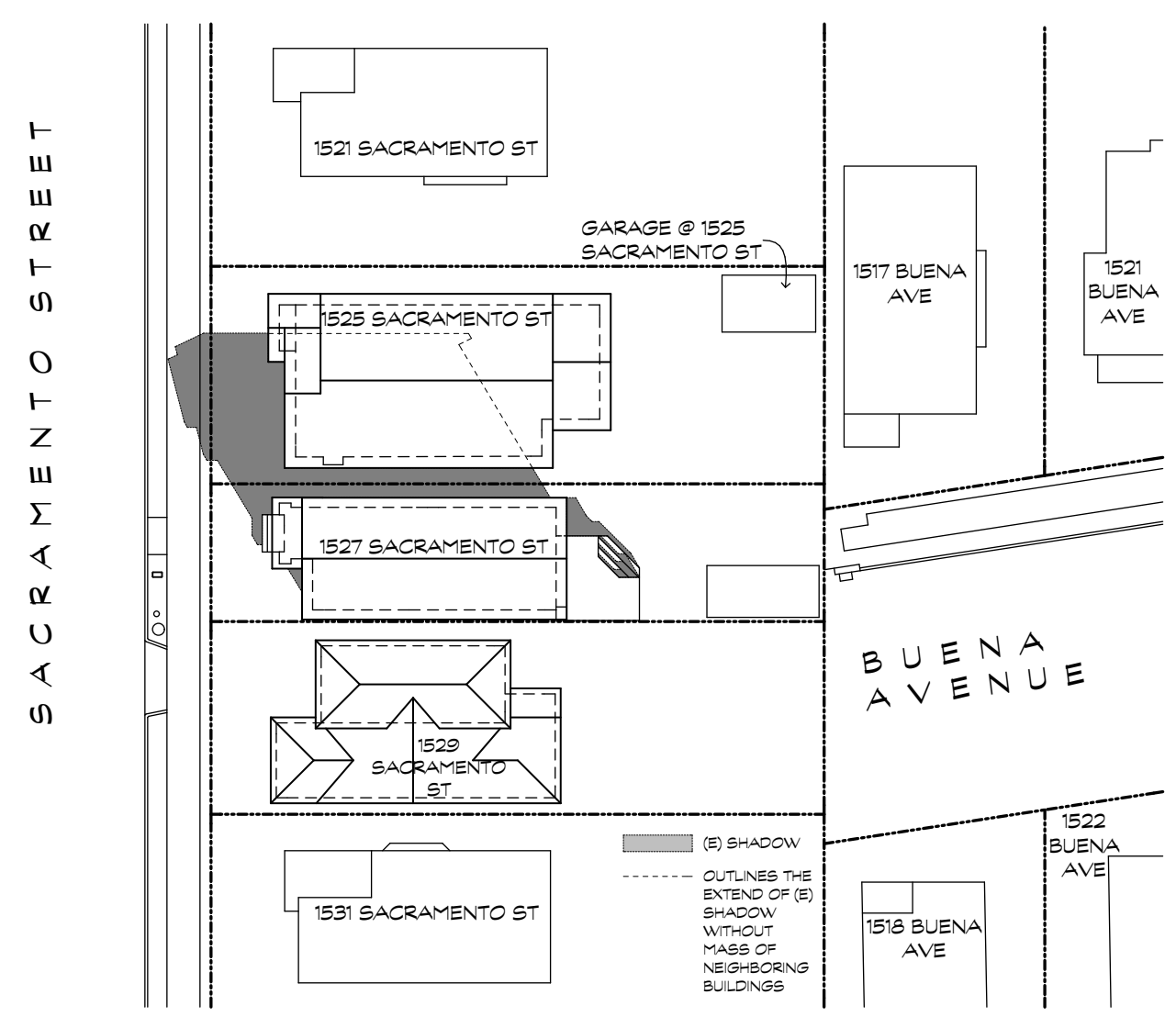
**1A** DECEMBER 21 @ 9:21 AM  
(2 HOURS AFTER SUNRISE)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



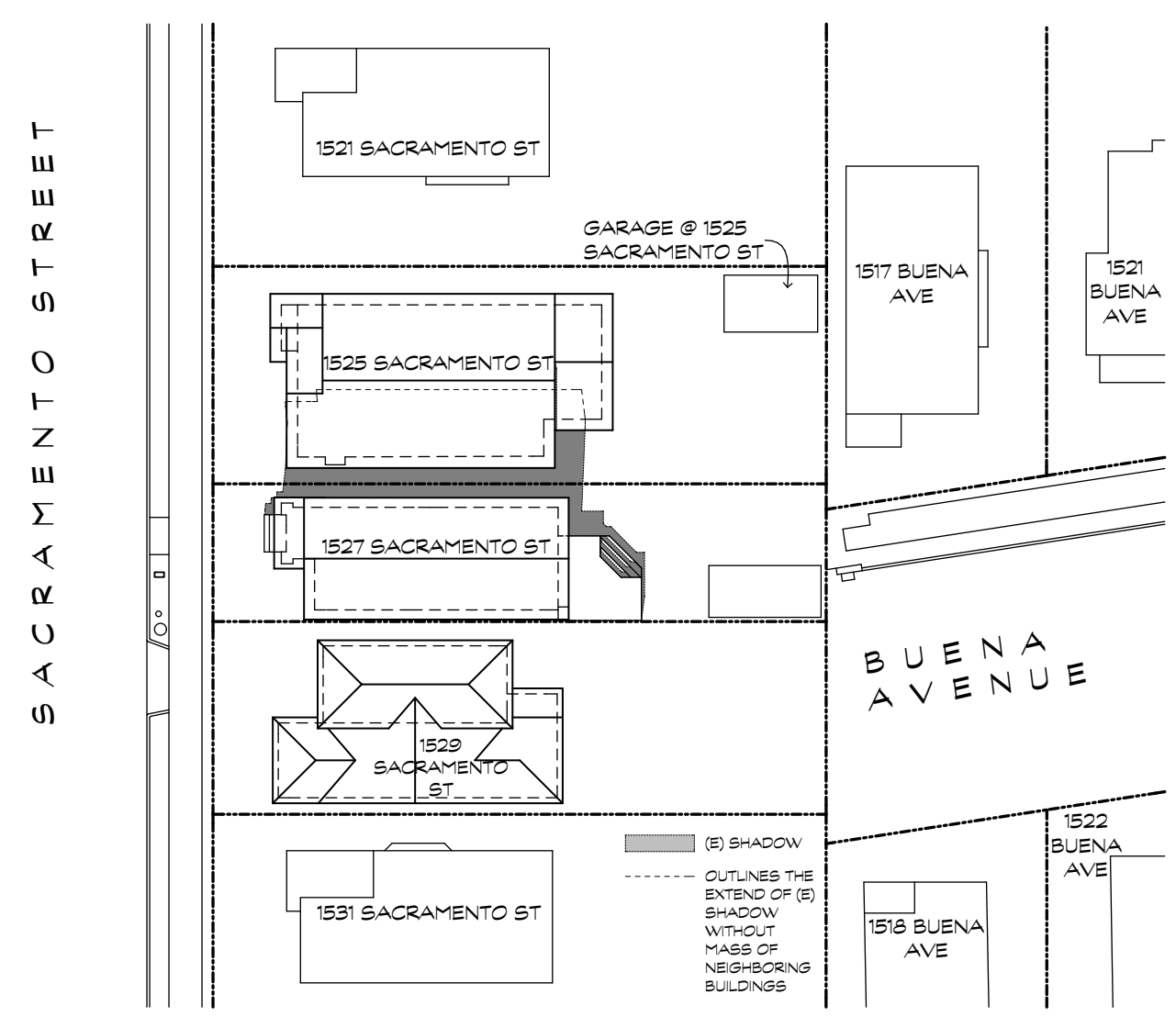
**1B** DECEMBER 21 @ 12:00 PM  
(NOON)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



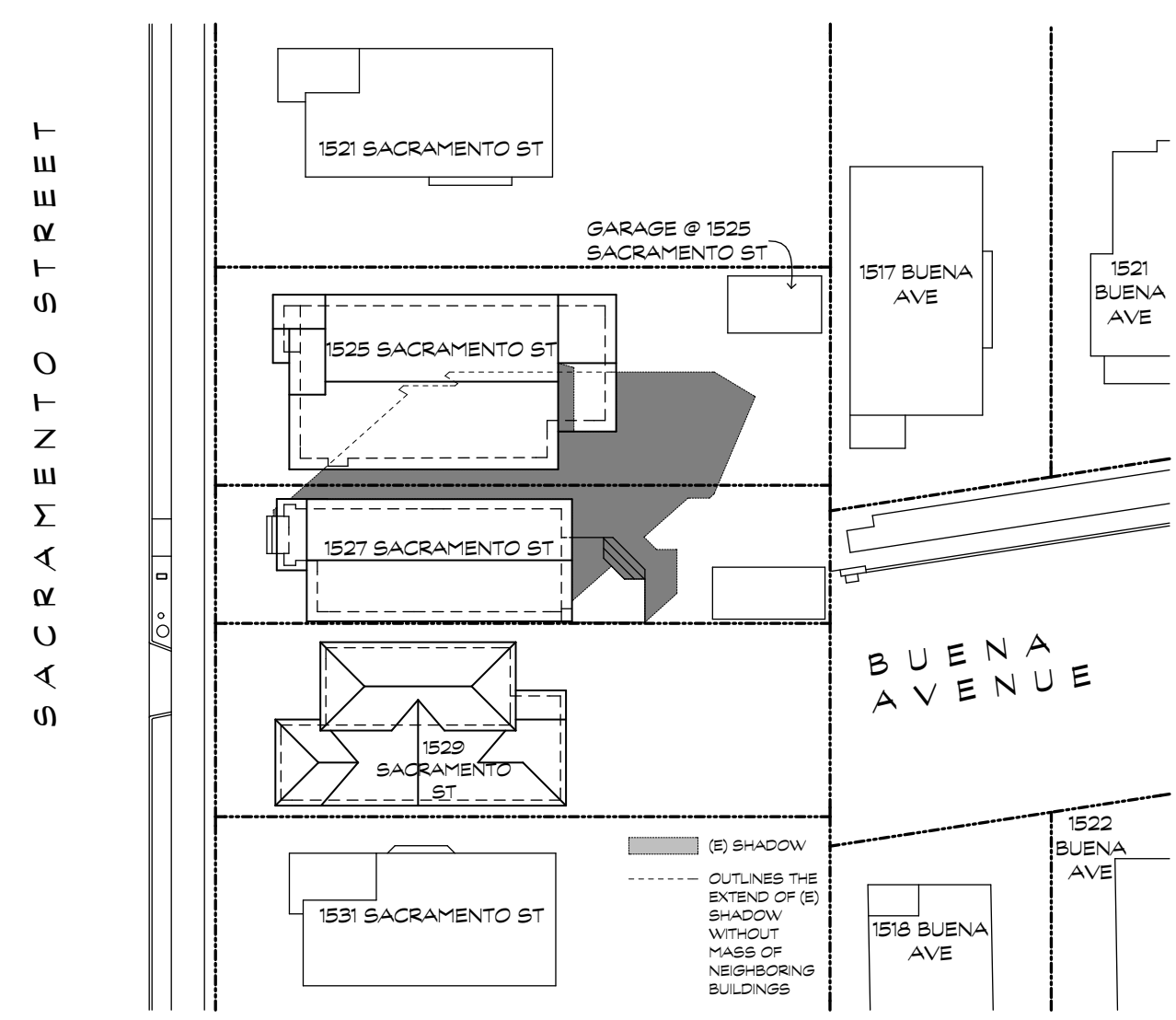
**1C** DECEMBER 21 @ 2:54 PM  
(2 HOURS BEFORE SUNSET)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



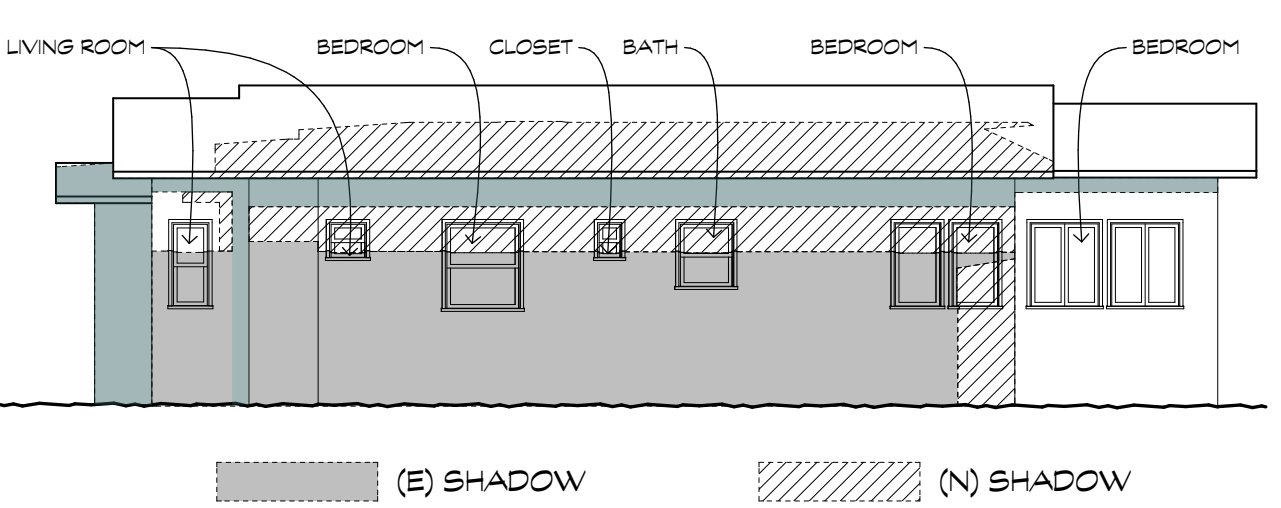
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(2 HOURS AFTER SUNRISE)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



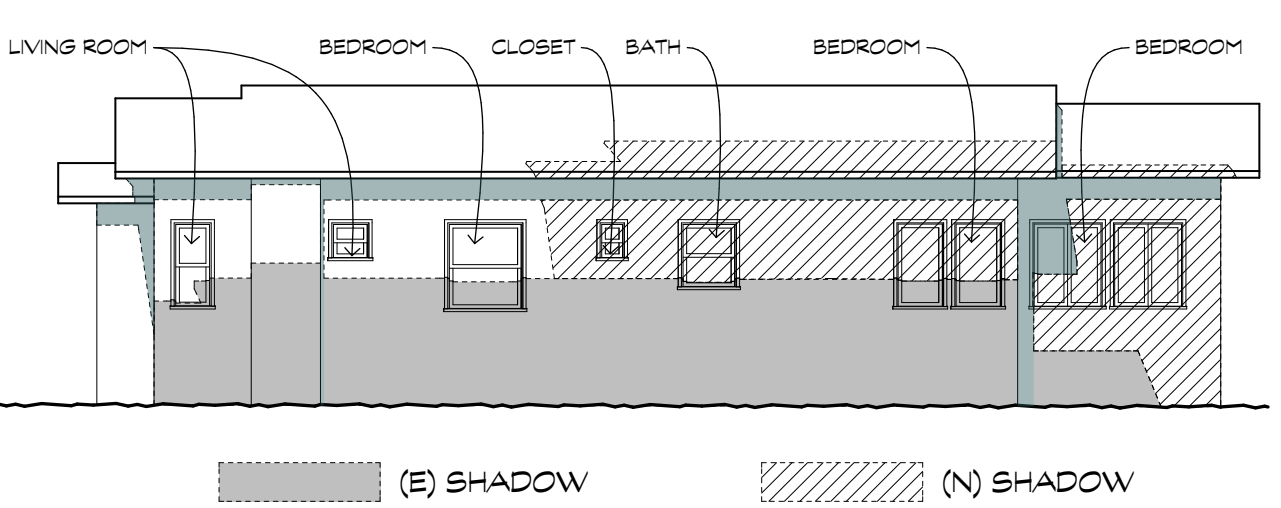
**2B** DECEMBER 21 @ 12:00 PM  
(NOON)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



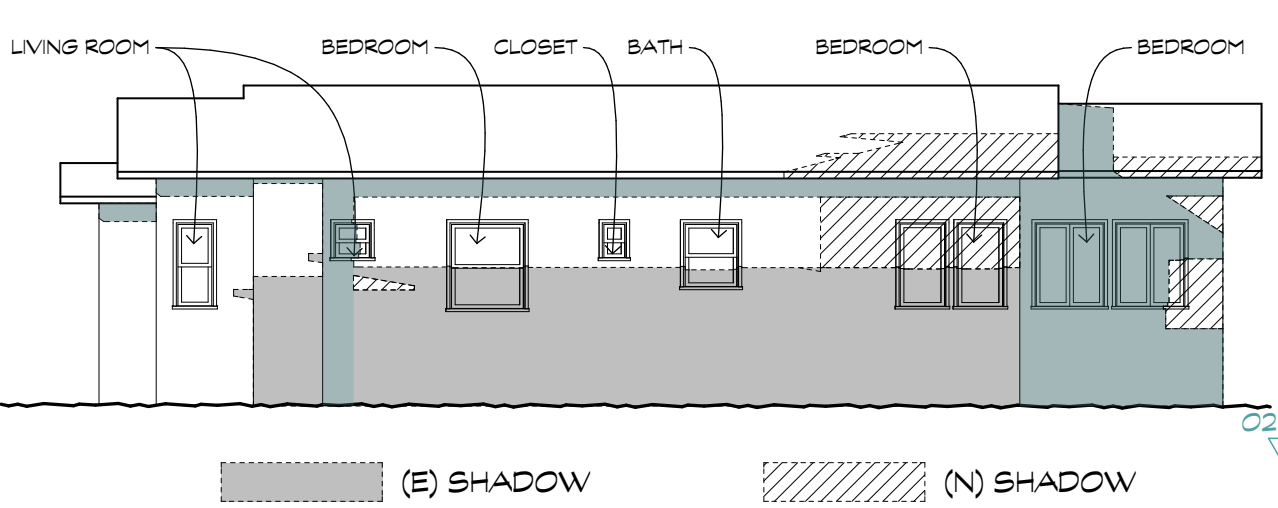
**2C** DECEMBER 21 @ 2:54 PM  
(2 HOURS BEFORE SUNSET)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



**3A** EXISTING 1525 SACRAMENTO  
SOUTH ELEVATION  
DECEMBER 21 @ 9:21 AM  
(2 HOURS AFTER SUNRISE)

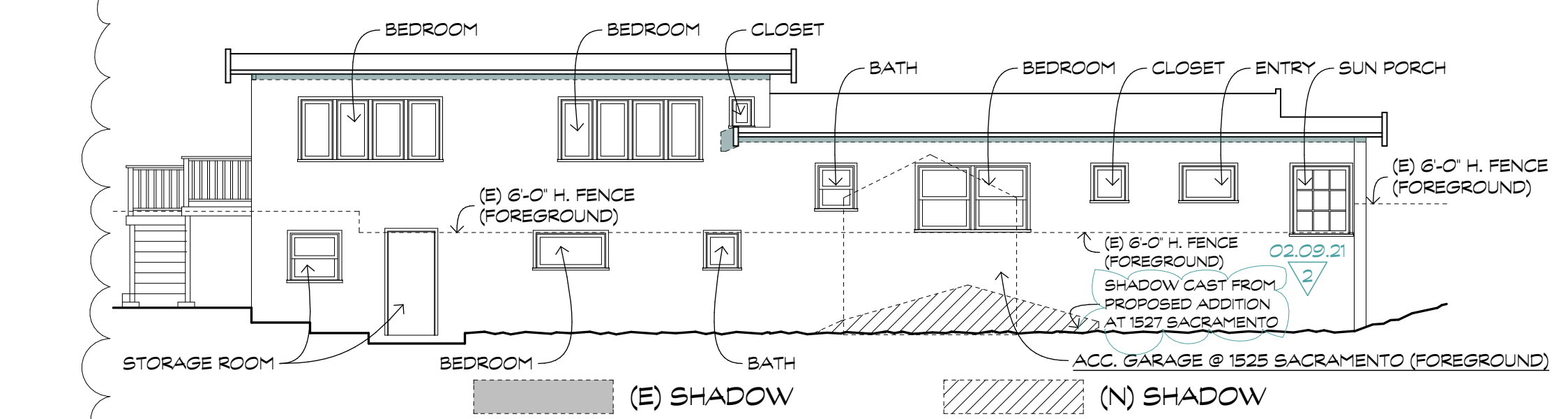


**3B** EXISTING 1525 SACRAMENTO  
SOUTH ELEVATION  
DECEMBER 21 @ 12:00 PM (NOON)

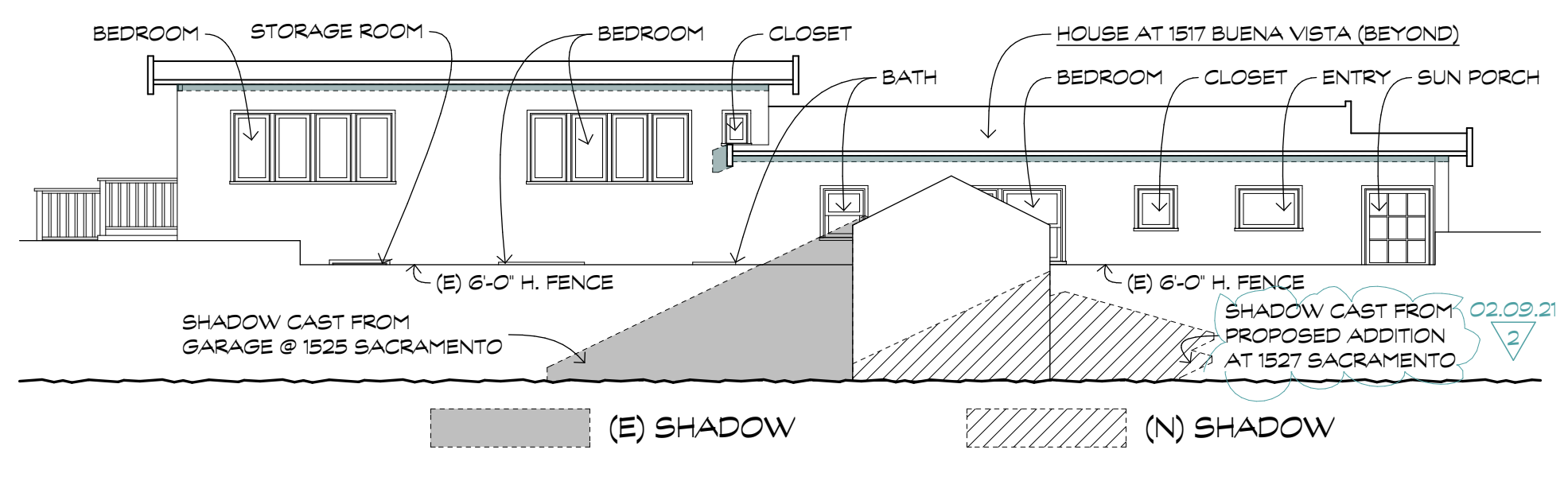


**3C** EXISTING 1525 SACRAMENTO  
SOUTH ELEVATION  
DECEMBER 21 @ 2:54 PM  
(2 HOURS BEFORE SUNSET)

NOTE: SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE



**5C** EXISTING 1517 BUENA VISTA - WEST ELEVATION  
DECEMBER 21 @ 2:54 PM (2 HOURS BEFORE SUNSET)



**4C** EXISTING ACCESSORY GARAGE @ 1525 SACRAMENTO  
WEST ELEVATION (1517 BUENA VISTA BEYOND)  
DECEMBER 21 @ 2:54 PM (2 HOURS BEFORE SUNSET)

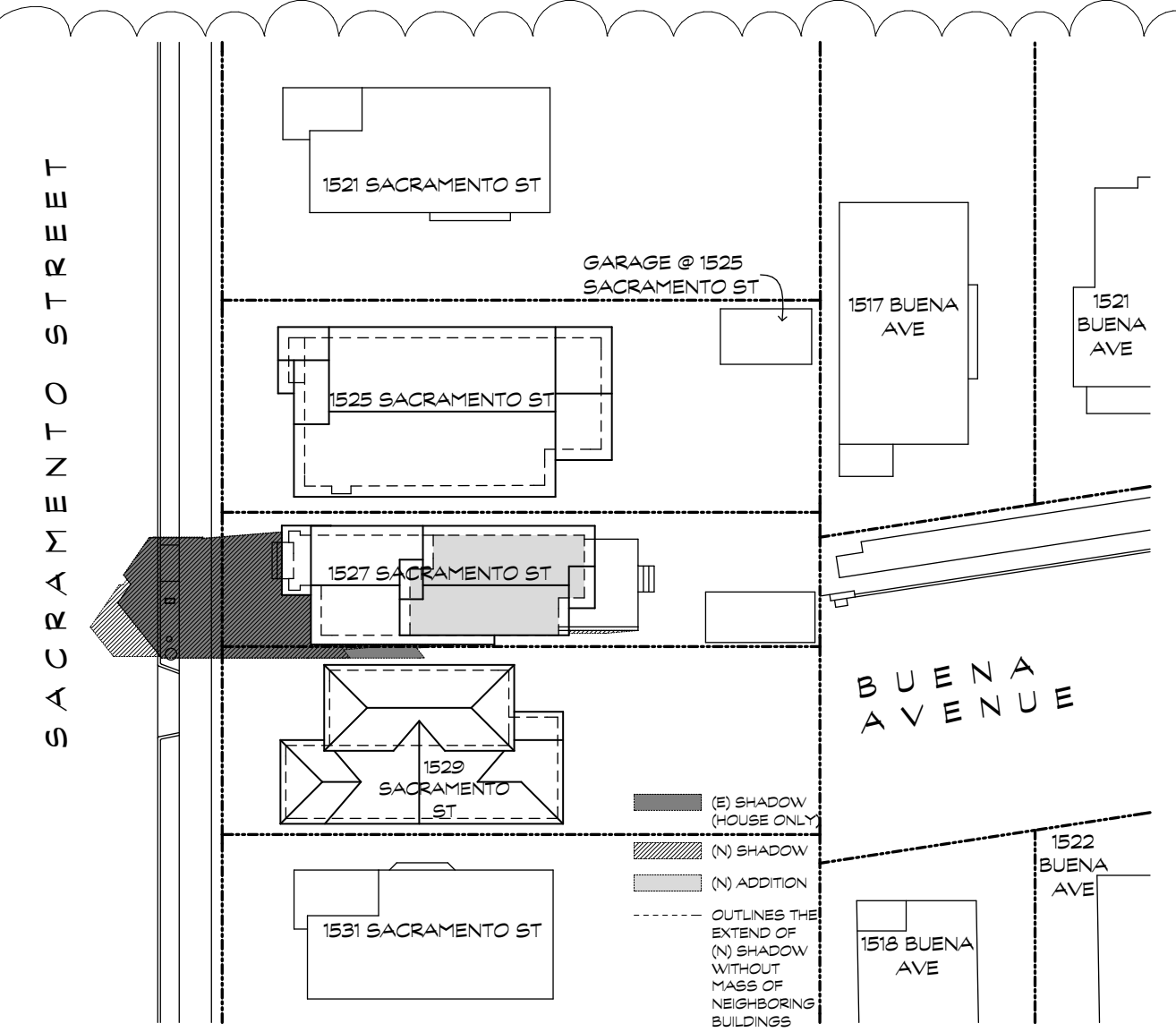
08.17.20

AUP APPLICATION SET REV 2 02.09.21  
AUP APPLICATION SET REV 1 08.17.20  
AUP APPLICATION SET 02.26.20

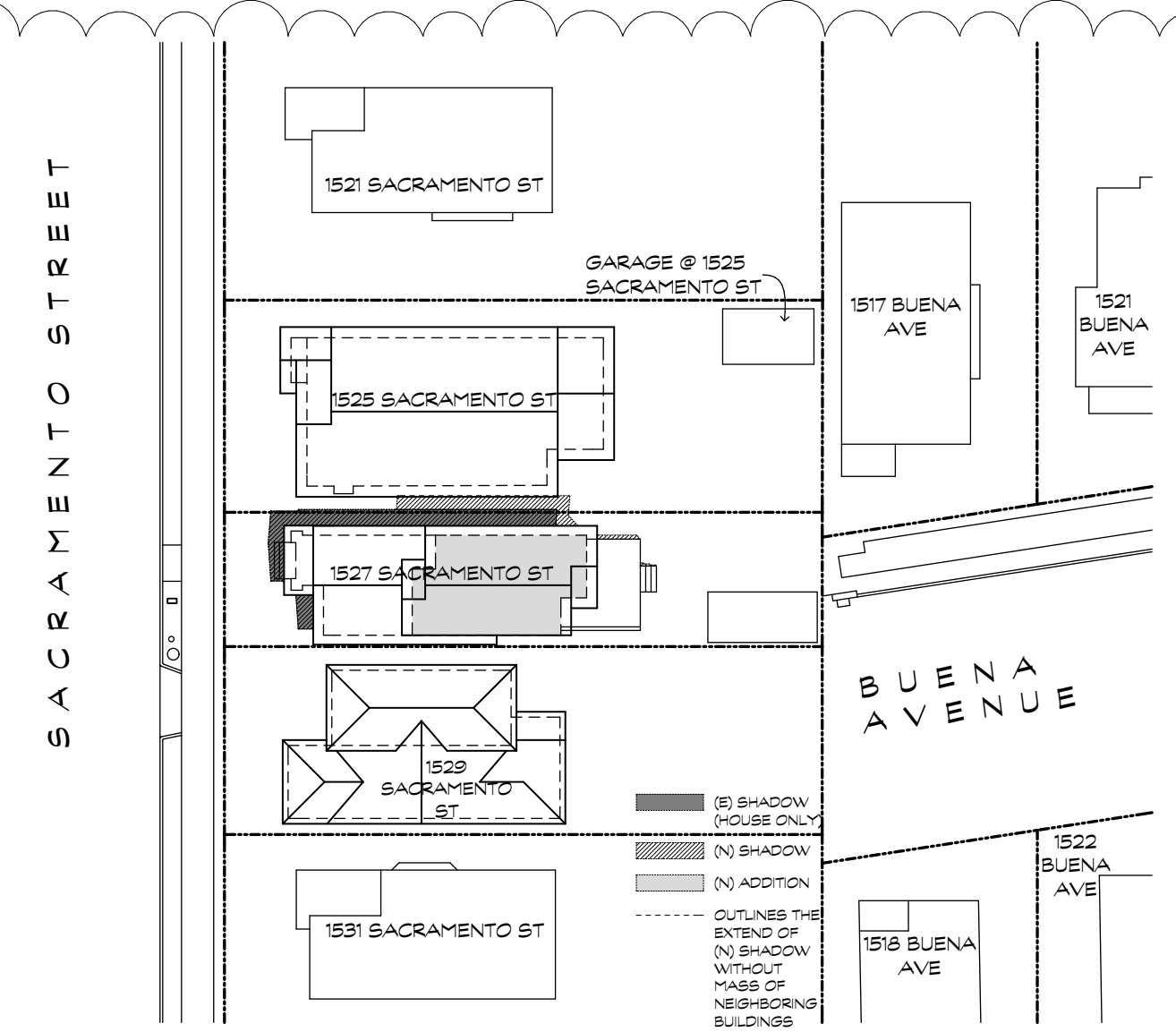
FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ  
1527 SACRAMENTO STREET BERKELEY, CA 94702  
DATE: 02.09.21  
08.17.20  
02.26.20  
DRAWN BY: JASON KALDIS ARCHITECT.COM

**JASON KALDIS ARCHITECT, INC.**  
1250 ADDISON STREET - STUDIO 210  
BERKELEY, CA 94702  
PH (510) 549-3584 FX (510) 549-3574  
JASON@JKALDISARCHITECT.COM

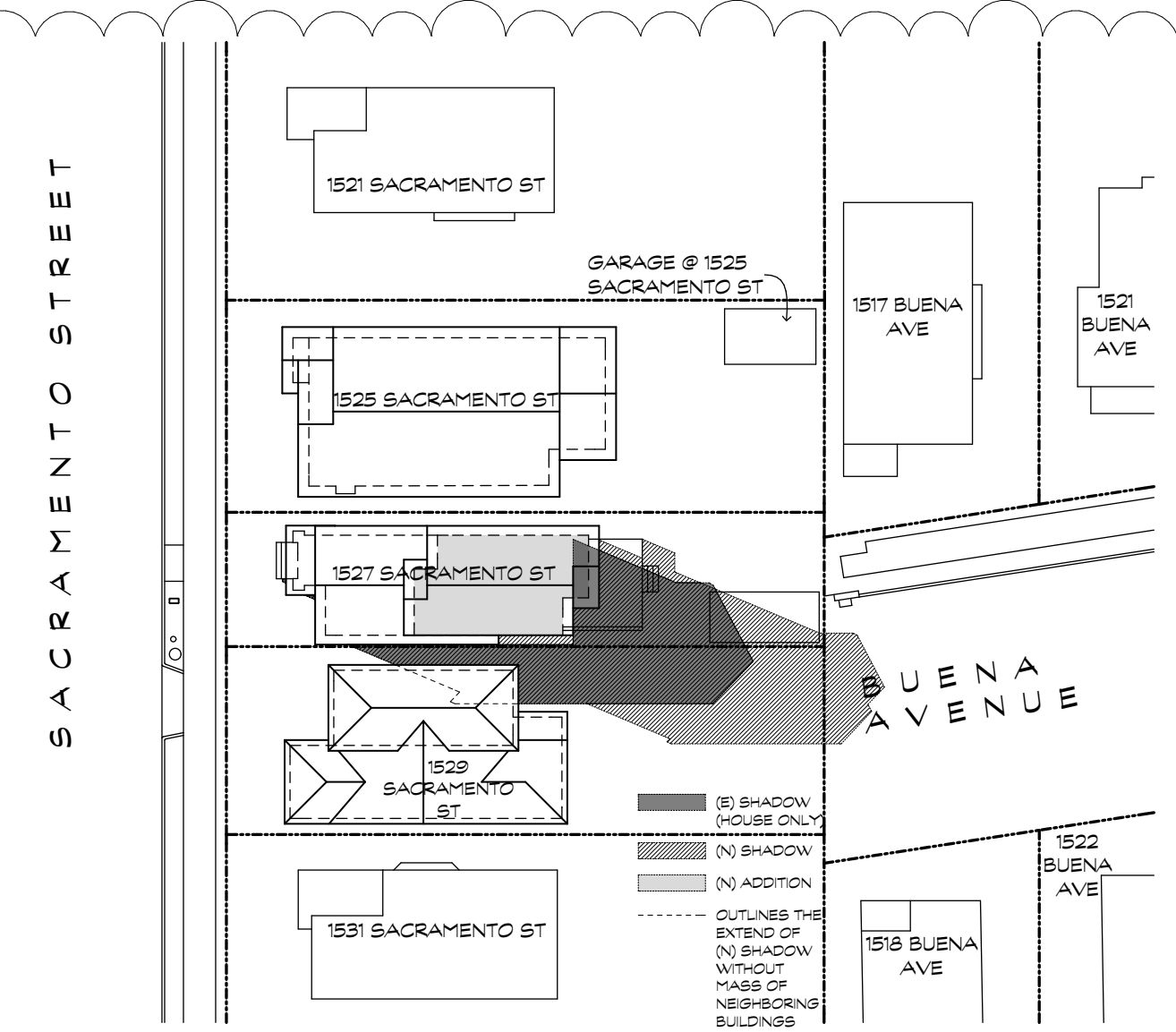
DRAWING TITLE: SHADOW STUDY DIAGRAMS  
SHEET: 0.1  
DATE: 08.17.20



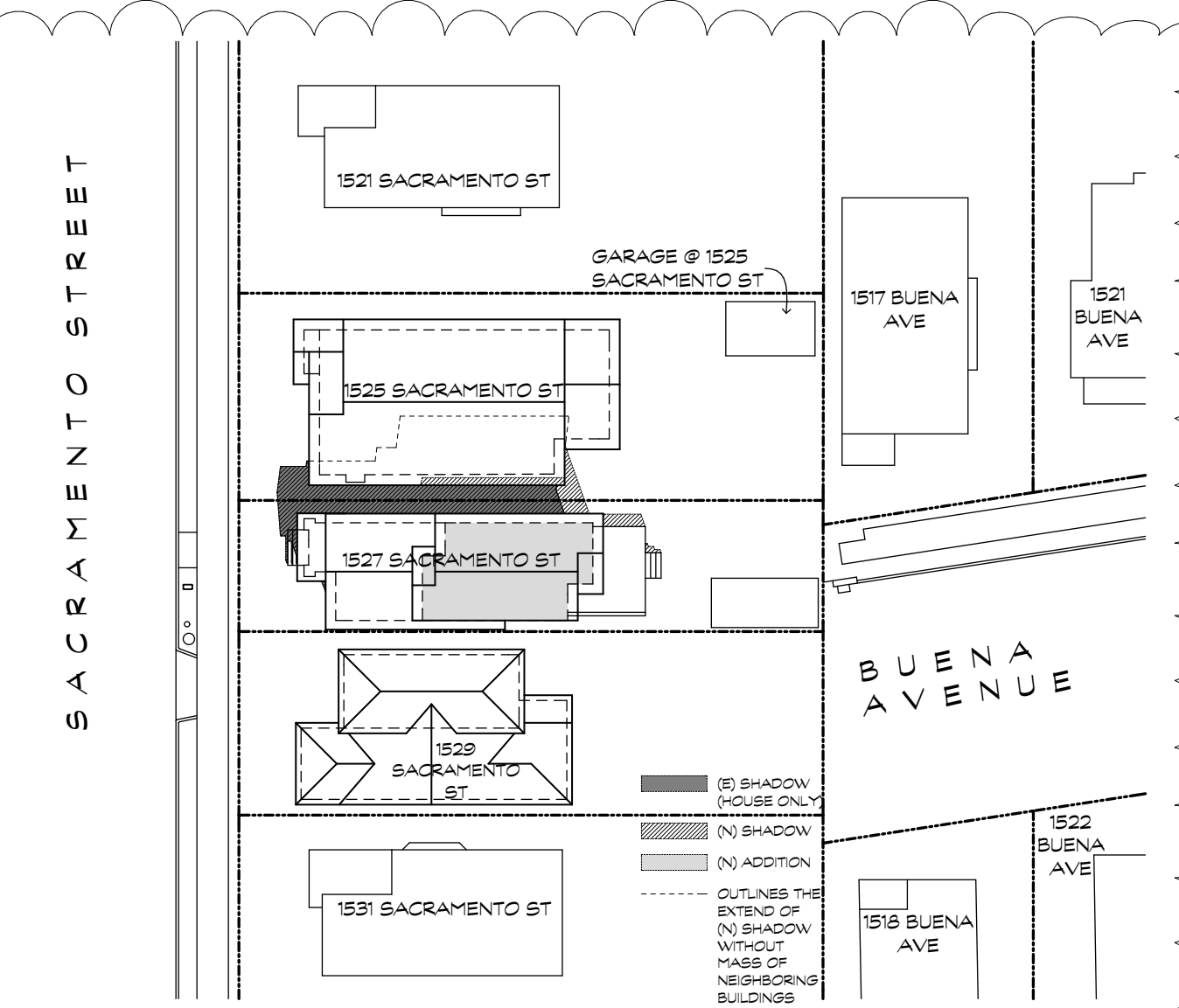
**1A** JUNE 21 @ 7:47 AM  
(2 HOURS AFTER SUNRISE)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



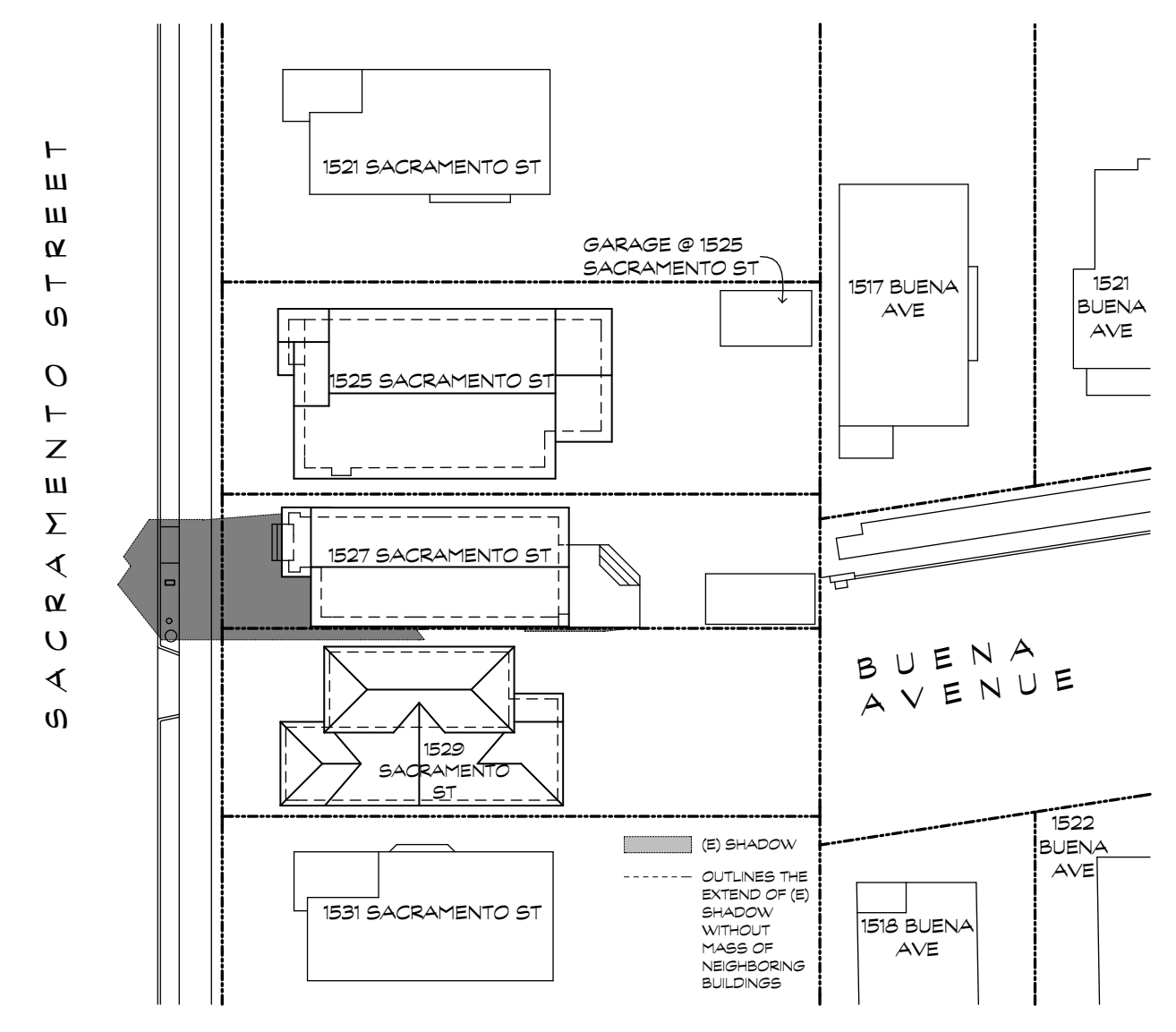
**1B** JUNE 21 @ 12:00 PM (NOON)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



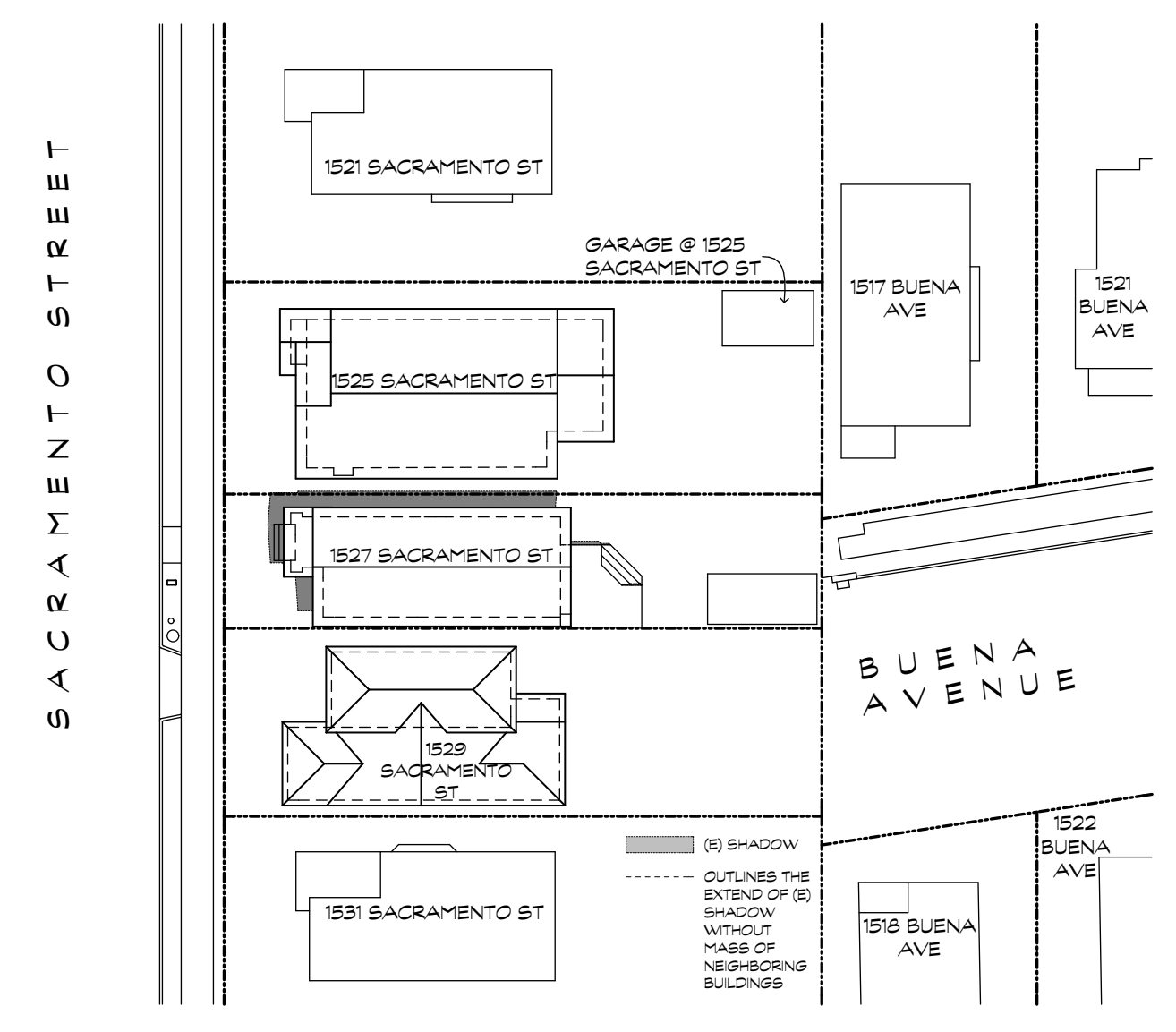
**1C** JUNE 21 @ 6:35 PM  
(2 HOURS BEFORE SUNSET)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



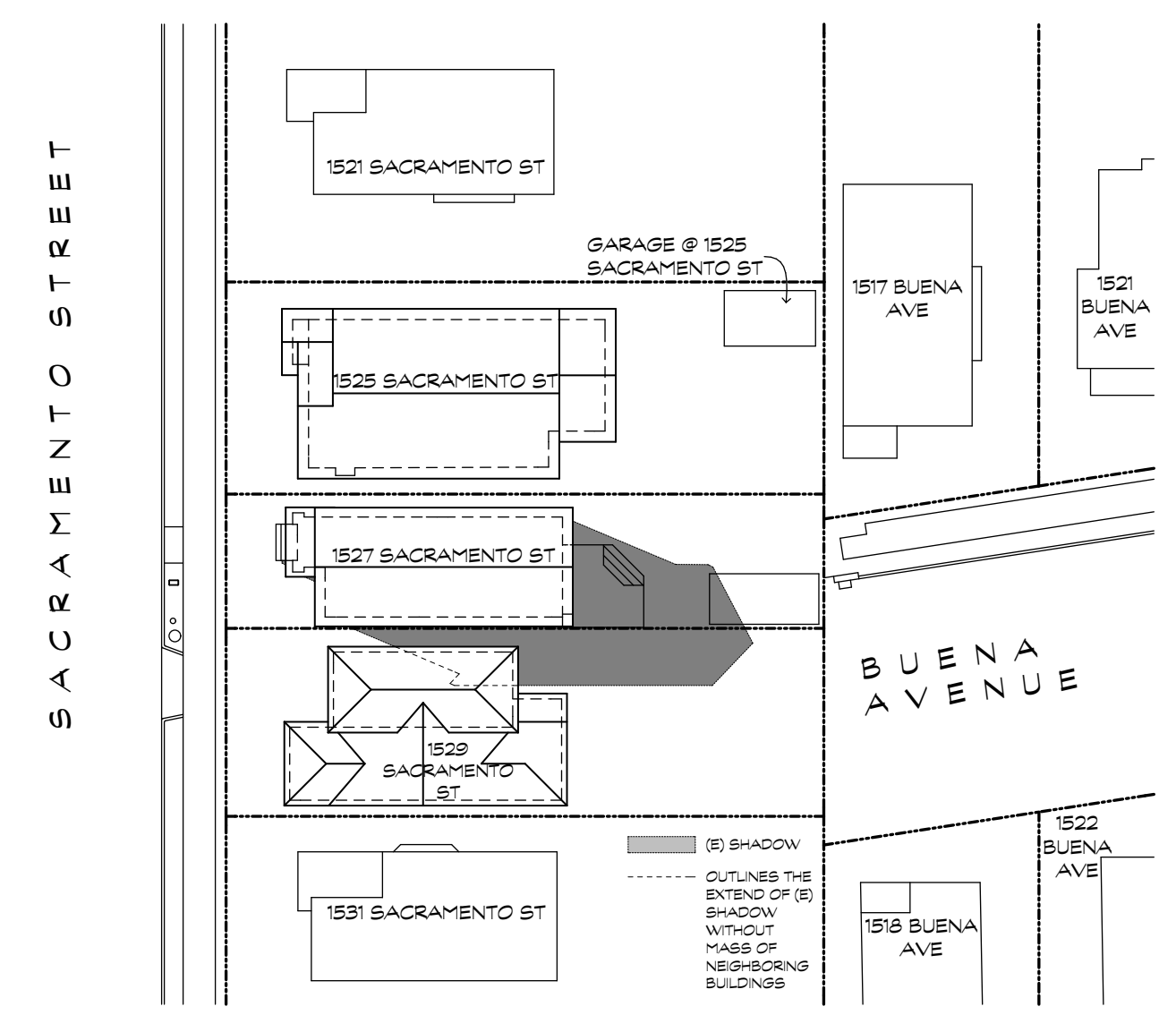
**1D** MARCH 13 @ 12:00 PM (NOON)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



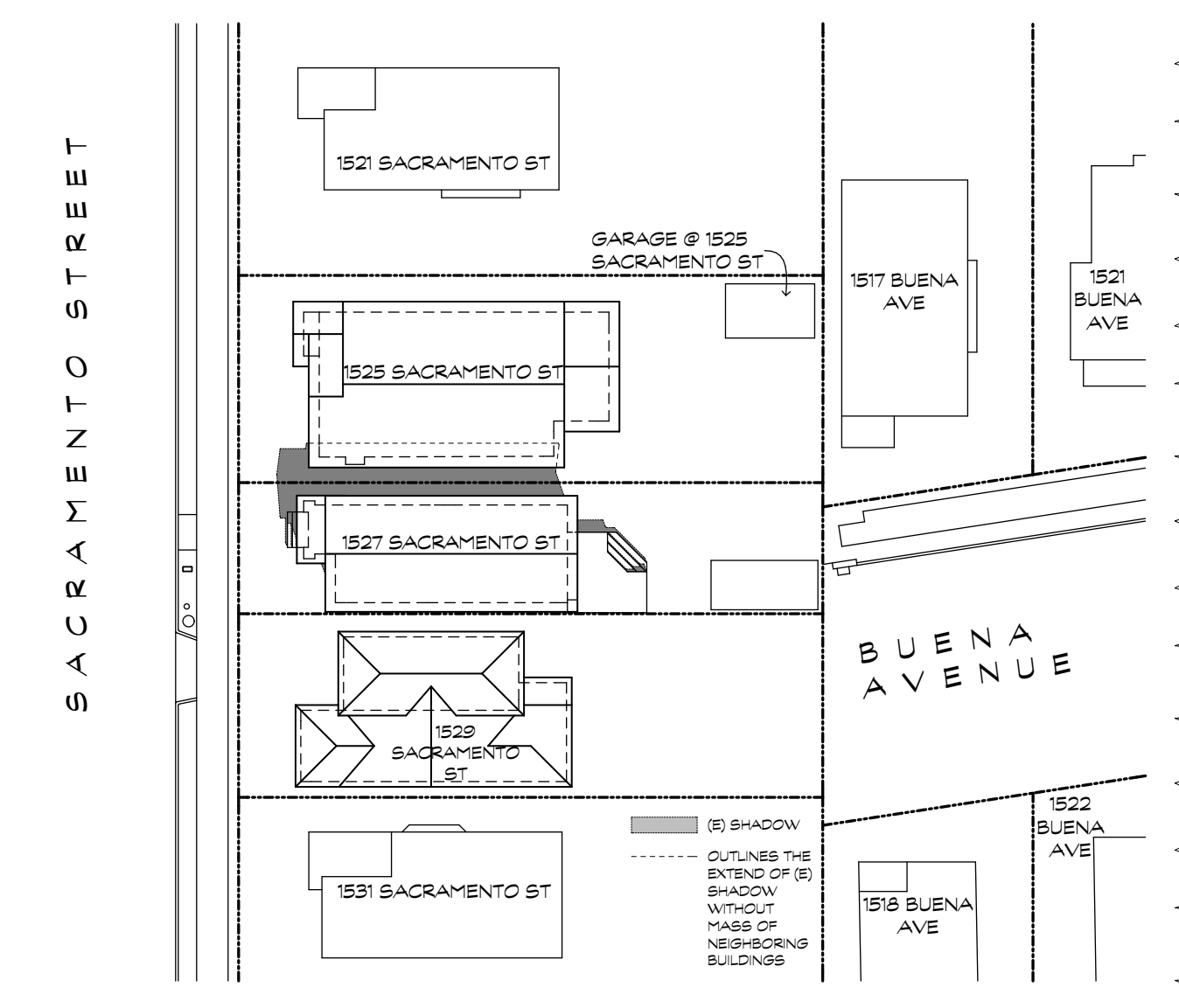
**2A** JUNE 21 @ 7:47 AM  
(2 HOURS AFTER SUNRISE)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



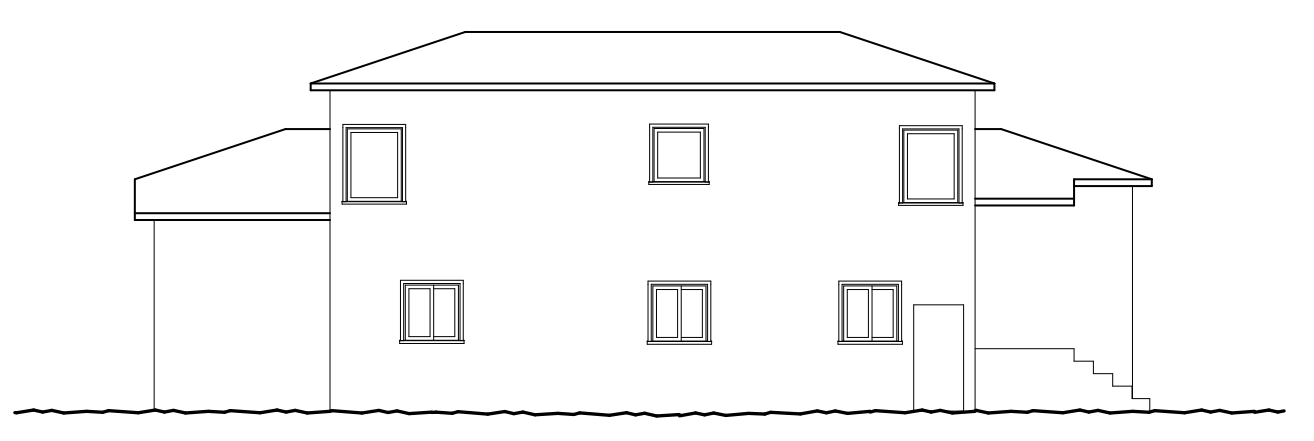
**2B** JUNE 21 @ 12:00 PM (NOON)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



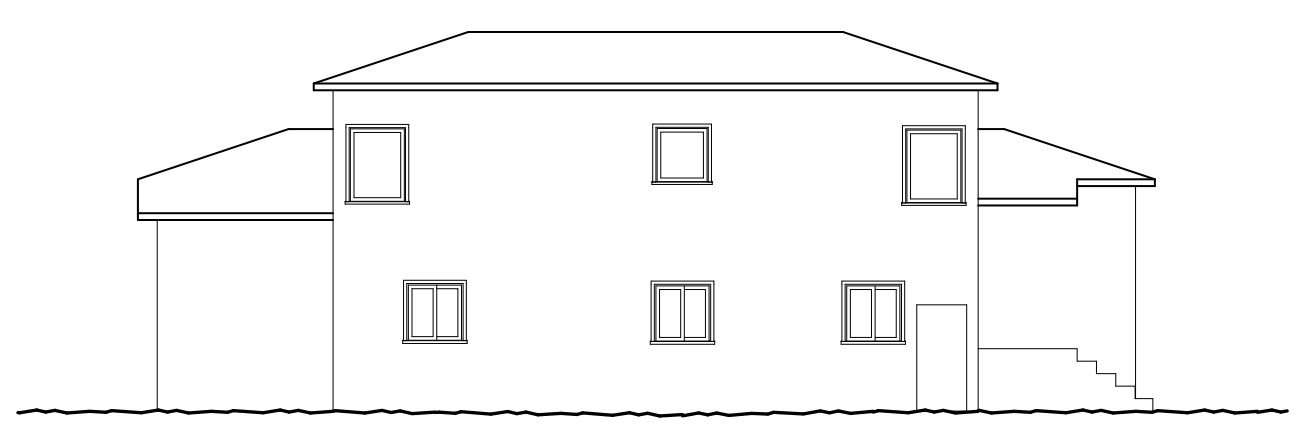
**2C** JUNE 21 @ 6:35 PM  
(2 HOURS BEFORE SUNSET)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



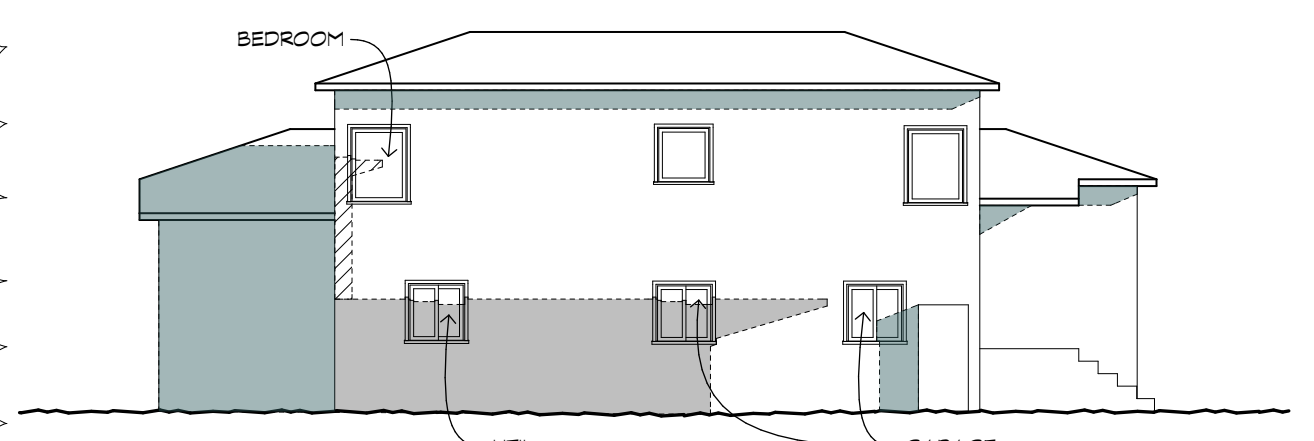
**2D** MARCH 13 @ 12:00 PM (NOON)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



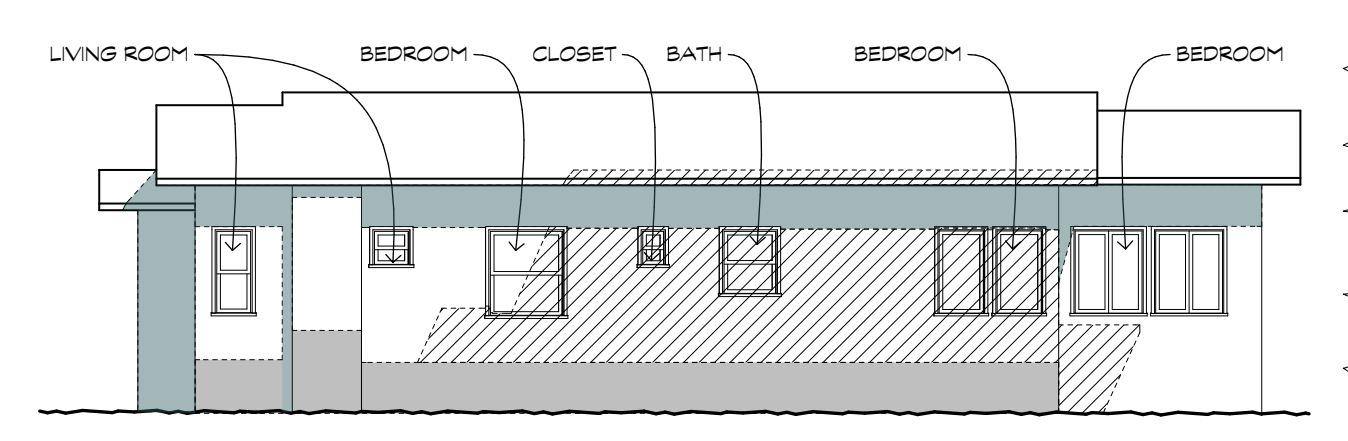
**3A** EXISTING 1529 SACRAMENTO  
NORTH ELEVATION  
JUNE 21 @ 7:47 AM  
(2 HOURS AFTER SUNRISE)



**3B** EXISTING 1529 SACRAMENTO  
NORTH ELEVATION  
JUNE 21 @ 12:00 PM (NOON)



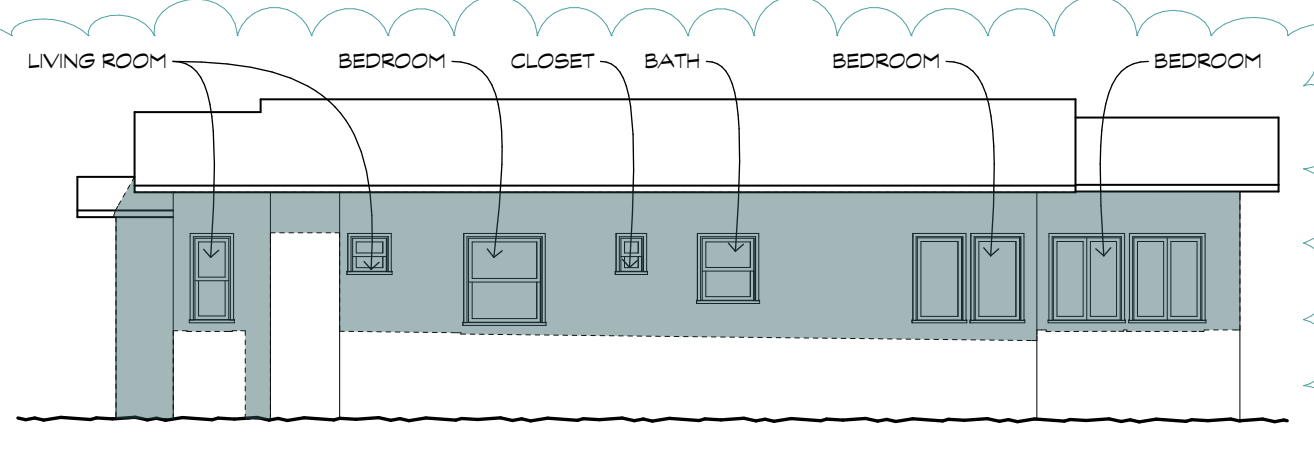
**3C** EXISTING 1529 SACRAMENTO  
NORTH ELEVATION  
JUNE 21 @ 6:35 PM  
(2 HOURS BEFORE SUNSET)  
NOTE: NO NEW SHADOWS CAST TO 1529 SACRAMENTO ON DECEMBER 21 AT ANY TIME



**3C** EXISTING 1525 SACRAMENTO  
SOUTH ELEVATION  
MARCH 13 @ 12:00 PM (NOON)

NOTE: NO EXISTING AND PROPOSED SHADOWS CAST ON 1525 SACRAMENTO FROM 1527 SACRAMENTO. ALL SHADOWS CAST ON 1525 ARE FROM ITS OWN WALLS/EAVES.

SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE



**4B** EXISTING 1525 SACRAMENTO  
SOUTH ELEVATION  
JUNE 21 @ 12:00 PM (NOON)

NOTE: SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE

|                           |          |
|---------------------------|----------|
| AUP APPLICATION SET REV 2 | 02.09.21 |
| AUP APPLICATION SET REV 1 | 08.17.20 |
| AUP APPLICATION SET       | 02.26.20 |

FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ  
1527 SACRAMENTO STREET  
BERKELEY, CA 94702

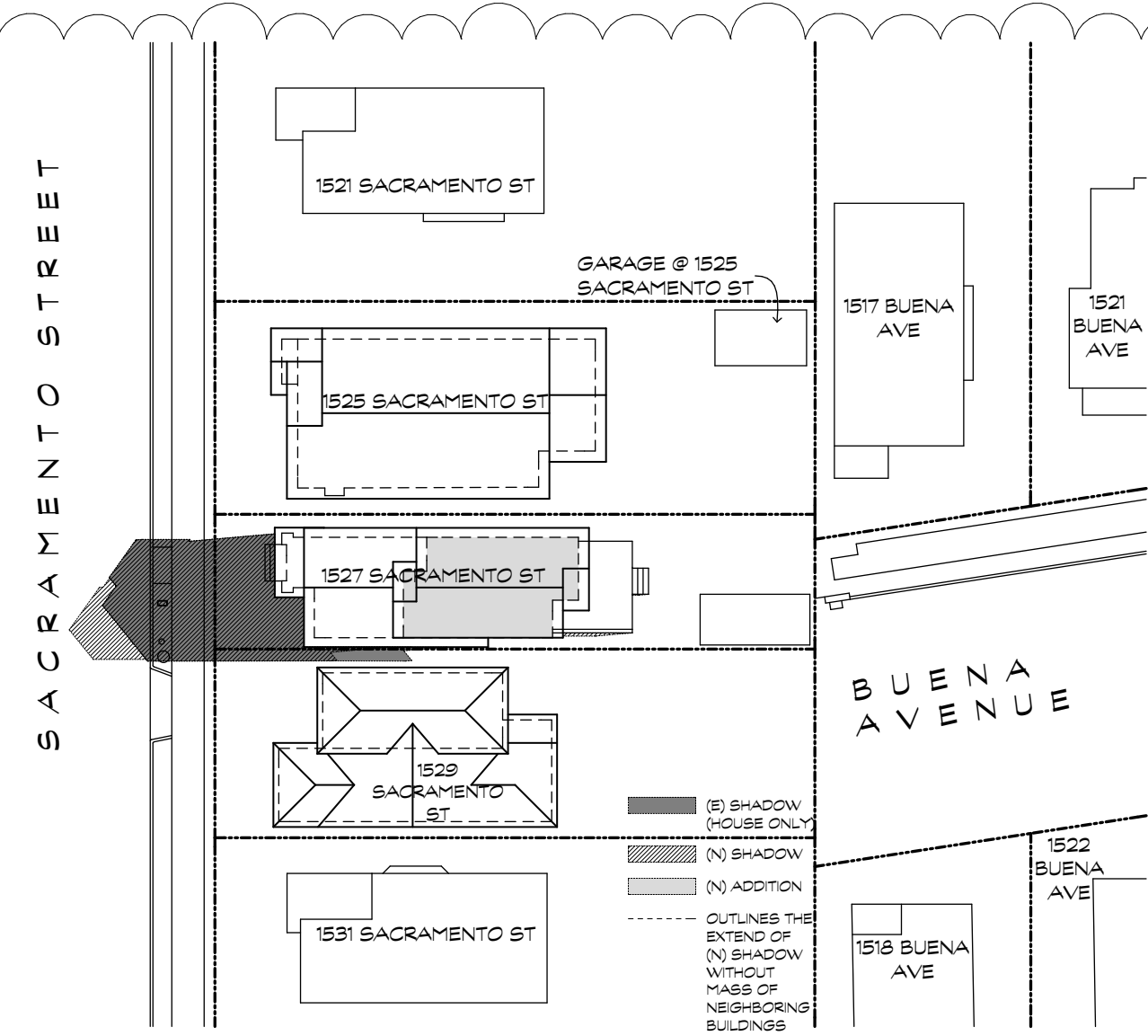
**JASON KALDIS ARCHITECT, INC.**  
1250 ADDISON STREET - STUDIO 210  
BERKELEY, CA 94702  
PH (510) 549-3584 FX (510) 549-3574  
JASON@JKALDISARCHITECT.COM

DRAWING TITLE: SHADOW STUDY DIAGRAMS

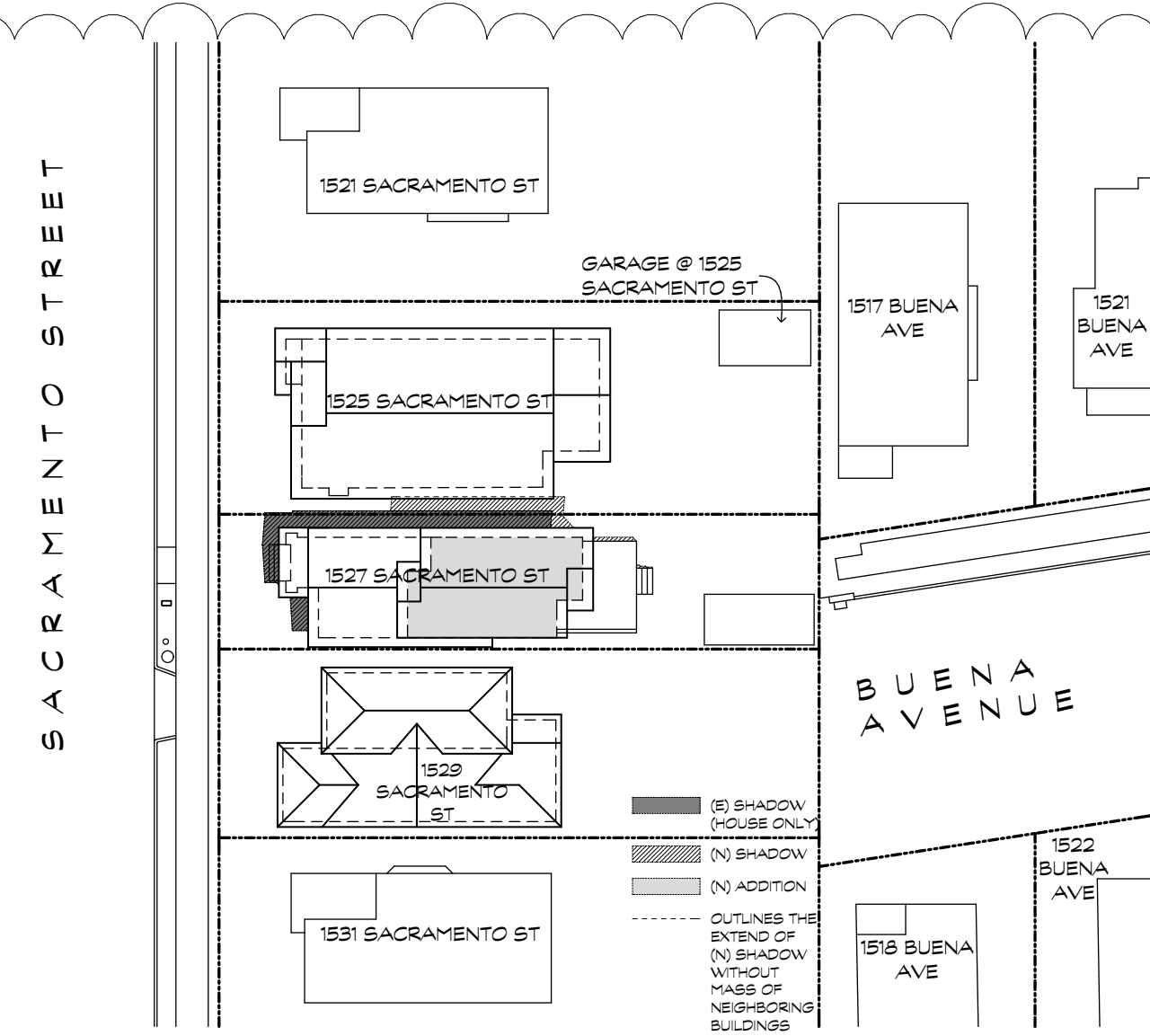
DATE: 02.09.21  
08.17.20  
02.26.20

BY: JASON KALDIS

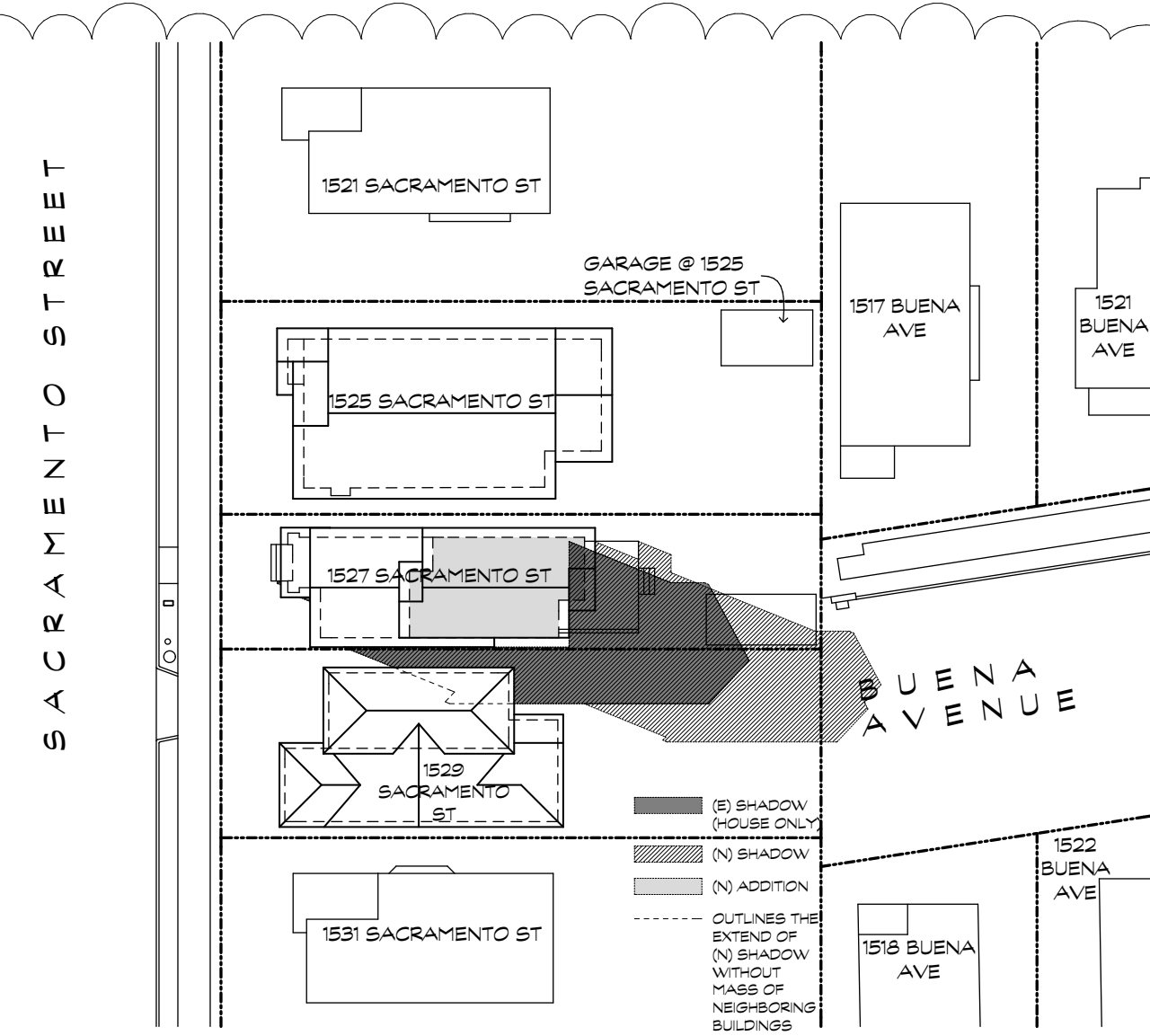
SCALE: 1/8" = 1'-0"



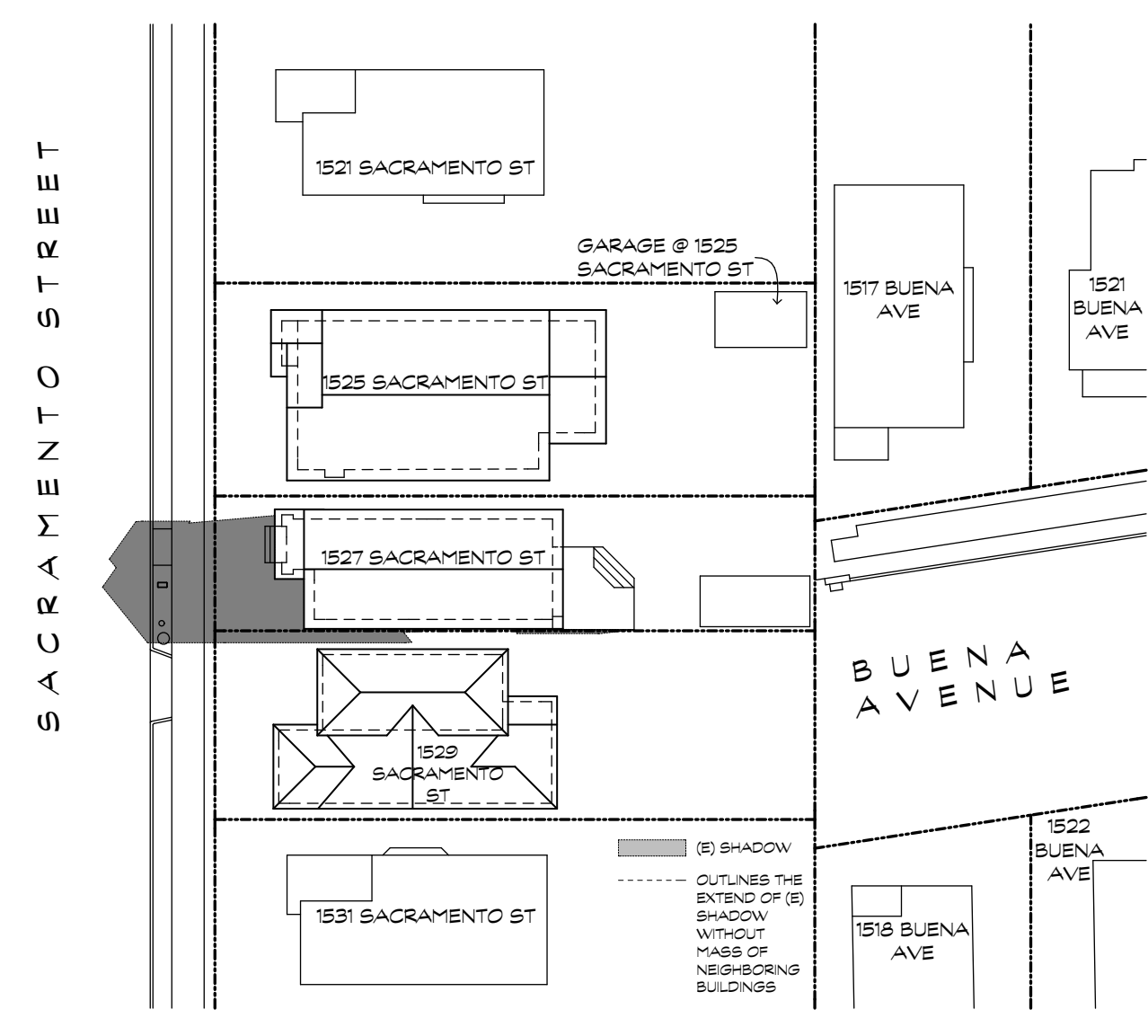
**1A** JULY 04 @ 7:47 AM  
(2 HOURS AFTER SUNRISE)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



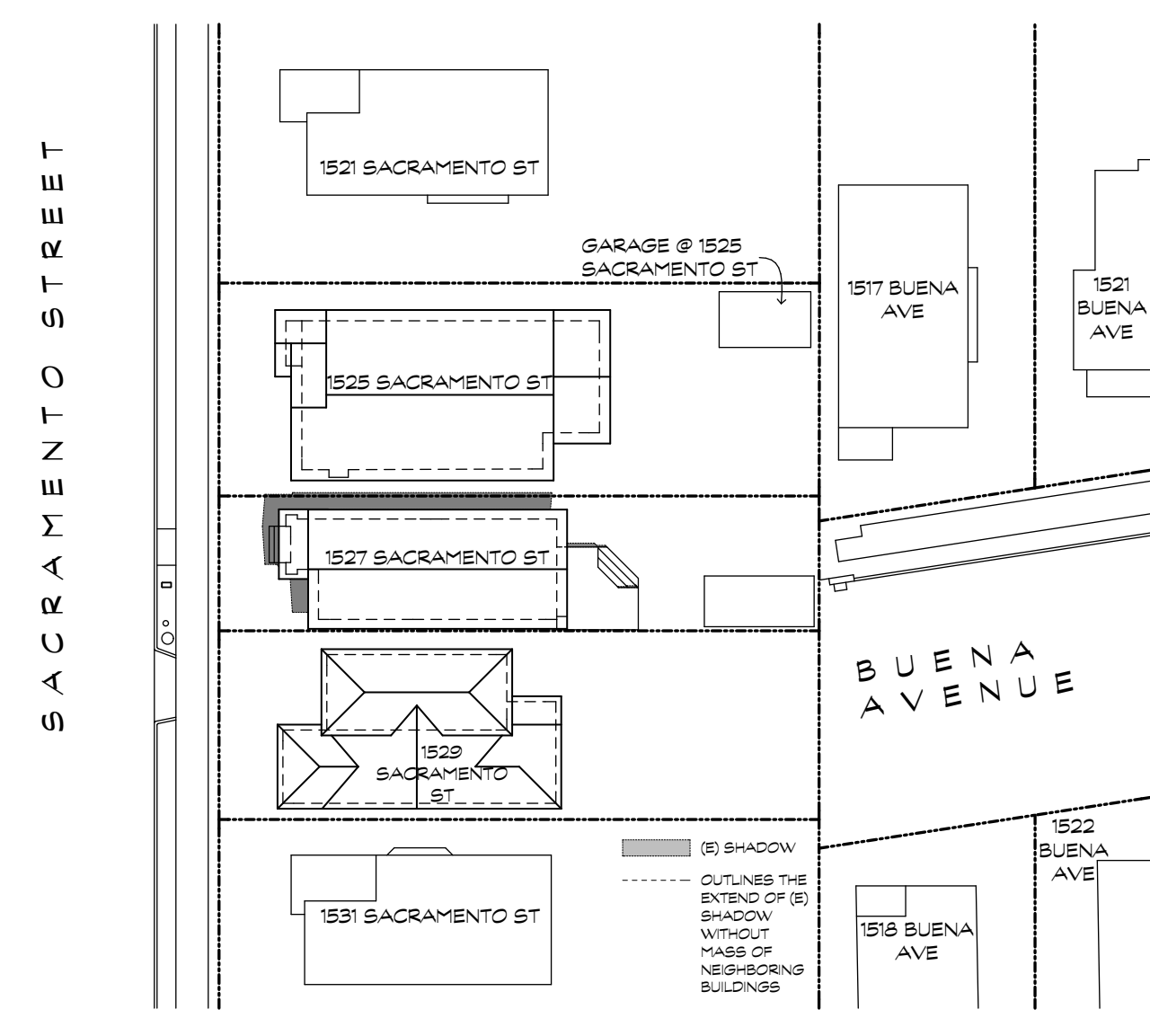
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SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



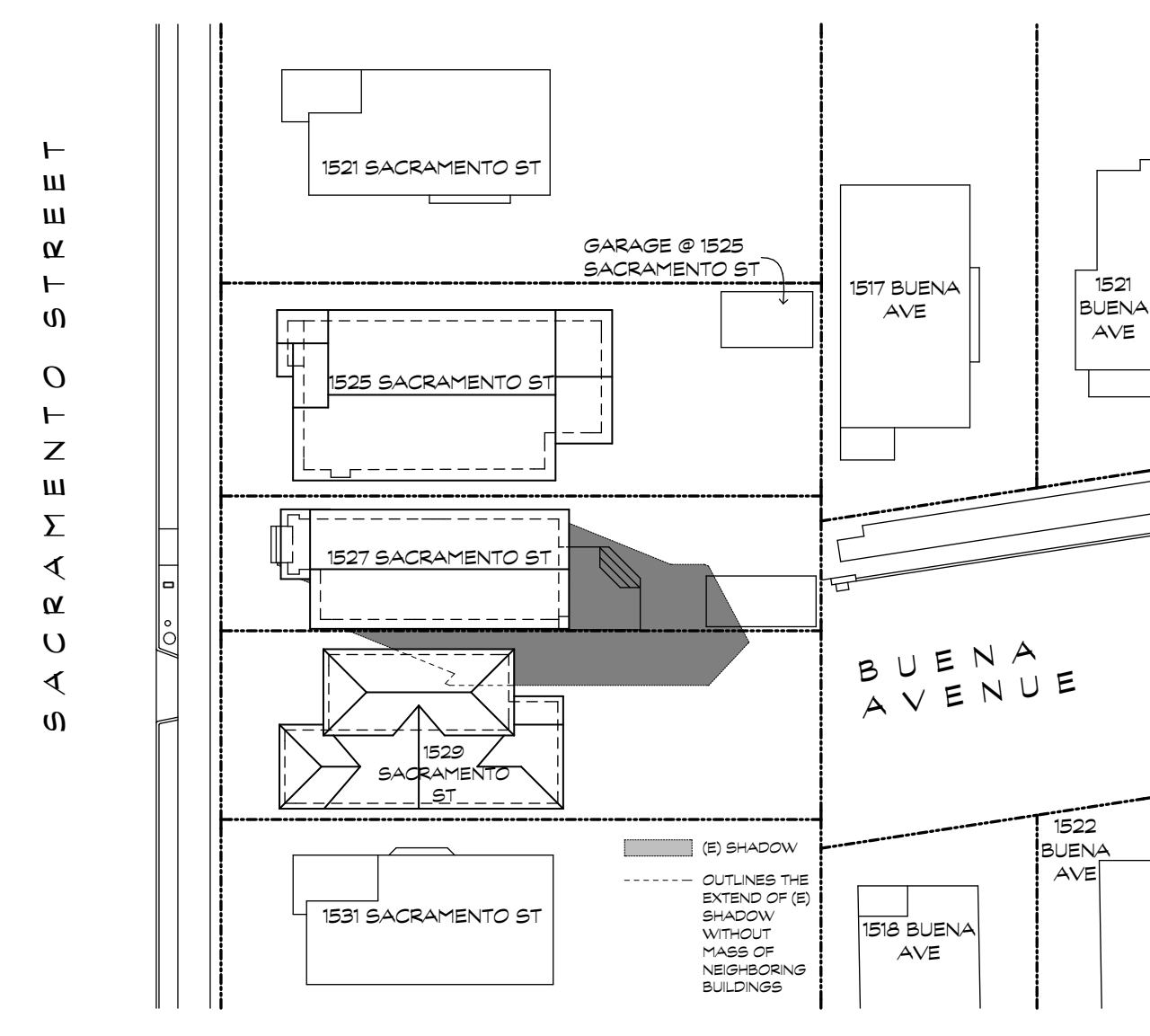
**1C** JULY 04 @ 6:35 PM  
(2 HOURS BEFORE SUNSET)  
SCALE: 1/32" = 1'-0"  
PROPOSED SHADOW STUDY



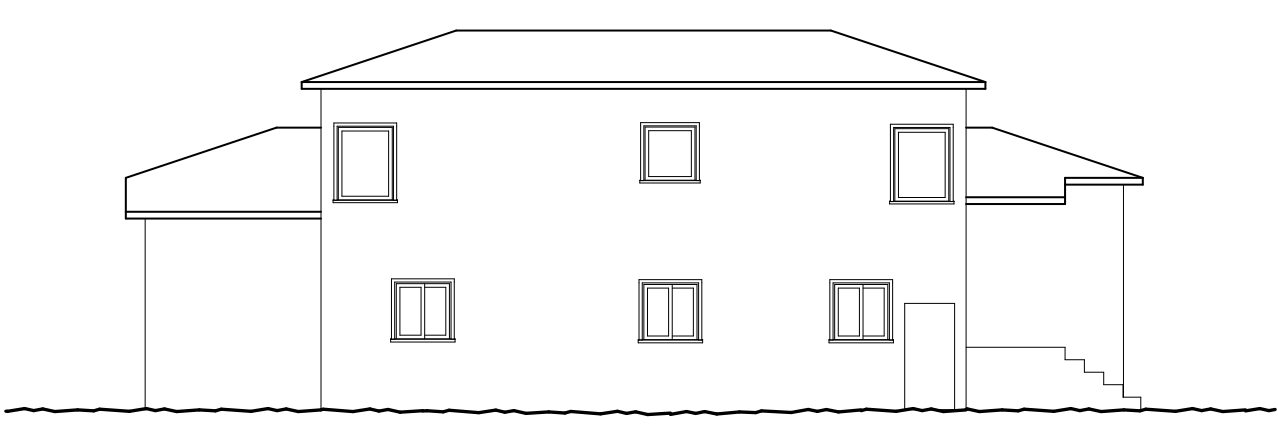
**2A** JULY 04 @ 7:47 AM  
(2 HOURS AFTER SUNRISE)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



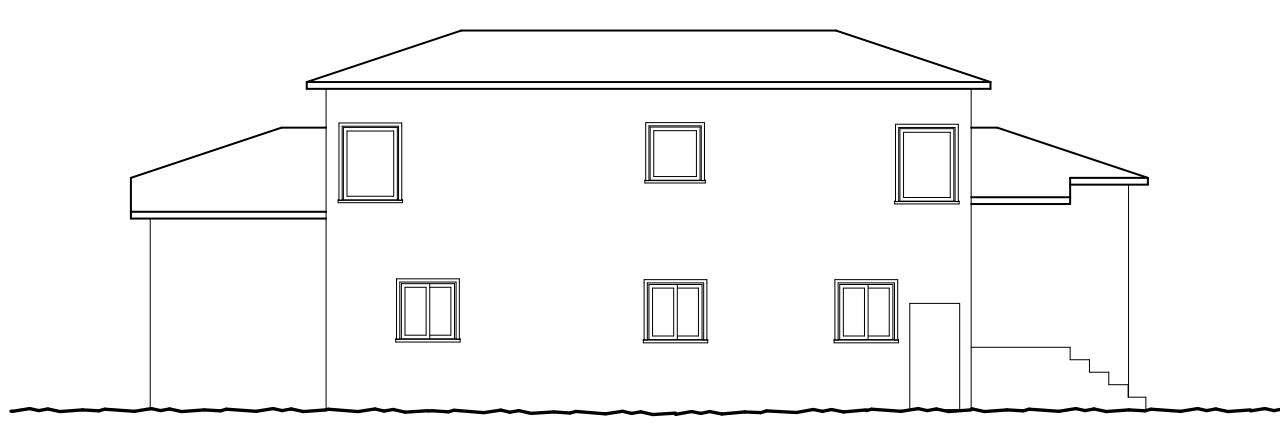
**2B** JULY 04 21 @ 12:00 PM (NOON)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



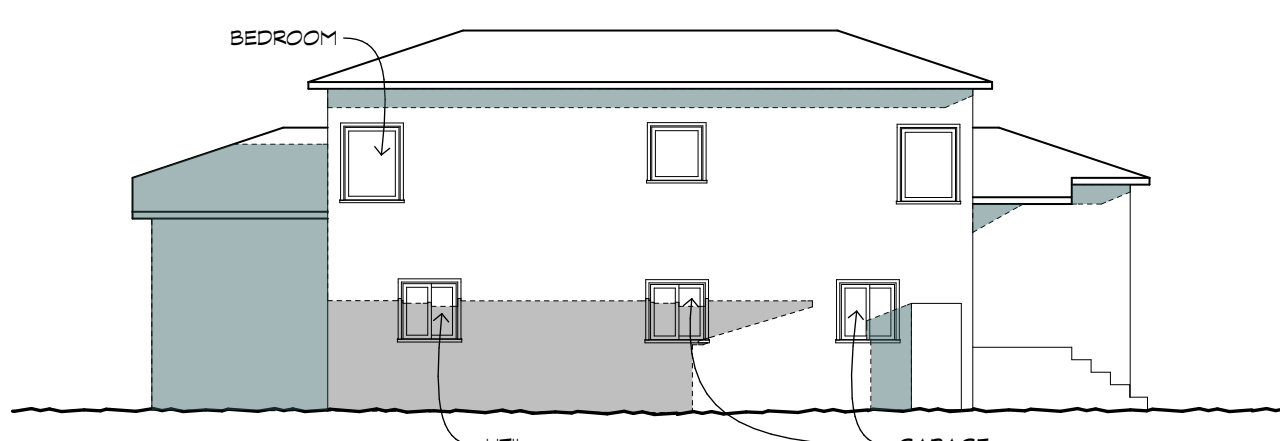
**2C** JULY 04 @ 6:35 PM  
(2 HOURS BEFORE SUNSET)  
SCALE: 1/32" = 1'-0"  
EXISTING SHADOW STUDY



**3A** EXISTING 1529 SACRAMENTO  
NORTH ELEVATION  
JULY 04 @ 7:47 AM  
(2 HOURS AFTER SUNRISE)

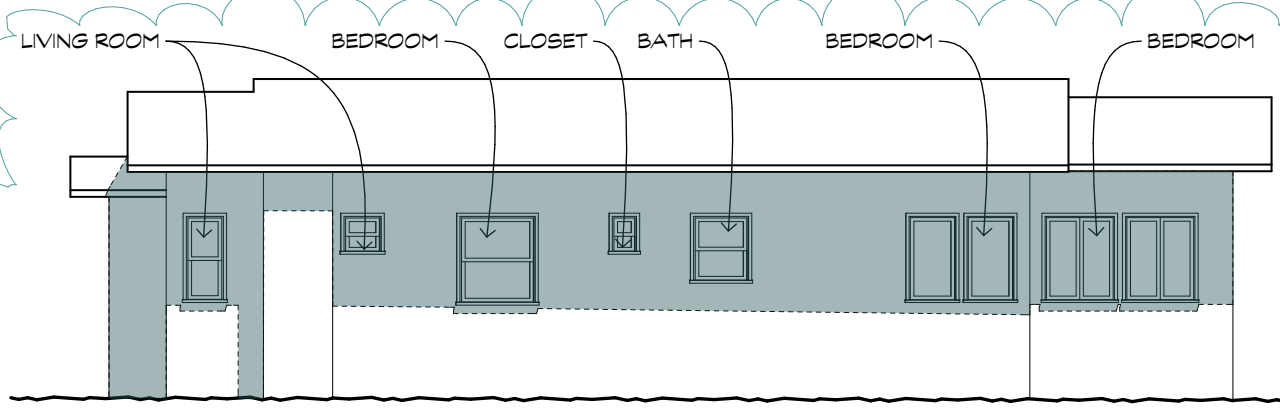


**3B** EXISTING 1529 SACRAMENTO  
NORTH ELEVATION  
JULY 04 @ 12:00 PM (NOON)



**3C** EXISTING 1529 SACRAMENTO  
NORTH ELEVATION  
JULY 04 @ 6:35 PM  
(2 HOURS BEFORE SUNSET)  
NOTE: NO NEW SHADOW CAST TO 1529 SACRAMENTO

NOTE: SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE



**5B** EXISTING 1525 SACRAMENTO  
SOUTH ELEVATION  
JULY 04 @ 12:00 PM (NOON)

NOTE: NO EXISTING AND PROPOSED SHADOWS CAST ON 1525 SACRAMENTO FROM 1527 SACRAMENTO. ALL SHADOWS CAST ON 1525 ARE FROM ITS OWN WALLS/EAVES.

SHADOW ON ELEVATION SHADED ARE NOT SHADOWS CAST BY 1527 SACRAMENTO BUT BY THE NEIGHBORS OWN HOUSE

|                           |          |
|---------------------------|----------|
| AUP APPLICATION SET REV 2 | 02.09.21 |
| AUP APPLICATION SET REV 1 | 08.17.20 |
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FOR ADDRESS: ADDITION & REMODEL FOR ANNA TALAMO & JONATHAN LIPSCHUTZ  
1527 SACRAMENTO STREET BERKELEY, CA 94702

**JASON KALDIS ARCHITECT, INC.**  
1250 ADDISON STREET - STUDIO 210 BERKELEY, CA 94702  
PH (510) 549-3584 FX (510) 549-3574  
JASON@JKALDISARCHITECT.COM

DRAWING TITLE: SHADOW STUDY DIAGRAMS  
DATE: 02.09.21  
BY: JASON KALDIS  
SHEET: 0.3  
DATE: 08.17.20

## HELP US MAINTAIN PEACE, HEALTH, AND SAFETY AND CHARACTER OF OUR NEIGHBORHOOD

The residents of the east side of Sacramento Street (between Cedar and Rose) have been informed that the residents of 1527 Sacramento Street are applying for use permit from the City of Berkeley. The proposal calls for “a main floor addition and a new upper floor second story resulting in an average height greater than 14’.0.” The proposed construction would add a total of 565 square feet, with additions of an upper level, expansion in the rear (east) and north yard of the existing structure.

We are concerned that the design option that has been presented to the City of Berkeley would:

1. Create unmanageable challenges to public health and safety in our community during a worldwide pandemic. Houses adjacent to the proposed project are barely 6’ apart. Social distancing with construction crews shall be nearly impossible to achieve.
2. Allow disruption to the neighborhood during an unprecedented pandemic in which our homes have now also become our offices and schools.
3. Impact the life expectancy of the resident/owner of 1525 Sacramento Street. Mr. Lewis is an elder gentleman who lives alone and suffers from multiple health issues. The project as proposed would tower over the entire south side of his residence, placing his residence in shadow. He already suffers from reduced eyesight and depends on the natural light afforded on the south side of his property for activities such as reading and exercising. Mr. Lewis is an African American man who has lived at the property for 35 years and made innumerable contributions to the City of Berkeley over his lifetime. Black Lives Matter. The life of Mr. Lewis matters.
4. Impact the fragile health of the residents of 1529 Sacramento Street. One resident is a disabled young adult child who is medically fragile, suffers

from frequent and nearly daily seizures and whose challenging behavior issues make the proposed construction next door unsafe. Residents of the same property adjacent to the proposed project also suffer from other medical conditions that make construction nearby unsafe. This includes asthma and cancer.

5. Disturb the health and safety of several other elderly neighbors on the east side of the street – where at least two other residents are elderly and spend the predominant amount of time at home.

6. Result in substantial loss of natural light and solar heat to adjacent neighbors – adversely impacting the health of vulnerable, elderly and severely disabled neighbors.

7. Result in lack of privacy and overtake the view corridor of adjacent residents. For example, at the 1529 Sacramento Street residence, 3 out of the total 5 windows on the second floor of their property would, as a direct result of the proposed project, lose their view corridor and replace it with the view of a wall a few feet away. The light, privacy and view corridor of other two windows would also be impacted.

8. Grant further variance for the property at 1527 Sacramento Street when the current structures on the property already exceed the maximum lot coverage of 40%. (according to the Project Planner at the City of Berkeley).

9. Adversely impact the character of the neighborhood by creating a dangerous precedent of building second stories without regard for the loss of light, privacy and view corridors of adjacent neighbors.

10. Create inequities between residents with the resources to build and those who shall be robbed of natural light, privacy and views. In this case, the natural light resource presently enjoyed by Mr. Lewis in particular would be redirected to the residents of 1527 Sacramento Street.

11. Perpetual racial inequalities such that the life of an elderly black man and long-term resident is disregarded in favor of expanded living space for

neighbors who never even consulted with him about the impact of the proposed project on his health, safety, and peace.

12. Decrease property values of neighbors who would lose natural light, heat, privacy and view corridors – all factors that substantially enhance the value and enjoyment of real property.

13. Severely disrupt recreation for the children who pass by 1527 Sacramento St. and potentially increase their pandemic exposure. There are also at least three elementary school children on our block (same side of the street as the proposed project) who are engaging in online learning, and who must come outside for occasional walks, biking, play and scooter-riding.

We residents of the east side of Sacramento Street (between Cedar and Rose) care about:

- health, safety, and peace of our neighbors, including those that are medically fragile.
- the morals of our neighborhood as supporting Black Lives Matter.
- the morals of our neighborhood as preserving an equitable environment.
- the character of our neighborhood as reasonably sized bungalows with footprints within the City of Berkeley's maximum lot coverage allowance.
- the property values of our homes.

The City of Berkeley has the authority to approve an alternative project that would meet the goals and objectives of the owners/residents of 1527 Sacramento Street while minimizing the adverse impact on neighbors and preserve the character of the neighbors.

By doing so, the City of Berkeley shall maintain the peace, health and safety, morals and character of the neighborhood

Should the City of Berkeley approved the project as proposed, it would represent a complete disregard for the health and safety of neighbors, their



loss of sunlight, privacy, view corridors, and the change to the character of the neighborhood.

We urge that the residents of 1527 Sacramento Street propose an alternative design that is consistent with the character of neighborhood and does not adversely impact the health, peace, and safety of us those of who live together in this dense environment.

We also respectfully urge the residents of 1527 Sacramento Street to consider delaying any and all construction until after the pandemic.

We, the residents of the neighborhood of Sacramento Street, City of Berkeley, near the proposed project at 1527 Sacramento Street, hereby support the petition to maintain the peace, health, safety and character of the neighborhood.

| <u>Name</u>        | <u>Address</u>                            | <u>Contact Information</u>               | <u>Date</u> |
|--------------------|-------------------------------------------|------------------------------------------|-------------|
| Petra              | 1533 Sacramento                           | (510) 409-3213<br>petra.valoma@gmail.com | 7/11/20     |
| Phyllis Morrison   | 1545 Sacramento St,<br>Berkeley, CA 94702 | 510/527-0934                             | 7/11/20     |
| Margie Holland     | 1553 Sacramento Street                    | 510-400-0943                             | 7/11/20     |
| Olivia Shinnott    | 1521 Sacramento                           |                                          | 7/11/20     |
| Morena Turner      | 1517 Sacramento                           | 510/527-6985                             | 7/11/20     |
| Jedong Lewis       | 1525 SACRAMENTO                           | (510) 527-0812                           | 7/11/20     |
| Mihle Van Liedeker | 1529 Sacramento St<br>Berkeley, CA 94702  | 510-524-5945                             | 7/11/20     |
| Elijah Liedeker    | 1529 Sacramento<br>St. Berkeley CA        | eliedeker@ucsf.edu<br>510-499-0899       | 7/12/20     |

We, the residents of the neighborhood of Sacramento Street, City of Berkely, near the proposed project at 1527 Sacrament Street, hereby support the petition to maintain the peace, health, safety and character of the neighborhood

| <u>Name</u>     | <u>Address</u>     | <u>Contact Information</u> | <u>Date</u> |
|-----------------|--------------------|----------------------------|-------------|
| Micah Liedeker  | 1529 Sacramento St | 510.495.5804               | 07/12/2020  |
| Barbara Felkins | 1507 Sacramento    | 510/527-5093               | 7/17/20     |

**From:** joyce lewis <[joyce.lewis25@gmail.com](mailto:joyce.lewis25@gmail.com)>

**Date:** October 13, 2021 at 12:05:11 PM PDT

**To:** [joyce.lewis25@gmail.com](mailto:joyce.lewis25@gmail.com)

**Cc:** Reggie Lewis <[rlewis6845@yahoo.com](mailto:rlewis6845@yahoo.com)>, lena williams <[lmw4608@gmail.com](mailto:lmw4608@gmail.com)>, David Lewis <[davidl@acpwa.org](mailto:davidl@acpwa.org)>, Michele Liedeker <[liedeker@sbcglobal.net](mailto:liedeker@sbcglobal.net)>, Micah Liedeker <[micah@icloud.com](mailto:micah@icloud.com)>

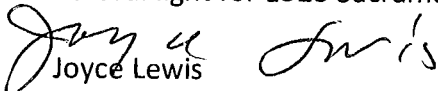
**Subject:** AUP#ZP2020-0034 Appeal

To: City Clerk  
2180 Milvia St. Berkeley, CA

This letter is an appeal of the ZAB decision.

The basis of the appeal is:

1. No adjustments or suggestions were made by the ZAB to protect the use, enjoyment, property rights, or adverse impact of the tower project on adjacent neighbors, 1525 and 1529 Sacramento Street.
2. Misrepresentation by Appellant that adjacent neighbors were unwilling to compromise.
3. COB acceptance of vague and ambiguous shadow study that did not specify in its findings report explicit details about the extent of shadowing on each window.
4. COB refusal to provide an honest and thorough analysis of BMC 23B.28.050.
5. Illegal unconstitutional taking. There will be an adverse economic impact to ~~of~~ use, quiet enjoyment, of 1525 Sacramento. Erection of the tower will lead to higher PGE energy bills due to shading and shadowing and blockage of natural solar heat. 1525 will incur the cost of solar installation to avert loss of heat. Erection of the tower will diminish access to natural light leading to excess costs associated with caregiving. Independent living activities will become more difficult due to inability to see, and greater assistance will be needed for 1525 Sacramento St. Costs to install skylights for increased natural lighting.
6. 1527 has refused any design modifications to eliminate the loss of shadowing, heat, and natural light for 1525 Sacramento.

  
Joyce Lewis  
[Joyce.lewis25@gmail.com](mailto:Joyce.lewis25@gmail.com)

**From:** joyce lewis <[joyce.lewis25@gmail.com](mailto:joyce.lewis25@gmail.com)>

**Sent:** Wednesday, October 13, 2021 11:32 PM

**To:** City Clerk <[clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)>

**Cc:** Michele Liedeker <[liedeker@sbcglobal.net](mailto:liedeker@sbcglobal.net)>; Micah Liedeker <[micah\\_@icloud.com](mailto:micah_@icloud.com)>; Reggie Lewis <[rlewis6845@yahoo.com](mailto:rlewis6845@yahoo.com)>; David Lewis <[davidl@acpwa.org](mailto:davidl@acpwa.org)>; lena williams <[lmw4608@gmail.com](mailto:lmw4608@gmail.com)>; [joycelewis25@gmail.com](mailto:joycelewis25@gmail.com)

**Subject:** AUP#ZP2020-0034 Appeal Addendum Filing

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Clerk,

I am requesting that this addendum email and attached documents be filed together with the appeal filed earlier today in your office.

1. There were procedural problems with the COB. Architect's response received September 13, 2021 - without answering questions as to what % light lost on what specific windows, X hours per day, x days per year. This left us with only about 10 days before public hearing. Specifics are important because that forms the basis of economic loss. ZAB did not require shadow study specifics.
2. Mediation - ZAB dismissed mediation without obtaining any testimony from parties at 1525 or 1529, only giving weight to Appellant's testimony.
3. COB Planning Email admission they do not apply the applicable BMC as referenced in the appeal filed earlier today.
4. Economic loss in property value.

On Wednesday, October 13, 2021, 12:05:14 PM PDT, joyce lewis <[joyce.lewis25@gmail.com](mailto:joyce.lewis25@gmail.com)> wrote:

To: City Clerk  
2180 Milvia St. Berkeley, CA

This letter is an appeal of the ZAB decision.

The basis of the appeal is:

1. No adjustments or suggestions were made by the ZAB to protect the use, enjoyment, property rights, or adverse impact of the tower project on adjacent neighbors, 1525 and 1529 Sacramento Street.
2. Misrepresentation by Appellant that adjacent neighbors were unwilling to compromise.
3. COB acceptance of vague and ambiguous shadow study that did not specify in its findings report explicit details about the extent of shadowing on each window.
4. COB refusal to provide an honest and thorough analysis of BMC 23B.28.050.
5. Illegal unconstitutional taking. There will be an adverse economic impact to of use, quiet enjoyment, of 1525 Sacramento. Erection of the tower will lead to higher PGE energy bills due to shading and shadowing and blockage of natural solar heat. 1525 will incur the cost of solar installation to avert loss of heat. Erection of the tower will diminish access to natural light leading to excess costs associated with caregiving. Independent living activities will become more difficult due to inability to see, and greater assistance will be needed for 1525 Sacramento St. Costs to install skylights for increased natural lighting.
6. 1527 has refused any design modifications to eliminate the loss of shadowing, heat, and natural light for 1525 Sacramento.

Joyce Lewis  
[Joyce.lewis25@gmail.com](mailto:Joyce.lewis25@gmail.com)

Sent from my iPhone

June 28, 2021

To: Planning Department – City of Berkeley, CA

RE: Appeal of Decision to grant Proposed Project at 1527 Sacramento Street  
AUP# ZP2020-0034

For the appeal fee payment: We can be reached in the daytime at the following numbers for credit card payment:

510-524-5949 (home) or  
cell phone (415-378-3704).

This appeal is due by July 6, 2021. Thus, it is being timely filed.

All issues raised in the prior filings with the City of Berkeley are hereby incorporated into this appeal. The points below are provided as a summary. We trust all Zoning Board members shall undertake to review the complete file on this matter.

We write as owners of the property at 1529 Sacramento Street, a split-level dwelling that is merely 6' away from the proposed construction. We appeal the decision of the City of Berkeley Planning Department for the captioned project at 1527 Sacramento Street.

1. City of Berkeley Planning Department did not respond to our material questions

We sent questions to the City of Berkeley regarding revised plan as (Letter dated My 13, 2021). Key questions include how many shadow studies were done, the source of each of the shadow studies, and why only the final shadow study suddenly reaches a different conclusion – that the adjacent propert(ies) are causing shadows. We also requested full copies of the shadow studies. These were not provided.

The conclusion of the final shadow study is inconsistent with past shadow studies. Even if the original proposal was modified, the question remains why all of a sudden does it conclude that shadows present are caused by the existing structure of adjacent propert(ies). Why did the prior shadow studies not reach the same conclusion? Also, the shadow studies are supposed to demonstrate not what shadows are already there, but what shadows would the proposed construction create.

The City of Berkeley never responded to the questions we posed about the shadow study that we did receive incomplete information information about. Given the lack of transparency and the sudden final conclusion that shadows were being caused by the adjacent propert(ies) and not the proposed structure, we requested time to do our own shadow study. We should have been given time to do so and to seek expert review of the studies that were requested but never received. Especially with the pandemic, extra time is needed to accomplish these tasks.

2. The City of Berkeley is not following its own ordinance. The proposed project cannot, by law, be approved because Berkeley Municipal Code Section 23B.28.050 **compels** the City of Berkeley NOT to approved a project that is detrimental to the health, safety, peace, morality, comfort, and general welfare of the adjacent properties and neighborhood AND is detrimental and injurious to adjacent properties.

An extensive review of the applicability of that ordinance to the facts of this proposed site – wherein disabled persons are living on both sides of the proposed construction, within 6’ of 1527 Sacramento Street – was submitted June 21, 2021. Documentation was provided to the City of Berkeley summarizing the disabilities of residents of the adjacent properties and the impact it would have on their health and safety.

The City of Berkeley staff has indicated that they do not have staff in their office who have training or expertise with regard to the factors required to be considered by this ordinance. When asked how they would apply this code section to this proposed project, the response was they that would look at past precedents. When asked if there are any precedents about such a proposed project when disabled residents live within 6’ of the construction site, there was no response.

A petition signed by 10 people living on the same east side of the street, between Cedar and Rose also was submitted to the City of Berkeley, addressing concerns about public safety, health of residents, impact on the life expectancy and fragile health of adjacent neighbors and negative impact on the character of the neighborhood, including the creation of socio-economic inequities and perpetuation of racial inequalities. This is in contrast to the signatories on the proposed construction – whose houses are not situated in a place that would be affected by the proposal and its execution.

3. Alternative property development strategies have not been sincerely undertaken. Our letter of May 13, 2021 details these objections. We note the architect indicates that it is an ‘insurmountable problem’ if the accessory structure would be removed as it is used for storage and laundry and for the complying parking space. The accessory structure in fact does not provide a parking space. The ‘problems’ are not insurmountable and adjacent neighbors both voiced to the City of Berkeley their willingness to sign onto a proposal that would forego a second story in favor of expanded living space for the residents/owners of 1527 Sacramento Street at the ground level, even if a variance would need to be requested for lot coverage.

Alternative property development strategies were not discussed with adjacent neighbors in good faith. When we asked to engage in a conversation with all three families at 1527, 1525 and 1529 Sacramento Street so we could all discuss how the

plans affect both adjacent neighbors and what modifications would work for the enjoyment of everyone's home – including light, privacy, character of neighborhood, concerns about health, safety welfare, etc – especially for the homebound and disabled residents, the response was as follows in an e-mail from the residents/owners of 1527 Sacramento Street to adjacent neighbors – the Lewis family and the Liedeker family on June 5, 2020:

“To be frank, it is both preposterous and presumptuous to think we should have consulted you in any way about OUR home renovation. Period.”

4. The approval of this project institutionally widens both socio-economic and racial inequities in Berkeley.

Approval basically means, if you have the money, you can do whatever you want without regard to the health and well-being of the adjacent neighbors and to the neighborhood.

The impact of this particular proposal is grave. This project could literally take away a life. Black lives matter. Black property matters. African American men in the United States have a significantly lower life expectancy than white men. The neighbor most affected by this project should be treasured by this community, not trampled by unchecked growth and lack of civility and concern for others.

The ordinance that the City of Berkeley continues to ignore, compels us to consider our community development more wholistically. Approval of this project is not only illegal but immoral. The City of Berkeley could and should do better by its citizens – ALL its citizens. A *Berkeleyside* opinion published June 13, 2017 exposed how Berkeley's zoning laws wall off communities of color, seniors, low-income people and others. The opinion calls out Berkeley for zoning laws that have historically used to exclude African Americans from certain parts of the city. The African American population in Berkeley has steadily declined. The pressure on seniors and people with disabilities has mounted.

This proposed construction reeks of all that is wrong about neighbors building skyward to capture views while overshadowing neighbors – taking away their light, privacy and changing the character of the community – both visually and morally. When neighbors do not care about the proposed impact of their growth on their neighbors, the City of Berkeley must step in to support the peace, health, safety and well-being of those other community members.

Sincerely,

Micah and Michel Liedeker  
1529 Sacramento Street  
Berkeley, CA



ZAB Public Hearing – 09/23/2021

Good evening,

Let's be clear: This project is does not add housing in Berkeley. It expands living space for 3 residents. Not one resident who lives on this east side of the block approves of this project. Not one. Signatures and statements gathered by the applicant are from people who shall not be directly affected. Their views should not hold weight.

We appreciate all of you participating in this process. We know it takes time and energy to review the documents in all these cases in Berkeley. We trust you have done so diligently in this unique situation – where adjacent neighbors include a homebound elder living just 8' from the proposed construction site, whose fragile health and life expectancy is directly threatened by this project, and a disabled young adult, our daughter, living within 6'. Our daughter has a serious, chronic health condition – impacted by stress, loud noises, disruption and chaos. As noted in prior correspondence, other family members also have chronic health conditions. We should value the lives of the elderly and disabled in our community, not make them victims of unchecked growth. Think about your parents. What if this project were proposed next to an elder that is dear to you?

Applicants were made aware of these unique health and safety concerns at very start of this process. Their response?

“To be frank, it is both preposterous and presumptuous to think we should have consulted you in any way about OUR home renovation. Period.”

Contrary to the perspective of the applicants. Health, safety, well-being, peace, and comfort of the adjacent neighbors are required to be considered in our city. Indeed a review of morality is specifically required to be considered by the city's municipal code 23B.28.050. The city already admitted in its e-mail to me on July 1, 2020 that, despite that ordinance, it does not take health into consideration when the use is conforming (e.g. residential use in a residential zone). There you have it -an admission by the city that it does not apply its own ordinances. An admission that sets the city up for a lawsuit.

Legally, all ordinances must be applied - not just those ordinances technical in nature. We live in neighborhoods, not technical drawings. That statue calls for equity. Not to apply it creates inequity by design. We appeal to your legal responsibilities. We also appeal to your sense of morality – as required by the ordinance. We appeal to human decency.

What should happen in this case:

1. ZAB should TABLE this matter until a thorough application of BMC 23B. 28.050 is properly made. We have a public health department. If the planning office has no expertise to apply the city's ordinance, the city itself has that resource. There are a lot of studies about how light and heat affect people, including people with varied skin coloring profiles and health conditions. Certainly, this minimal effort should be made to apply an ordinance that is meant to ensure equity.
2. ZAB should TABLE this matter until we adjacent neighbors are provided with a clear narrative from the architect stating window X and window Y, etc. shall be shaded by what specific % , for what specific hours of the day, for how many days of the year, what days of the year. Vague admissions that adjacent neighbors shall lose light (and thus heat we need to remember) are insufficient.
3. Once that clear narrative is provided, adjacent neighbors should be allotted a sufficient amount of time to do their own shadow study by an objective source – separate from an architect who has an active interest in the matter.
4. On the basis of concrete findings, the applicants should compensate adjacent neighbors with means to recapture lost light and heat. For example, installation of a skylight or repositioning of windows or replacement of windows for better heat and noise insulation. This should be accomplished prior to inception of any approved construction.
5. The construction schedule should be scaled back in light of the unique health issues of the adjacent neighbors. Construction should not be allowed on the weekends and reduced hours should be applied during the week. The COB department of public health would be a good resource to turn to for consultation as to what would be an allowable amount of noise and disruption in the face of the relevant health concerns.
6. Given public health concerns during the pandemic: public health practices may vary over time. To avoid confusion and inform the neighborhood, current guidelines should be posted and a specific phone number should be made available for reporting of violations.
7. Given the unique safety concerns regarding the adjacent disabled neighbor with behavior issues -unable to control her impulse to pick up debris, a phone number should be made available to call for clean-up when the COB conditions attached to this project are not being met.

TIME!!!!!!

Additional notes if time allows:

Why is this situation unique?

The three plots in question are unique on our block. On the eastern side of Sacramento Street, between Cedar and Rose, the other properties include driveways between the houses – creating more space for light and air. However, there are no driveways between adjacent neighbors and this proposed sight. I can literally stand between our house and the applicants and touch both houses.

Another unique aspect: There are homebound and disabled residents on both sides. Mr. Lewis – an elder in our neighborhood, and in our city, is entitle to quality of life. Such a large project would greatly impact his peace, health, welfare, comfort and well-being – even threaten his life expectancy. How is this moral?

Mr. Lewis's health is a matter of interest to all of us and any impact on his health should be of concern to the City of Berkeley.

Think about your parents. What if this project proposed next to an elder that is dear to you? Would you want all the noise, disturbance, dust and debris and a swarm of people around your parent?

The shadow studies show significant impact on his light and heat along the entire south side of Mr. Lewis' property. Every single window is negatively impacted.

How can you impose this construction on a homebound elder? This is a time in his life when he should be enjoying the fruits of his labor and the joy of his close family.

On top of the seizures, our daughter's condition results in attendant severe behavior challenges. Construction of this proposed project creates grave safety concerns. She has extraordinary vision and her impulsivity causes her to aggressively go, without any thought of safety, to grab an item. Any slight object left unattended by construction crews next door creates a serious safety issue for our family. We have, on many occasions, had to follow our daughter when she elopes and runs into the street in her compulsion to pick up a small speck of paper or object.

With regard to our property, it appears that every single window on the north side of our house would lose light and heat. We live in a split-level house with two bedrooms and full bath on the

second story. Two out of the three windows on our second story would, as a direct result of the proposed project, face a wall.

The impact on our light and warmth has not been concretely defined. Which window for how many hours per day, how many days per week, how many days of the year. This question has not been answered.

I can tell you that the every single window on the other side of our house is on the first floor facing south, and is covered by glazed glass. Why? Because the adjacent neighbors there wanted to have a third child. We did not oppose the project because we understood their need for expansion when they wanted to expand their family. We acted in support of our neighbors, our neighborhood. However, this project before us is different. The project in this case expands living space for the 3 person family that already lives there.

If we are accused of being loud and insistent in our appeal of this project, then that is right and good. We have been working on managing and reducing our daughter's seizures for 20 years. She has been through unspeakable pain and anguish and challenges. If we did not stand up for her rights to good health and our rights to be healthy in order to care for her, then we would be negligent parents.

What else is unique about this project?

There have been many procedural missteps by the COB in this case.

For example: Our appeal, filed July 6, 2021 was not forwarded to the applicants until September 9, 2021, over three months late. A response from the architect was then received September 13, 2021 – leaving us less than ten days to review and understand the response to our questions. Where is the equity in that?

As a matter of fact, on specific technical question: after a year and half we adjacent neighbors still do not have a concrete answer to how each window shall lose what percentage of light for how many hours a day, what hours of the day, for how many days a year.

The applicants may accuse us of delaying their project. According to the city's website, however, the city itself had a lot of technical questions. The final project application was not submitted until April 27, 2021. A decision issued on June 14, 2021.

Distinguished ZAB members, If this project goes forward, it signals that:

8. The COB is, by its own admission, not applying its own ordinance and the ZAB is complicit in that cherry-picking of ordinances to apply.
9. The COB supports growth for the few and resourced over human life, safety, health, well-being, and comfort.
10. The COB cares not about its elderly.

11. The COB cares not about its disabled citizens for whom construction and its consequences have particular and unique consequences.
12. Adjacent neighbors can take away the light and heat from the elderly and disabled without consequences.

We have extended an invitation for the ZAB members to visit the site. None has done so. A site visit is critical to understand the scale and impact in this unique situation. Perhaps every application imposes inconvenience on adjacent neighbors, but this case goes beyond that –to life itself for the elderly and disabled.

We have asked ZAB members to disclose any relationship with the architect and applicants in the proposed project. This request for transparency has been ignored.



Z O N I N G  
A D J U S T M E N T S  
B O A R D  
S T A F F R E P O R T

FOR BOARD ACTION  
SEPTEMBER 23, 2021

## 1527 Sacramento Street

**Appeal of Zoning Officer’s Decision to approve Administrative Use Permit #ZP2020-0034 to add 1) a 520 square foot second-story addition with an average height of 21 feet 9 inches at the rear; 2) a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling.**

### I. Background

#### A. Land Use Designations:

- General Plan: LDR – Low Density Residential
- Zoning: R-1 – Single Family Residential District

#### B. Zoning Permits Required:

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition.
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition above 14 ft. in average height.
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B to make alterations in a non-conforming yard.
- Administrative Use Permit pursuant to BMC Section 23D.08.060.C to add an unenclosed hot tub.

**C. CEQA Recommendation:** It is staff’s recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”). The determination is made by ZAB.

#### D. Parties Involved:

- Applicant: Jason Kaldis, 1250 Addison Street #210, Berkeley
- Owner: Anna Talamo and Jonathan Lipschutz, 1527 Sacramento Street, Berkeley

- Appellants: Sterling Lewis, Joyce Lewis, Reginald Lewis, Lena Williams, David Lewis, 1525 Sacramento Street, Berkeley (PLN2021-0028)
- Appellants: Micah and Michele Liedeker, 1529 Sacramento Street, Berkeley (PLN2021-0029)

Figure 1: Vicinity Map



Figure 2: Site Plan

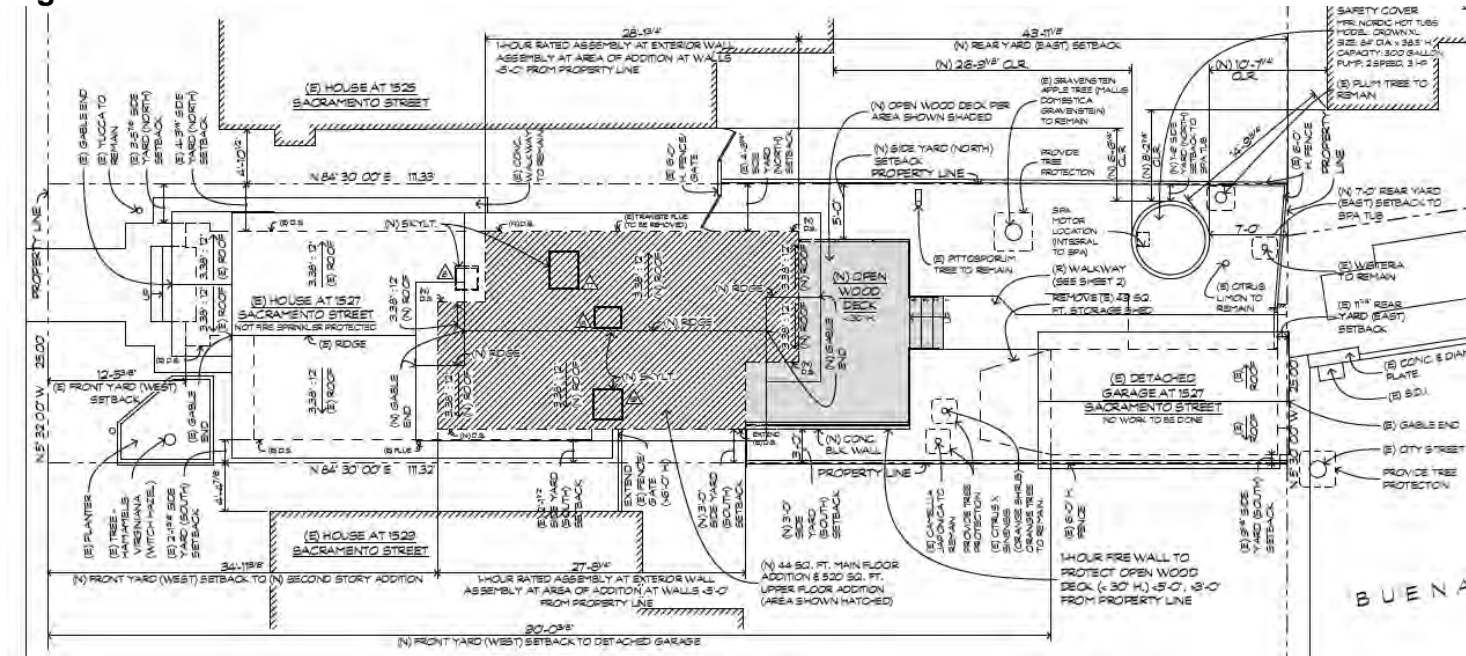




Figure 3: Floor Area Diagram

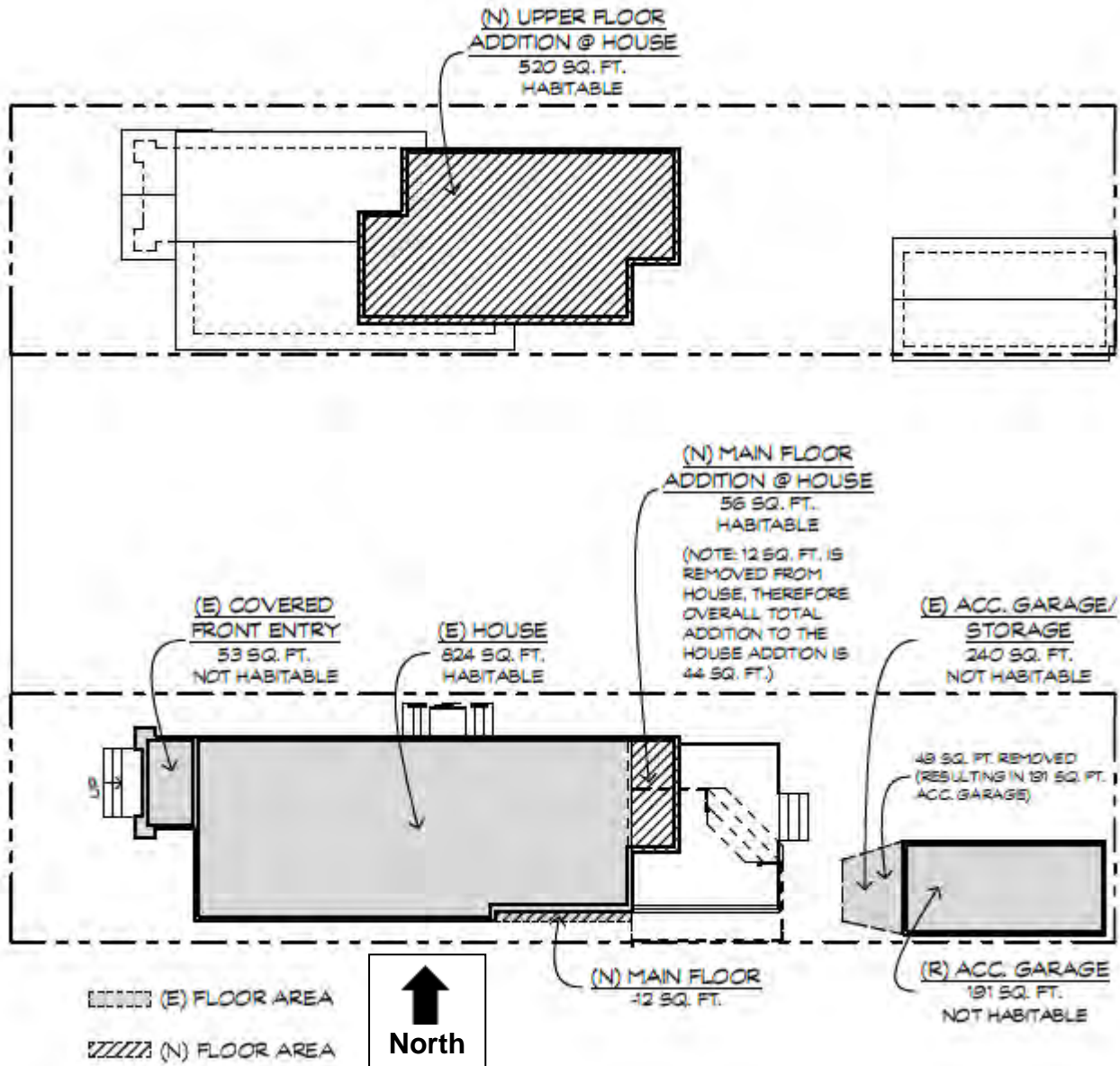


Table 1: Land Use Information

| Location               |       | Existing Use           | Zoning District | General Plan Designation      |
|------------------------|-------|------------------------|-----------------|-------------------------------|
| Subject Property       |       | Single-family dwelling | R-1             | LDR (Low Density Residential) |
| Surrounding Properties | North |                        |                 |                               |
|                        | South |                        |                 |                               |
|                        | East  |                        |                 |                               |
| West                   |       |                        |                 |                               |

**Table 2: Special Characteristics**

| Characteristic                                              | Applies to Project? | Explanation                                                                                                                                                                                                                                                |
|-------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Housing Accountability Act (Govt. Code 65589.5(j))          | No                  | The project is not a "housing development project," as no additional units would be created. The project is to expand an existing unit on the site. Therefore, the HAA findings do not apply to this project.                                              |
| Coast Live Oaks                                             | No                  | There are no existing oak trees on the site.                                                                                                                                                                                                               |
| Creeks (Per BMC Section 17.08.045)                          | No                  | No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.                                                                                                                                                                 |
| Historic Resources                                          | No                  | The project does not propose the demolition or substantial alteration of a building over 40 years old. Staff approved a waiver from the Historical Resource Evaluation requirement and it was determined that the building is not likely to be a resource. |
| Housing Accountability Act (Govt. Code 65589.5(j))          | No                  | The project is not a "housing development project," as no additional units would be created. The project is to expand an existing dwelling on the site. Therefore, the HAA findings do not apply to this project.                                          |
| Rent Controlled Units (Per BMC Chapter 13.76)               | No                  | The existing residential building is a single-family dwelling, and thus not subject to the Rent Control Ordinance.                                                                                                                                         |
| Residential Preferred Parking (RPP) (Per BMC Chapter 14.72) | No                  | The project site is not located in a zone of the Residential Preferred Parking program.                                                                                                                                                                    |
| Seismic Hazards Mapping Act (Per State Hazards Mapping Act) | No                  | The project site is not located in an area susceptible to liquefaction, fault rupture, or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.             |
| Soil/Groundwater Contamination                              | No                  | The project site is not located in the City's Hazards Management Area and the site is not on any list maintained pursuant to the Cortese List.                                                                                                             |
| Transit and Bicycle Access                                  | Yes                 | The project site is within 0.2 miles of AC transit routes 688, and 52 on Sacramento Street and Cedar Street. The site is within 0.4 miles of the Ohlone Greenway. Also, the project site is approximately 0.3 miles from the North Berkeley BART station.  |

**Table 3: Project Chronology**

| Date               | Action                                   |
|--------------------|------------------------------------------|
| April 28, 2020     | Application submitted                    |
| May 28, 2020       | Application deemed incomplete            |
| August 19, 2020    | Revised application materials submitted  |
| September 17, 2020 | Application deemed incomplete            |
| March 24, 2021     | Revised application materials submitted  |
| April 23, 2021     | Application deemed incomplete            |
| April 23, 2021     | Revised application materials submitted  |
| April 27, 2021     | Revised application materials submitted  |
| June 14, 2021      | Notice of Administrative Decision issued |

|                    |                                      |
|--------------------|--------------------------------------|
| July 2, 2021       | First appeal received                |
| July 6, 2021       | Second appeal received               |
| September 9, 2021  | Public hearing notices mailed/posted |
| September 23, 2021 | ZAB hearing                          |

**Table 4: Development Standards**

| Standard<br>BMC Sections 23D.16.070-080 |                    | Existing | Proposed/<br>Approved by<br>Zoning Officer | Permitted/<br>Required                                                            |
|-----------------------------------------|--------------------|----------|--------------------------------------------|-----------------------------------------------------------------------------------|
| Lot Area (sq. ft.)                      |                    | 2,783    | No Change                                  | 5,000 min.                                                                        |
| Gross Floor Area (sq. ft.)              |                    | 824      | 1,388                                      | N/A                                                                               |
| Dwelling Units (Parcel)                 |                    | 1        | 1                                          | 1 max.                                                                            |
| Bedrooms (Parcel)                       |                    | 2        | 2                                          | 4 max.<br>(without AUP or UPPH)                                                   |
| Building Height                         | Average            | 20'-4"   | 21'-9"                                     | AUP for residential additions greater than 14'<br>(28' max. average height w/AUP) |
|                                         | Stories            | 1        | 2                                          | 3 max.                                                                            |
| Building Setbacks                       | Front              | 12'-5"   | No Change                                  | 20' min.                                                                          |
|                                         | Rear               | 48'-9"   | 43'-11"                                    | 20' min.                                                                          |
|                                         | Left (North) Side  | 4'-3"    | 4'-3"                                      | 3' min.                                                                           |
|                                         | Right (South) Side | 2'-1"    | 3'                                         | 3' min.                                                                           |
| Lot Coverage (%)                        |                    | 40.1     | 40.0                                       | 40 max.                                                                           |
| Usable Open Space (sq. ft.)             |                    | 564      | 771                                        | 400 min.<br>(400 per unit)                                                        |
| Automobile Parking                      |                    | 1        | 1                                          | 1 min.                                                                            |

## II. Project Setting

**A. Neighborhood/Area Description:** The subject site is located on the east side of Sacramento Street, between Rose Street and Cedar Street, in a residential neighborhood that consists of single-family dwellings that range from one to two stories in height. The rear of the lot faces Buena Avenue. See Figure 1: Vicinity Map.

**B. Site Conditions:** The project site is rectangular, with a 25-foot wide lot line along Sacramento Street and 111-foot depth. The parcel is currently developed with an 824 square-foot, one-story single-family dwelling with a covered porch at the front of the lot and an uncovered deck at the rear along the south side property line. There is a garage along the right rear (southeast) corner of the lot, which is accessed from Buena Avenue. There is an existing 6-foot tall wood fence along the perimeter of the property in the rear. There are seven existing trees on the site; however, there are no protected

Coast Live Oaks. The parcel is non-conforming to current zoning standards in terms of minimum lot size, lot coverage, and building setbacks from the front (west) and right (right) side property lines.

### III. Project Description

The project approved by the Zoning Officer would construct a 564 square-foot addition, consisting of a 520 square-foot second floor addition setback approximately 35 feet from the front property line, and a 44 square-foot first floor addition at the rear of the existing residence. The existing average building height is 12 feet 3 inches. With the addition, the new average height would be 21 feet 9 inches. The existing dwelling has two bedrooms and one bathroom; with the addition the two bedrooms would move to the second floor, along with a bathroom, and at the first floor there would be a new family room.

A hot tub would be added to the rear yard, 1 foot 6 inches from the north (left) property, and 7 feet from the rear property line. The storage shed attached to the garage would be removed to bring the lot coverage into compliance (40 percent). The existing front porch was enclosed around 2015 and is located within the required 20-foot front yard. The enclosure would be legalized with an Administrative Use Permit and established with a subsequent building permit.

In addition, a new deck would be added off of the rear of the main building, less than 30 inches above existing grade, and three feet from the right (south) setback (therefore not subject to discretionary review),

### IV. Community Discussion

**A. Neighbor/Community Concerns:** Due to Shelter in Place, a pre-application poster was not erected by the applicant. The applicant shared the plans with the owners and occupants of five of the seven confronting and abutting properties in-person in early March 2020. The applicant sent plans to the neighbors at 1529 and 1525 Sacramento Street via certified mail in early April 2020. On May 13, 2020, staff received a letter from the owners of 1529 Sacramento Street stating concerns that are similar to their appeal points listed below. Staff virtually met with the appellants in June of 2020 to discuss their concerns and the AUP process. The Staff Project Manager met with the appellants for a site visit at their properties in August 2020, and the Land Use Planning Manager/Zoning Officer meet with them in November 2020. The appellants also emailed Staff with questions and concerns and staff provided responses. On June 14, 2021, Staff posted the Notice of Administrative Decision at the site and two nearby locations, and sent notices to abutting and confronting property owners and occupants and to interested neighborhood groups.

**B. Zoning Officer's Decision to Approve:** The Zoning Officer determined that the proposed project would not be detrimental to those living and working in the neighborhood because it would meet the R-1 district standards for maximum residential density, height, lot coverage, and useable open space, and because the

project would not worsen the non-conforming setbacks. The proportions, setbacks, and roof slopes maintain the character of the existing property and surrounding neighborhood. Further, the proposed addition will not create detrimental air, views, light, or privacy impacts (see Attachment 1).

The first appeal of the administrative decision was filed on July 2, 2021 by the owner and family of the owner of 1525 Sacramento Street (six people). The second appeal was filed on July 6, 2021 by the owners of 1529 Sacramento Street (two people).

- C. Public Notice:** On August 25, 2021, Staff notified the applicant and appellant that the public hearing date had been tentatively scheduled for September 23, 2021. On September 9, 2021, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property, and to interested neighborhood organizations. Staff also posted the Notice of Public Hearing at two locations within the immediate vicinity of the subject site. At the time of this writing, Staff has received fourteen letters of support regarding this project (Attachment 8).

## V. Appeal Issues and Analysis

- A. Appeal Issue 1 – Shadow Studies.** The following comments were submitted in regards to the shadow studies:

1. The appellants at 1525 Sacramento state that the applicant sought different shadow studies until they concluded that 1525 Sacramento causes its own shadowing, rather than the proposed addition. The appellants state that the short overhang at “1525 is part of the bungalow design; it does not cause shadowing.” In addition, the appellants at 1529 Sacramento add that the conclusion of the final shadow study is inconsistent with past shadow studies (Attachment 6, page 1, #1).
2. The appellants contend that staff failed to analyze how the proposed project will cause severe shading at 1525 Sacramento.
3. The appellants assert that a request for a copy of the shadow study was ignored.
4. They state that they were not granted additional time to obtain a separate shadow study and independent analysis (Attachment 5, page 2, #1).

### Staff Analysis:

1. In May of 2021, both appellants raised concerns about changing shadow studies. Staff responded to their concerns via email on May 25, 2021 (see Attachment 4). In the May 25 response, staff explained that there are not different shadow studies, but revised versions of the same studies. The shadow studies were required to be revised to follow submittal requirements<sup>1</sup> and correct typos. It is common for applications to be deemed incomplete, and often additional materials or revisions are required. Consistent with standard submittal requirements, the shadow studies show the existing shadows at three times of the year (summer solstice, winter

<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Shadow%20Study%20Instructions.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Shadow%20Study%20Instructions.pdf)

solstice, and near the time of the submittal), and three times of day (two hours after sunrise, noon, and two hours before sunset), and show the proposed shadows caused by the addition at the same three times of year and times of day.

Shadow studies are analyzed after complete and accurate information is provided. While there are multiple days of analysis there is one conclusion: there is no detriment to neighboring properties. This conclusion is found in the Findings section of the Notice of Administrative Decision (Attachment 1).

Depending on the angle of the sun, it is possible for a home to shade itself. Per page one of the shadow study instructions, shadows two hours after sunrise, and two hours before sunset on the winter solstice, and at noon throughout the year would generally be pointed north, so a dwelling would cast shadows onto its south façade two hours after sunrise, and two hours before sunset on the winter solstice, and at noon throughout the year. The applicant submitted photos on May 24, 2021 which were taken on July 3, 2020, which is within a few weeks of the summer solstice, and thus the shadows would be in nearly the same place as the June 21 shadow studies. The shadow studies submitted on August 19, 2020, and March 24, 2021 show that 1525 Sacramento casts shadows onto itself to varying extents two hours after sunrise, and two hours before sunset on the winter solstice, and at noon on the winter solstice, summer solstice, and March 13 (near the time of initial submittal when the application was prepared).

2. Analysis of the increased shadows from the proposed project was included in the Notice of Decision (Attachment 1) and is based on the shadow studies on sheets 0.1-0.3 at the end of Attachment 2. 1525 Sacramento is adjacent to the north of 1527 Sacramento, and it is setback approximately 5 feet from the shared property line. The potential impacts are summarized as follows:
  - Two hours after sunrise on the winter solstice (December 21), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover a window in the living room, front bedroom, closet, bathroom window, and two bedrooms near the rear.
  - At noon on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover windows in a closet, bathroom, and six bedroom windows near the rear.
  - Two hours before sunset on the winter solstice, shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover two bedroom windows near the middle of the house, and cover one quarter of the last bedroom window at the rear of the dwelling.
  - At noon on March 13 (representative of the application date), shadows on the south side of the dwelling at 1525 Sacramento Street will increase and cover half of a bedroom window at the front of the house, windows in a closet, bathroom, and two bedroom windows near the middle of the house.

The proposed project meets the development standards of the district and the shadows caused by the proposed addition are normal for an urbanized area.

Because the impacts would occur on limited areas and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and the shading impacts were not deemed detrimental.

3. Staff emailed the March 24, 2021 resubmittal packet to the appellants on March 25, 2021, and provided instructions on how the appellants could obtain printed copies from administrative staff in the May 25 response. Staff had initially sent the link to the website where plans could be viewed in June of 2020.
4. The project was submitted in April 2020 and the appellants have had more than a year to prepare their own shadow study, or hire someone to prepare a shadow study. The shadow studies submitted by the applicant align with City guidelines and the placement of the sun at varying points throughout the year.

For the reasons enumerated above, staff recommends the ZAB dismiss this appeal point.

**B. Appeal Issue 2 – Neighbors object to the proposed design:** The appellants contend that multiple neighbors object to the proposed design and change in character. Further, the appellants contend that staff have not given weight to the petition the appellants prepared, and instead accepted a petition from unaffected neighbors (Attachment 5, page 2, #2; Attachment 6, page 2, #2, paragraph 4).

Staff Analysis: The Zoning Officer and other decision makers, such as the ZAB or City Council, must base the decision to approve or deny a project on the required findings in the Berkeley Municipal Code, in this instance BMC Section 23B.28.050.A, non-detriment. A project cannot be denied or approved based on the level of support or opposition of various parties. The project planner and Zoning Officer considered the applicant's statement and the concerns expressed by the neighbors as they analyzed the project. At the insistence of staff, the applicant did lower the roof height in August of 2020, from a maximum ridge height of 23 feet 5 inches to 22 feet 9 inches, and did increase the proposed right (south) setback for the area of the addition from 2 feet 1 inch, to 3 feet.

The "petition" from unaffected neighbors the appellants reference is not a petition but an acknowledgement from the abutting and confronting neighbors that they have seen the plans. By signing within a table on the site plan, neighbors are only indicating that they have seen the plans, they are not necessarily saying that they approve of the project and the plans.<sup>2</sup> Therefore, staff recommends the ZAB dismiss this appeal point.

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<sup>2</sup> Community Outreach Instructions

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Instructions%20Regarding%20Community%20Outreach.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Instructions%20Regarding%20Community%20Outreach.pdf). During Shelter in Place staff modified these requirements to minimize in-person contact between neighbors.

The City of Berkeley does not have residential design standards or guidelines, and structures in residential districts are not subject to design review. The proposed project would add a second story, where up to three stories is allowed, outside of the required setbacks. The proposed project is consistent with the pattern of residential development in the area, including one- to two- story residences.

- C. Appeal Issue 3 – Lack of negotiation towards a favorable design:** The appellants contend that the applicant team will not negotiate in good faith for a reasonable design, and that staff support this unreasonableness (Attachment 5, page 2, #3). Appellants state that they wanted all three families to meet and discuss modifying the project, but their offer was rejected (Attachment 6, pages 2-3, #3).

Staff Analysis: The appellants have stated on several occasions that the applicant should not add a second story, and should instead seek a variance to exceed the lot coverage, in order to add a one-story addition. Applicants are required to notify neighbors of certain proposed projects, and applicants/owners are encouraged to discuss potential concerns and solutions throughout the process. However, owners are not required to modify their project. Staff have explained to the appellants that the City would not support a variance to avoid adding a second story as the required findings could not be made, and the project approved by the Zoning Officer conforms to the development standards of the R-1 district, and meets the findings for non-detriment as described in the findings and conditions (Attachment 1). Therefore, staff recommends the ZAB dismiss this appeal point.

- D. Appeal Issue 4 – Non-detriment finding cannot be met:** The appellants have stated on several occasions (emails, letters) that the required finding under BMC Section 23B.28.050.A cannot be met:

*The Zoning Officer may issue an AUP, either as submitted or as modified, only upon finding that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City. (Attachment 5, pages 2-3, #4; Attachment 6, page 2, #2).*

Staff Analysis: The Findings under BMC Section 23B.28.050.A are based on the broad land use regulatory (“police”) powers of all cities and counties and those terms (health, safety, and welfare) are not defined in the BMC. The appellants draw a connection between the health, safety, and peace of the residents of 1525 Sacramento Street and 1529 Sacramento Street and negative aspects of construction, and the proposed addition. The City has interpreted health, safety and welfare to mean access to sunlight, air and privacy, which are analyzed in the Findings of the Notice Administrative of Decision; construction impacts, such as noise and dust, are addressed in the City’s Standard Conditions of Approval (Attachment 1). Therefore,



staff believes that the Finding under BMC Section 23B.28.050.A can be made, and thus recommends the ZAB dismiss this appeal point.

- E. Appeal 1 Issue 5 – Proposed project equates to an illegal taking of property:** The appellants contend that the project will lead to an illegal taking of 1525 and 1529 Sacramento Street since the project will decrease values of adjacent properties without compensation, and deprive property owners of the quiet use and enjoyment of their properties (Attachment 5, page 3, #5).

Staff Analysis: Takings jurisprudence arises from the Fifth Amendment to the United States Constitution, and provides that no private property can be taken for public use without the payment of just compensation. There are many different types of takings (physical invasions of property, regulatory takings that restrict the use of property, or land use exactions such as easements), none of which have any applicability to the effect of this project upon neighboring parcels.

Project construction would be temporary in nature and would only be allowed during certain hours and on certain days (see Condition of Approval 12 in Attachment 1). The 520 square foot addition to accommodate more communal living area on the first floor, relocating the same number of bedrooms to the second floor, is unlikely to create more noise than already exists after construction is complete. In addition, community noise is regulated in BMC section Chapter 13.40. Therefore, staff recommends the ZAB dismiss this appeal point.

- F. Appeal Issue 6 and 7– Proposed addition is inequitable:** The appellants contend that this project results in discrimination, inequity, systematic racism and economic privilege. The project is alleged to exacerbate economic and racial divisions. Racial equity should apply to the project, meaning that the project should be denied to avoid impact to this Black family. The Black population in Berkeley continues to decline due to gentrification, lack of housing, systematic racism, and economic constraints. The appellants express concern for the lack of diversity of City of Berkeley staff and demand this application be handled by someone who is culturally and racially sensitive. (Attachment 5, page 3, #6, #7; Attachment 6, page 3, #4).

Staff Analysis: The BMC does not include different levels of discretion or different findings based on race, ethnicity, financial status, longevity in Berkeley, etcetera. The proposed project meets the R-1 development standards, subject to obtaining Administrative Use Permits, and the Zoning Officer concluded that the project would meet the necessary findings. Therefore, staff recommends ZAB dismiss this appeal point.

## VII. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board: **APPROVE Administrative Use Permit #ZP2020-0034** pursuant to Section

23B.28.060.C.1 and subject to the attached Findings and Conditions (see Attachment 1) and **DISMISS the Appeal**.

**Attachments:**

1. Findings and Conditions, #ZP2020-0034, June 14, 2021
2. Project Plans, received March 24, 2021 and April 27, 2021
3. Pre-application neighbor signatures, received April 28, 2020
4. Staff Response to concerns of 1529 and 1525 Sacramento, sent May 25, 2021
5. Letter of Appeal, received July 2, 2021
6. Letter of Appeal, received July 6, 2021
7. Notice of Public Hearing
8. Correspondence Received

**Staff Planner:** Allison Riemer, ariemer@cityofberkeley.info, (510) 981-7433



Administrative Record  
ZAB Appeal:  
1527 Sacramento Street

This attachment is on file and available for review upon request from the City Clerk Department, or can be accessed from the City Council Website.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

or from:

**The City of Berkeley, City Council's Web site**  
<http://www.cityofberkeley.info/citycouncil/>

**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL  
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

**ZAB APPEAL: 1527 SACRAMENTO STREET, USE PERMIT #ZP2020-0034**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, FEBRUARY 22, 2022 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to approve Zoning Permit #ZP2020-0034 to: 1) add a 520 square-foot two-story addition with an average height of 21 feet 9 inches at the rear of the existing building; 2) add a major residential addition of more than 15 percent of the lot area, including 44 square feet at the first floor; 3) legalize the enclosure of the front porch in the non-conforming front setback; and 4) add an unenclosed hot tub, on a 2,783 square-foot lot that contains a one-story 824-square-foot single-family dwelling.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **FEBRUARY 10, 2022**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Allison Riemer, Project Planner, (510) 981-7433, or [ariemer@cityofberkeley.info](mailto:ariemer@cityofberkeley.info). Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704 or emailed 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.

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Mark Numainville, City Clerk

Mailed: February 8, 2022

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision 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 Zoning Adjustments Board decision, 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.*

Internal

*If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.*





Office of the City Manager

ACTION CALENDAR

February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Southside Complete Streets Project Conceptual Designs

RECOMMENDATION

Adopt a Resolution approving the conceptual designs for the Southside Complete Streets Project on Dana Street from Dwight Way to Bancroft Way; Bancroft Way from Milvia Street to Piedmont Avenue; Fulton Street from Dwight Way to Bancroft Way; and Telegraph Avenue from Dwight Way to Bancroft Way, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.

FISCAL IMPACTS OF RECOMMENDATION

The recommendation has no fiscal impacts.

SUMMARY

The Southside Complete Streets Project is an \$8.3M Federal Aid funded transportation improvement project in Berkeley's Southside neighborhood on Telegraph Avenue, Bancroft Way, Dana Street, and Fulton Street. The project proposes to construct improvements for walking, biking, transit, and commercial and passenger loading zones, as well as "placemaking" improvements to the public realm. The project repaves Telegraph Avenue and Dana Street from Bancroft Way to Dwight Way and Bancroft Way from Piedmont Avenue to Dana Street and from Fulton Street to Milvia Street. With the support of an engineering and design consultant team and staff from partner government agencies, City staff have identified conceptual design options for each of the project corridors; sought public input on and analyzed those conceptual design options; and selected recommended conceptual designs for consideration by the Berkeley City Council. Approval of the conceptual designs will keep the project on schedule for detailed engineering design in 2022, allowing the City to meet a January 2023 funding obligation deadline and receive \$7.3M in Federal Aid construction funds. Staff anticipates advertising for construction bids in 2023, followed by construction of the project in 2023 and 2024.

CURRENT SITUATION AND ITS EFFECTS

The Southside neighborhood has experienced continuing growth in both commercial activity and residential occupancy, with increased walking, biking, transit use, ride-hailing, and freight and small package delivery. The Berkeley Vision Zero Action Plan

has documented severe and fatal crashes on project streets; Southside sidewalks carry some of the highest numbers of people walking in the East Bay; gaps in the low-stress protected bikeway network result in connectivity problems that discourage bicycling for transportation; AC Transit buses have on-time performance issues that discourage bus ridership in the project area; and competition for limited loading zones creates operational issues for neighborhood businesses and further delays traffic and transit operations. The City of Berkeley Five-Year Street Repair Plan identifies numerous street segments in the project area with low Pavement Condition Index in need of repaving.

The goals of the Southside Complete Streets project are:

- Ensure safety for all street users consistent with the City's Vision Zero policy
- Improve transit reliability consistent with the City's Transit-First policy
- Support the economic and cultural vitality of Berkeley's Southside neighborhood consistent with the Economic Development goals of the City's Southside Plan

The project follows a community and data-driven approach to deliver on the City's Vision Zero, Complete Streets, Transit-First, and Climate Action Plan policies, and builds upon the specific recommendations of numerous plans and studies, including the Southside Plan, the Berkeley Bicycle and Pedestrian Plans, the 5-Year Street Repair Plan, the AC Transit Major Corridors study, and the Telegraph Avenue Public Realm Plan, among others. The Southside Complete Streets Project is a City of Berkeley Strategic Plan priority project and supports the Plan's goals of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment and creating a resilient, safe, connected, and prepared City.

#### Stakeholder and Public Engagement

City staff initiated the project in 2020 by convening an Institutional Stakeholder Group (ISG) consisting of government agency staff from various City departments as well as University of California Berkeley (UC Berkeley), UC Berkeley Bear Transit, Lawrence Berkeley National Labs (LBNL) shuttle operators, and Alameda-Contra Costa Transit (AC Transit). The ISG met multiple times, first identifying and refining preliminary conceptual design options for each project corridor, and then providing input on the selection of the preferred conceptual designs. In 2020, City staff also conducted preliminary outreach with the Telegraph Business Improvement District (TBID) and engaged in a robust public process with AC Transit for the Dana Complete Street Pilot Project – see the Background section for more information on these and other pre-project activities.

Following the kickoff of the design consultant contract in August 2021, City staff and consultants deployed an extensive public engagement strategy consisting of two online public meetings engaging dozens of attendees; an online public survey with over 1,300



individual respondents; six Commission meetings, including the Transportation, Public Works, and Disability Commissions; and multiple stakeholder group meetings with the Associated Students of the University of California Berkeley (ASUC), TBID, Walk Bike Berkeley, and East Bay Transit Rider's Union. City staff and project consultants publicized the process by distributing and mailing thousands of postcards and flyers; installing temporary sidewalk decals on project streets, especially at or near AC Transit bus stops; and issuing press releases and conducting a social media campaign, all with the support of partner organizations like AC Transit, UC Berkeley, and TBID to help get the word out.

City staff presented the recommended conceptual design options for each project corridor to the Transportation Commission on January 20, 2022. The Transportation Commission passed a motion supporting the staff-recommended design options, as follows:

*Item B2 - Southside Complete Streets*

*It was Moved/Seconded (Parolek/Ghosh) that the Transportation Commission:*

*support Bancroft Option #1, support prioritized transit lanes on Bancroft and Telegraph, and ask staff to consider a wider sidewalk on the south side to create a pedestrian corridor between downtown and Telegraph;*

*that the Transportation Commission support Fulton Option #1;*

*and that the Transportation Commission support Telegraph Option #4. The Commission strongly recommends that staff demonstrate how Option #4 can be operationalized as a car-free street with a transit lane, and with 2-way bike and micromobility facilities.*

*Finally, the Transportation Commission is in favor of making the Dana project permanent.*

*Ayes: Bruzzone, Ghosh, Gosselin, Greene, Leung, Lutzker, Parolek, Walton  
Motion carried 8-0-0-0*

In response to the Transportation Commission action, City staff has directed the project design consultants to consider potentially widening the sidewalk and adding street trees and green infrastructure along Bancroft Way to create a more appealing pedestrian corridor between Downtown Berkeley and Telegraph Avenue. Further, City staff has directed the project design consultants to prepare additional graphics for the second online public meeting and other upcoming public engagement activities to clearly demonstrate how the staff-recommended conceptual design option for Telegraph Avenue can be operationalized as a car-free street.

As of this writing, City staff has yet to conclude public engagement activities for this phase of the project in January and February 2022, including additional meetings with institutional and public stakeholder groups and the second online public meeting.

Following anticipated approval of the conceptual designs, City staff will continue to work with the Berkeley community and institutional stakeholders to refine the designs through the detailed engineering process during the remainder of 2022. Staff will continue to seek input on technical and operational details of the project designs from TBID, AC Transit, Bear Transit, LBNL Shuttle operators, and others. Staff anticipates that the Southside Complete Streets Project will next return to the Berkeley City Council for the authorization of the construction contract in early 2023.

#### Conceptual Design Options Analysis

As depicted in Exhibit 1 to the Resolution and described in the following section, City staff and consultants considered multiple design options for Telegraph Avenue, Bancroft Way, and Fulton Street, as well as a permanent version of the temporary Dana Complete Street pilot project being constructed by AC Transit. City staff and consultants analyzed these designs using two filters: 1) public input (as described in the previous section) and 2) technical analysis. The technical analysis utilized qualitative and quantitative criteria to assess how well each design option performed in meeting the project's primary goals of safety, transit efficiency, and supporting local businesses. The analysis also tested each option against "baseline operations" metrics in order to identify potential fatal flaws, including traffic operations, parking effects, accessibility and "Universal Design", construction impacts and costs, fire marshal requirements, and streets maintenance. Table 1 provides a high-level summary of public and stakeholder preferences for each design option. Table 2 provides a summary of the results of the technical analysis expressed as overall "Good, Fair, Poor" rankings for each design option.

A comprehensive traffic study was performed using Syncho traffic modelling software. Vehicle Level of Service (LOS) is a traffic metric for individual vehicle delay, which ranks delay with a grade of A, B, C, D, E, or F. The traffic model showed that for each of the options, vehicle LOS remains at or above LOS D, and as such meets the City's goal for vehicle delay. The only exceptions are two intersections where existing conditions operate at E (Bancroft Way & Piedmont Avenue) or F (Fulton Street & Channing Way); both locations would maintain their existing LOS under all project options. Queue length is a traffic metric that is used to understand the length of queues of vehicles waiting for a green signal at signalized intersections in the "worst case scenario" (during the peak hour of the day, which is about 5% of the time that a traffic signal operates). Queue length is important because of the impact on traffic operations when queues extend into adjacent upstream intersections. The traffic model showed three locations where some of the design options produced queue lengths that exceed the length of the block between traffic signals: Options 1 and 2 on Bancroft Way between Dana Street and Telegraph Avenue; Options 1 and 2 on Shattuck Avenue between Kittredge Street and

Durant Avenue; and Option 1 on Fulton Street between Channing Way and Haste Street. None of these locations represent a “fatal flaw” in the design, but rather are locations where the detailed engineering design process will focus on signal design and optimization to try to reduce and hopefully eliminate these peak-hour queuing impacts to traffic operations.

Table 1: Southside Complete Streets Design Options Public and Stakeholder Input

| Input                              | Fulton St     | Bancroft Way | Telegraph Ave | Dana St |
|------------------------------------|---------------|--------------|---------------|---------|
| Online Public Meeting #1           | Options 1 & 3 | Option 2     | Option 4      | Support |
| Online Survey                      | Option 1      | Option 2     | Options 1 & 4 | Support |
| Institutional Stakeholder Meetings | Option 2      | Option 1     | Options 1 & 4 | Support |

Table 2: Southside Complete Streets Design Options Technical Analysis Results

| Corridor         | Option 1 | Option 2 | Option 3 | Option 4 |
|------------------|----------|----------|----------|----------|
| Bancroft Way     | Good     | Fair     | Poor     | N/A      |
| Telegraph Avenue | Poor     | Poor     | Fair     | Good     |
| Fulton Street    | Fair     | Fair     | Poor     | N/A      |
| Dana Street      | N/A      | N/A      | N/A      | N/A      |

Recommended Conceptual Designs

The following summaries describe the conceptual design options, their impacts, and the recommended conceptual design option for each project corridor based on public and stakeholder input and the results of the technical analysis. For each design option, the intent is to utilize the most permanent, durable, low-maintenance materials possible (e.g., raised concrete bikeway buffers vs. temporary “paint and posts” bikeway buffers, etc.). Final materials choices will be made during the detailed engineering design process, based on a variety of factors such as cost, Fire Marshall access requirements, accessibility for people with disabilities, and other technical criteria. Please see Exhibit 1 to the Resolution for cross-section illustrations of each design option. Additional conceptual design graphics will be prepared for the final public engagement activities in January and February.

Bancroft Way:

- Option 1: one westbound travel lane with a two-way parking-protected bike lane on the south side and a curbside bus-only lane on the north side
- Option 2: one westbound travel lane with a parking lane on the south side and a two-way curbside separated bike lane on the north side, next to a bus-only lane
  - To construct a bus-only lane and two-way protected bikeway, Options 1 and 2 remove one of two existing westbound traffic lanes and remove parking/loading on one side of the street, leaving a single westbound traffic lane and parking/loading on only the south side of the street
- Option 3: one travel lane in each direction with a two-way separated bike lane on the south side and a parking lane on the north side
  - To construct an eastbound traffic lane and two-way protected bikeway, Option 3 removes one of two existing westbound traffic lanes and removes parking/loading on one side of the street, leaving a single westbound traffic lane and parking/loading on only the south side of the street

***Recommended Bancroft Way Conceptual Design: Option 1.***

Telegraph Avenue:

- Option 1: one northbound travel lane (shared with bikes) with a wider sidewalk and contraflow raised southbound bike lane on the west side and a bus-only lane on the east side, with alternating bulb-outs and parking/loading on the east side only
  - To construct a bus-only lane, a wider sidewalk, and one-way southbound protected bikeway, Option 1 removes one of two existing northbound traffic lanes and removes parking/loading on the west side of the street, leaving a single northbound traffic lane and consolidating all existing parking/loading to the east side of the street
- Option 2: one travel lane in each direction (shared with bikes), wider sidewalks on both sides of the street, with alternating bulb-outs and parking/loading on the east side only
  - To construct a southbound traffic lane and wider sidewalks on both sides of the street, Option 2 removes one of two existing northbound traffic lanes and removes parking/loading on the west side of the street, leaving a single northbound traffic lane and consolidating all existing parking/loading to the east side of the street
- Option 3: one northbound travel lane (shared with bikes) with a bus-only lane on the east side, wider sidewalks on both sides of the street, and alternating bulb-outs and parking on either side of the street resulting in a chicane
  - To construct a bus-only lane, wider sidewalks on both sides of the street, and a traffic-calmed “chicane” roadway, Option 3 removes one of two existing northbound traffic lanes and removes parking/loading alternately on the east or west side of the street, leaving a single northbound traffic lane and approximately half as much parking/loading

- Option 4: a “curbless” northbound street at sidewalk level with one northbound travel lane (shared with bikes), a bus-only lane on the east side, wider sidewalks on both sides of the street with pedestrian-scale lighting, bollards, and other “placemaking” amenities, alternating bulb-outs and parking on either side of the street
  - To construct a curbless street with a bus-only lane and wider sidewalks on both sides of the street, Option 4 removes one of two existing northbound traffic lanes, leaving a single northbound travel lane.
  - Of the four options proposed for Telegraph Avenue, Option 4 is among the most expensive. For this reason, as detailed cost estimates are developed during the engineering design process, Option 4 may be constructed on a limited number of blocks, with a curbed version of this option as a lower-cost fallback design option.
  - During the public engagement process, a substantial number of comments were received in favor of a “car free” design option for Telegraph Avenue. Limiting or eliminating access for private vehicles on Telegraph Avenue is beyond the scope of this project. However, of the options considered, Option 4 provides the most suitable and intuitive built environment for future consideration of changes to private vehicle access.

***Recommended Telegraph Avenue Conceptual Design: Option 4 (curbless street), budget permitting, with a curbed version of Option 4 as a lower-cost fallback design option.***

#### Fulton Street:

- Option 1: one southbound travel lane with a two-way separated bike lane on the east side and parking on the west side
- Option 2: one southbound travel lane with a two-way parking-protected bike lane on the west side
- Option 3: one southbound travel lane with a parking-protected southbound bike lane on the west side and a contraflow raised northbound bike lane on the east side
  - To construct either a two-way protected bikeway or one-way protected bikeways on either side of the street, Options 1, 2, and 3 remove one of two existing southbound traffic lanes and remove parking on the east side of the street, leaving a single southbound traffic lane and parking on only the west side of the street

***Recommended Fulton Street Conceptual Design: Option 1.***

#### Dana Street:

- Upgrade AC Transit’s Dana Street pilot project, scheduled for installation in Spring 2022, from temporary paint and post separated bikeway buffers to permanent concrete-protected bikeway buffers. See Background section for more information about the AC Transit pilot project.

***Recommended Dana Street Conceptual Design: Dana Complete Street pilot conversion to permanent project.***

**BACKGROUND**

The Berkeley City Council has taken action on several occasions in support of transportation improvements in the Southside neighborhood. The current project delivers on past Council direction and referrals, as described below.

In 2013, the Berkeley City Council directed staff to study conversion of Bancroft Way and Durant Street from one-way to two-way streets consistent with the Southside Area Plan recommendation to study this change. In 2015, staff delivered a traffic study and identified a cost estimate of \$5M for the conversion project. Also in 2015, as a follow-up to the two-way streets study, Council Member Kriss Worthington brought forward a referral to make Dana Street two-way for bicycle travel. This project considered but ultimately rejected the options to convert one-way Southside streets to two-way vehicle traffic, due to cost considerations and the poor performance of these options in meeting project goals. The project does carry forward the referral to implement a two-way bikeway on Dana Street.

In 2016, in response to a near-fatal vehicle-bicycle crash, the Berkeley City Council authorized installation of a one-way southbound protected bikeway on Fulton Street between Bancroft Way and Channing Way. This project continues that bikeway two blocks to the south to connect at Dwight Way with the planned and funded Fulton Street Bicycle Boulevard, and makes the bikeway two-way for all four blocks.

In 2016, the Berkeley City Council approved the Southside Pilot Project (SPP), which included the Phase I: Bancroft Way West bus lane and bikeway pilot project between Dana Street and Fulton Street, as well as a future Dana Complete Street Pilot Project as part of the overall SPP vision. This project proposes to upgrade the Phase I: Bancroft Way West project using more permanent, low-maintenance materials, as well as constructing the remaining phases of Bancroft Way as described in the SPP Council report.

In 2017, the Berkeley City Council approved the Berkeley Bicycle Plan, which calls for evaluation of two-way cycle tracks on Bancroft Way, Dana Street, Fulton Street, and Telegraph Avenue. This project evaluated bikeways on all project corridors and prioritized Bancroft Way, Dana Street, and Fulton Street for implementation of protected bikeways. Telegraph Avenue was considered for a protected bikeway but due to the space needs for wider sidewalks, abundant loading zones, and a bus-only lane, a protected bikeway could not be included.

In 2019, Council Member Rigel Robinson brought forward a referral to develop a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan.

The recommended option for Telegraph Avenue – Option 4 – is based on the ultimate design envisioned by the Telegraph Public Realm Plan.

In 2021, the Berkeley City Council approved the AC Transit Dana Complete Street Pilot project, which is currently being developed and delivered through a partnership between AC Transit and the City of Berkeley. AC Transit's Dana Complete Street Pilot Project complements the City's Southside Complete Streets Project by piloting a two-way cycle track and bus boarding island on Dana Street. Construction of the Dana pilot project is expected to be complete in 2022, followed immediately by an evaluation of the pilot project's performance. AC Transit's evaluation consultant will recommend design modifications, if any are needed, for integration into the City's Southside Complete Streets Project detailed engineering design process. At a minimum, the City's Southside project would repave the entire street and would make temporary elements of the Dana pilot project permanent.

In 2021, the Berkeley City Council approved the most recent Five-Year Street Repair Plan. Consistent with this plan, the project repaves Telegraph Avenue and Dana Street from Bancroft Way to Dwight Way, and Bancroft Way from Piedmont Avenue to Dana Street and from Fulton Street to Milvia Street.

#### Project Funding

In 2018, the City of Berkeley received an \$8,335,000 grant from Alameda CTC and Caltrans for transportation improvements in Berkeley's Southside neighborhood. Improvements may include physically protected bikeways (i.e. cycle tracks), signal modifications, transit efficiency and reliability improvements (transit signal priority, transit only lanes), more useful freight and passenger loading zones, pedestrian sidewalk and crosswalk safety upgrades, and street repaving. Of this grant, \$1M is allocated for the current phase of the project, consisting of Preliminary Engineering (planning, conceptual design, and public engagement); California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance; Plans, Specifications, and Estimates (detailed engineering design and preparation of construction plans); and construction bid and engineering support. This phase of the project is projected for completion by April 30, 2023. The remaining \$7,335,000 of the grant is for construction of transportation improvements, and would be obligated by Caltrans upon successful completion of detailed engineering design in January 2023.

#### Southside Complete Streets Project Timeline

- Conceptual Design, Preliminary Engineering, Public Outreach, and Environmental Review August 2021 to February 2022
- Environmental Review and Detailed Engineering Design March 2022 to January 2023

- Advertise project & award construction contract February 2023 to April 2023
- Construction May 2023 to May 2024

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Installation of protected bikeways, widening sidewalks, and improving pedestrian crossings is anticipated to increase walking and biking, which is consistent with the 2009 Berkeley Climate Action Plan Policy that calls for expanding and improving Berkeley’s bicycle and pedestrian infrastructure. Installation of bus-only lanes is anticipated to improve bus reliability and decrease travel times, making on-street transit a more attractive mode of transportation. The 2009 Berkeley Climate Action Plan sets targets of reducing transportation emissions 33% below year 2000 levels by 2020, and 80% below year 2000 levels by 2050. The Plan further states that transportation modes such as public transit, walking, and bicycling must become the primary means of fulfilling the City’s mobility needs in order to meet these targets.

RATIONALE FOR RECOMMENDATION

Approval of the conceptual designs will keep the project on schedule for detailed engineering design in 2022, allowing the City to meet a January 2023 funding obligation deadline and receive \$7.3M in Federal Aid construction funds. Staff anticipates advertising for construction bids in 2023, followed by construction of the project in 2023 and 2024.

ALTERNATIVE ACTIONS CONSIDERED

Council could opt not to approve the conceptual designs for the project at this time, and instead defer the item to a future Council agenda. This decision would delay the subsequent detailed engineering design and endanger \$7.3M of Federal Aid construction funds. The City would then need to reapply for these highly competitive construction funds, alongside all other Bay Area local agencies.

CONTACT PERSON

Farid Javandel, Deputy Director of Public Works for Transportation (510) 981-7010  
Beth Thomas, Principal Planner, Public Works (510) 981-7068  
Eric Anderson, Senior Planner, Public Works (510) 981-7062

Attachments:

1: Resolution

Exhibit A: Southside Complete Streets Corridor Design Options



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

SOUTHSIDE COMPLETE STREETS PROJECT CONCEPTUAL DESIGNS

WHEREAS, the Project includes the following Southside neighborhood corridors: Dana Street from Dwight Way to Bancroft Way; Bancroft Way from Milvia Street to Piedmont Avenue; Fulton Street from Dwight Way to Bancroft Way; and Telegraph Avenue from Dwight Way to Bancroft Way; and

WHEREAS, the Berkeley Vision Zero Action Plan has documented severe and fatal crashes on Project streets; Southside sidewalks carry some of the highest numbers of people walking in the East Bay; gaps in the low-stress protected bikeway network on Project streets result in connectivity problems that discourage bicycling for transportation; the Five-year Street Repair Plan documents poor pavement quality on Project streets; AC Transit buses have on-time performance issues that discourage bus ridership in the Project area; and competition for limited loading zones creates operational issues for neighborhood businesses; and

WHEREAS, to address these needs, the project delivers on the City's Vision Zero, Complete Streets, Transit-First, and Climate Action Plan policies, and builds upon the specific recommendations of numerous plans and studies, including the Southside Area Plan, the Berkeley Bicycle and Pedestrian Plans, the Five-year Street Repair Plan, the AC Transit Major Corridors study, and the Telegraph Avenue Public Realm Plan, among others; and

WHEREAS, with the support of an engineering and design consultant team and staff from partner government agencies, City staff have identified conceptual design options for each of the Project corridors; sought public input on and analyzed those conceptual design options; and have selected recommended conceptual designs for consideration by the Berkeley City Council; and

WHEREAS, the recommended design options are Bancroft Option 1; Telegraph Option 4, budget permitting, with a curbed version of Option 4 or Option 3 as fallback design options; Fulton Option 1; and Dana Complete Street Pilot to Permanent Project, as described in Exhibit A to this Resolution; and

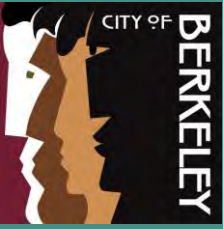
WHEREAS, approval of the Southside Complete Streets Project recommended conceptual designs will keep the project on schedule for detailed engineering design in 2022 which is necessary to meet a January 2023 funding obligation deadline for \$7.3M in Federal Aid construction funds;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to direct staff to proceed with the detailed engineering design of the Southside Complete Streets Project, based on the preliminary engineering

February 22, 2022

of the recommended conceptual design for each of the project corridors; Dana Street from Dwight Way to Bancroft Way; Bancroft Way from Milvia Street to Piedmont Avenue; Fulton Street from Dwight Way to Bancroft Way; and Telegraph Avenue from Dwight Way to Bancroft Way.

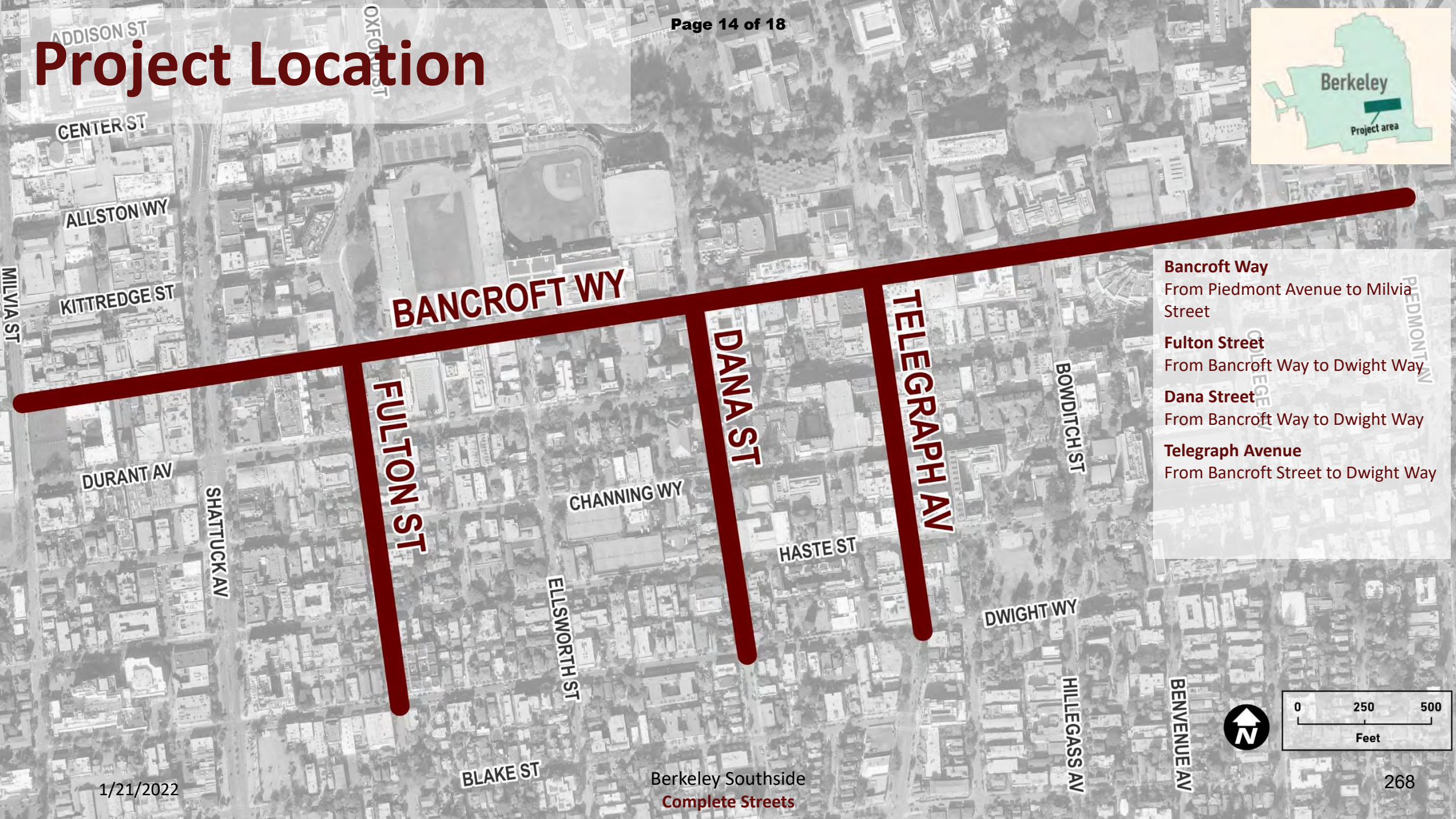
Attachment  
Exhibit A



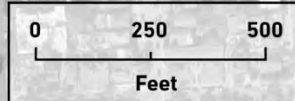
# Berkeley Southside Complete Streets Project Conceptual Design Recommendations



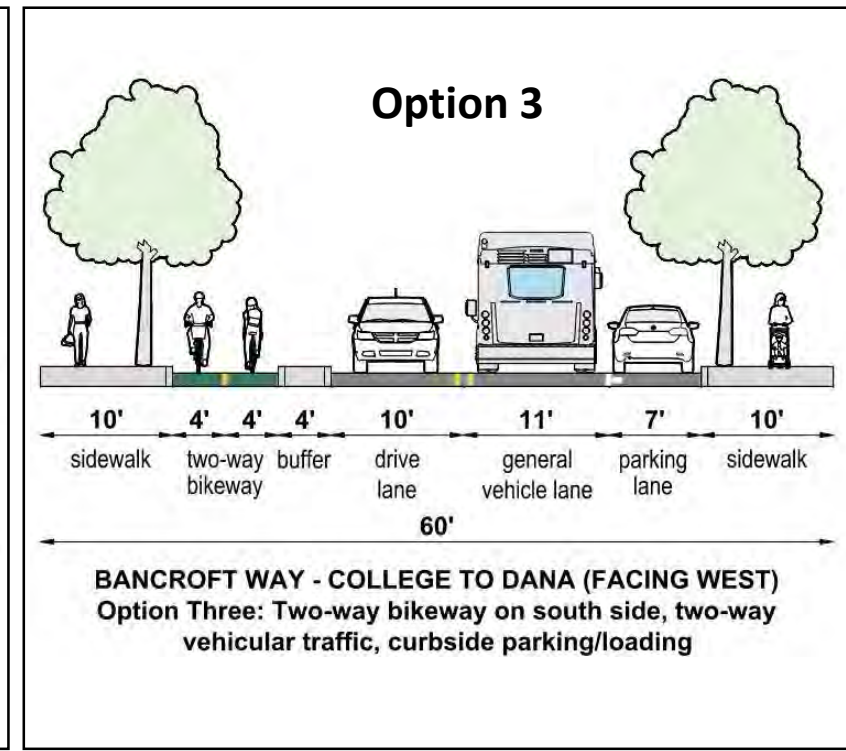
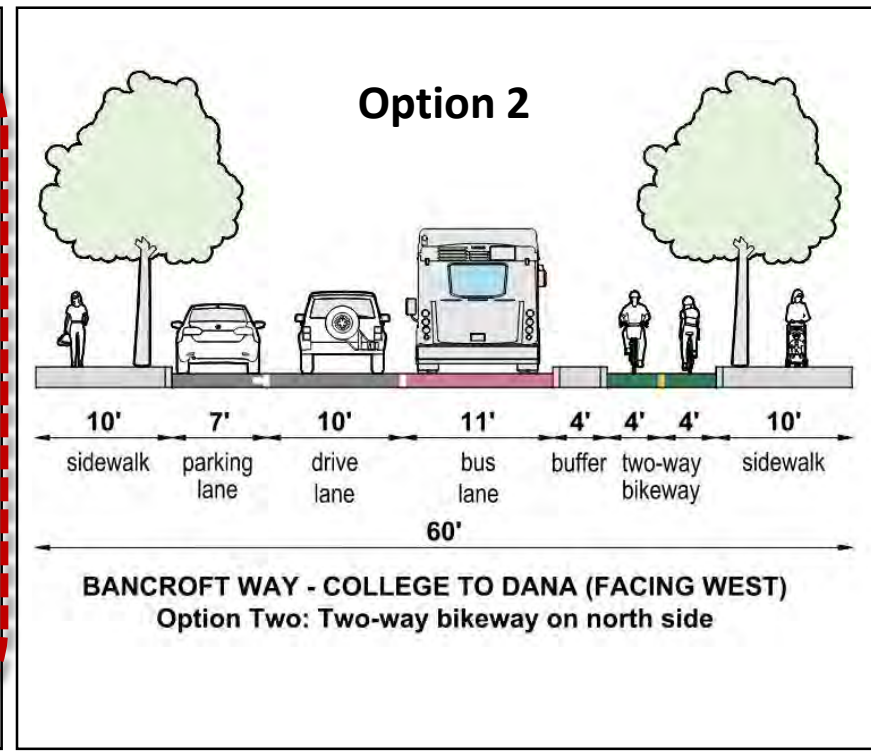
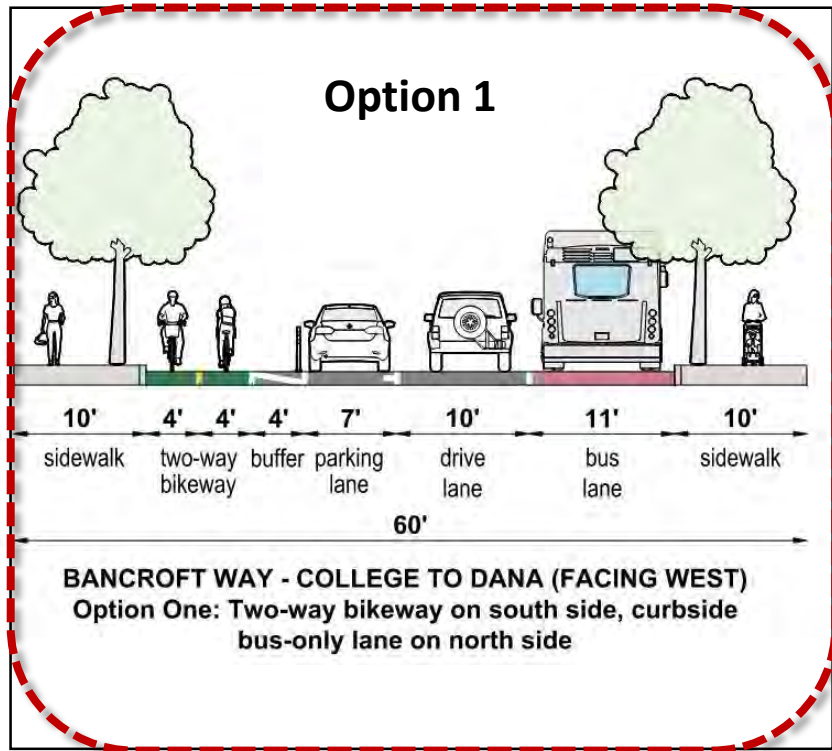
# Project Location



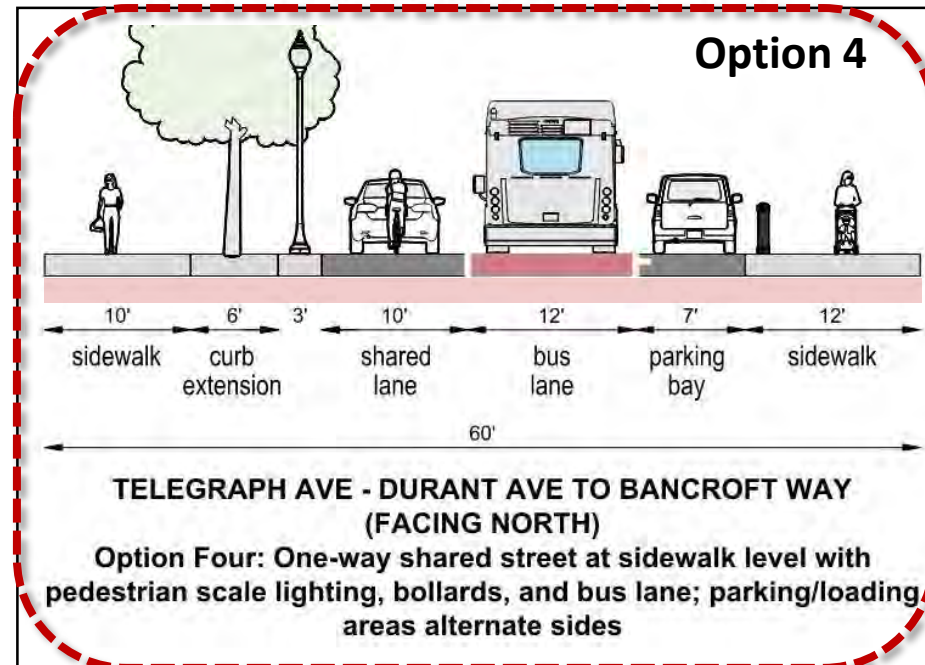
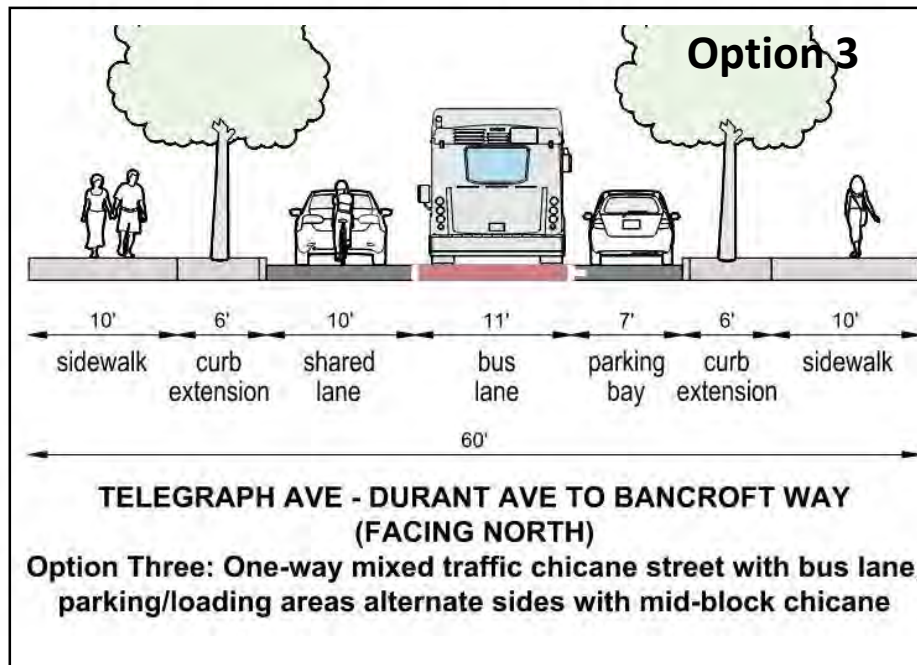
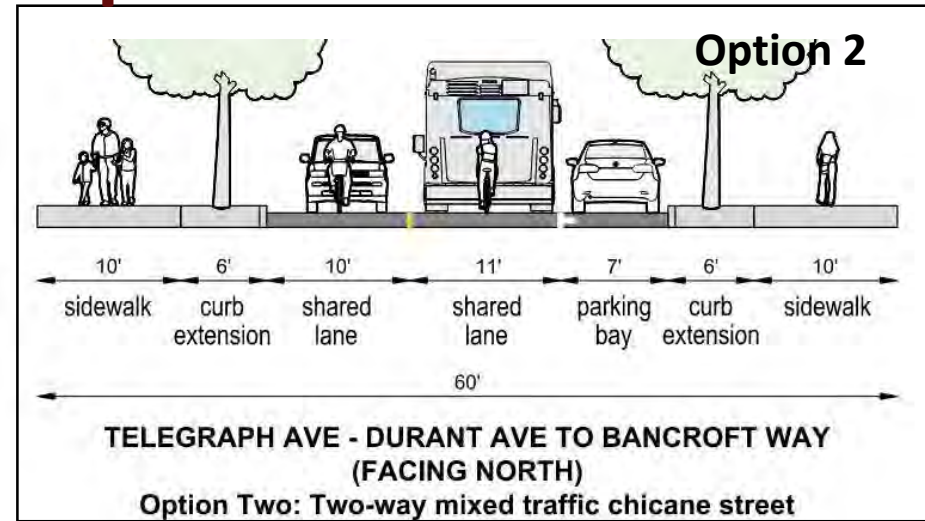
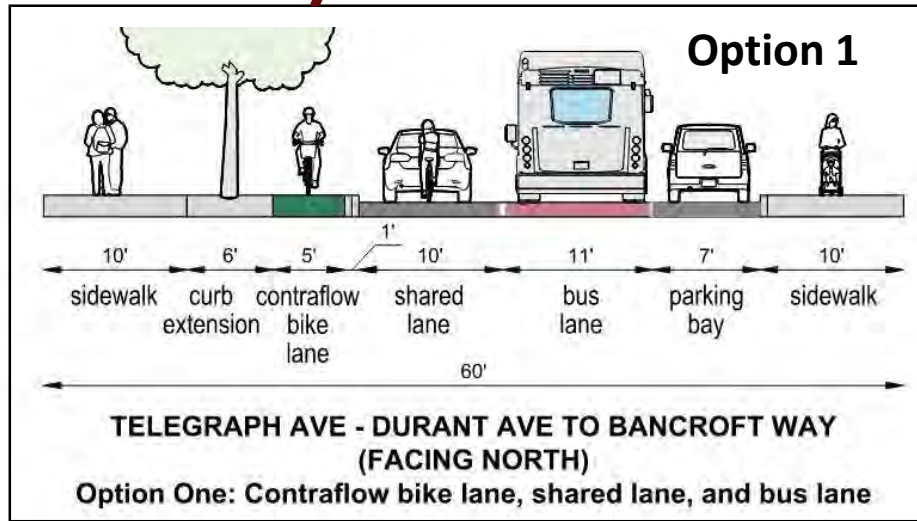
- Bancroft Way**  
From Piedmont Avenue to Milvia Street
- Fulton Street**  
From Bancroft Way to Dwight Way
- Dana Street**  
From Bancroft Way to Dwight Way
- Telegraph Avenue**  
From Bancroft Street to Dwight Way



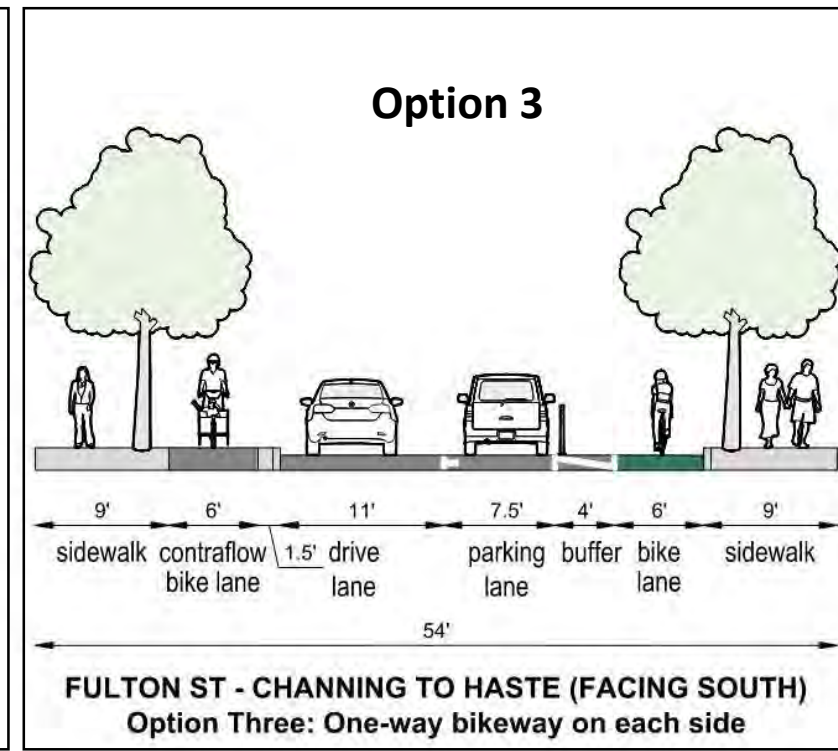
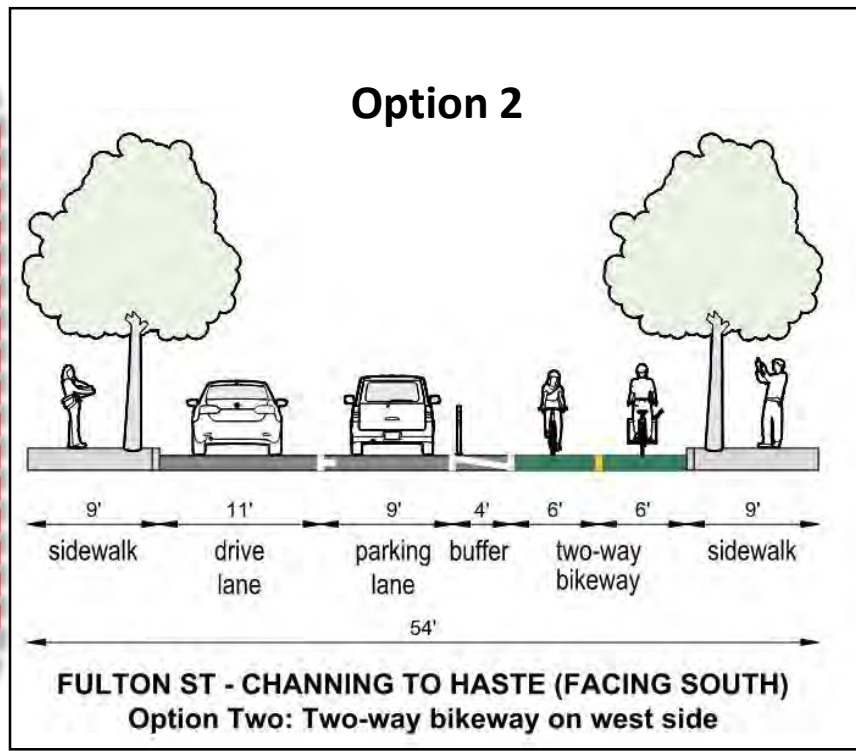
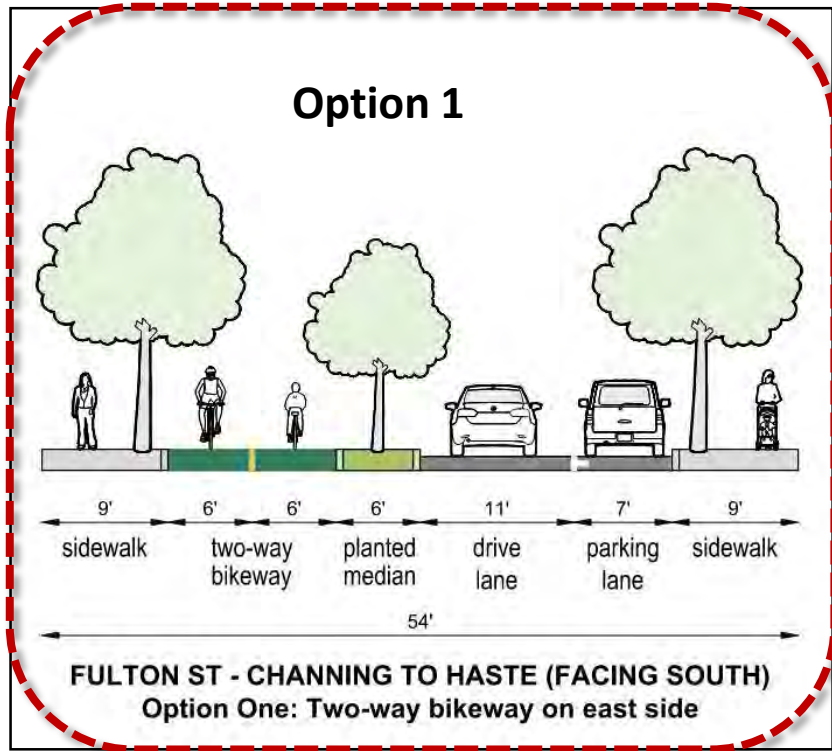
# Bancroft Way Recommended Conceptual Design: Option 1



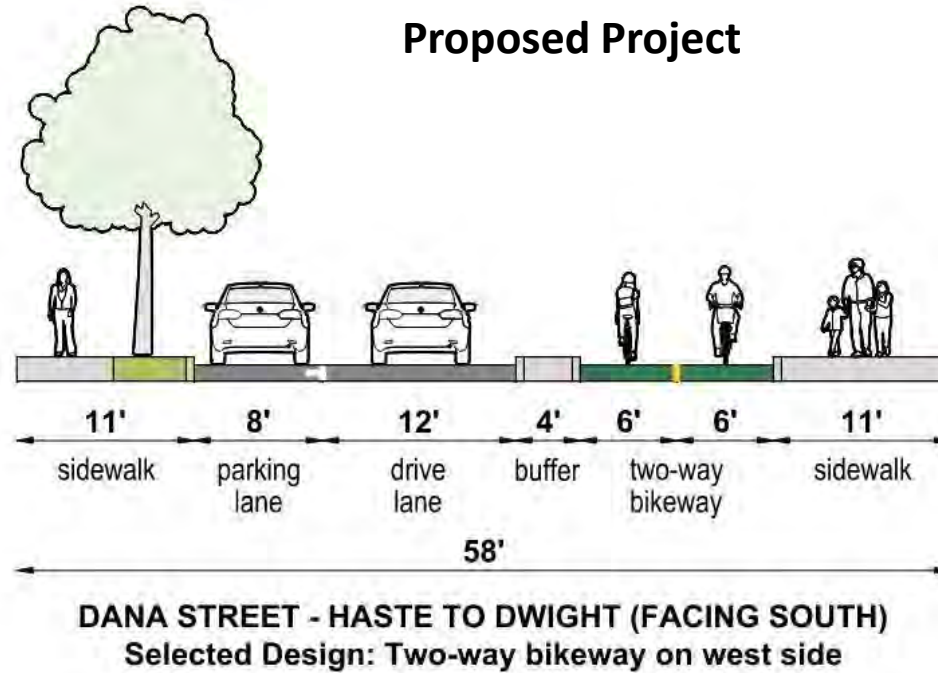
# Telegraph Avenue Recommended Conceptual Design: Option 4 (curbless street) with curbed street Option 4 as lower-cost fallback.



# Fulton Street Recommended Conceptual Design: Option 1



# Dana Street Recommended Pilot to Permanent Conversion Project





ACTION CALENDAR

February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Donald E. Ellison, Interim Director of Human Resources

Subject: Resolution Adopting the Resolution of Intention of Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516

RECOMMENDATION

Adopt the Resolution of Intention in order to approve the amendment of the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employee International Union, Local 1021 Maintenance and Clerical (SEIU MC), Public Employees Union Local 1 (Local 1), Community Services & Part-Time Recreation Leaders Associations Local 1021 (SEIU CSU/PTRLA), and the Unrepresented Employees Group.

Council adopted Resolution #70,156 N.S. at its December 14, 2021 meeting authorizing an amendment to the City's CalPERS Miscellaneous contract. Council must now pass a Resolution of Intention in order to approve the amendment to the contract between the City and the Board Administration of the Public Employees' Retirement System.

FISCAL IMPACTS OF RECOMMENDATION

The terms of the new MOU PEPRA ramp down is as follows:

SEIU MC and the Unrepresented Employees Group:

- FY2021-22: 1% reduction of cost share for a total of 7%, (to be effective as soon as administratively possible following adoption of successor contract by the City Council)
- FY2022-23: 1% reduction of cost share for a total of 6%, effective July 10, 2022
- FY2023-24: 1% reduction of cost share for a total of 5%, effective July 9, 2023
- FY2024-25: 2% reduction of cost share for a total of 3%, effective July 7, 2024
- FY2025-26: 2% reduction of cost share for a total of 1%, effective July 6, 2025
- FY2026-27: 1% reduction of cost share for a total of 0%, effective July 5, 2026

The total cost to approve the ramp down for the SEIU MC PEPRA members is approximately \$980,000. There are approximately 204 PEPRA employees affected by this resolution.

The total cost to approve the ramp down for the Unrepresented PEPRA members is approximately \$420,000. There are approximately 51 PEPRA employees affected by this resolution.

Funding for the Ramp Down comes from the General Fund and other special revenue funds. This cost of will be included in the fiscal years 2022 through 2027 budgets.

SEIU CSU/PTRLA and Local 1:

- FY2021-22: 3% reduction of cost share for a total of 5%, (to be effective as soon as administratively possible following adoption of successor contract by the City Council)
- FY2022-23: 4% reduction of cost share for a total of 1%, effective July 10, 2022
- FY2023-24: 1% reduction of cost share for a total of 0%, effective July 9, 2023

The total cost to approve the ramp down for the SEIU CSU/PTRLA PEPRA members is approximately \$952,000. There are approximately 178 PEPRA employees affected by this resolution.

The total cost to approve the ramp down for the Local 1 PEPRA members is approximately \$448,000. There are approximately 59 PEPRA employees affected by this resolution.

Funding for the Ramp Down comes from the General Fund and other special revenue funds. This cost of will be included in the fiscal years 2022 through 2024 budgets.

#### CURRENT SITUATION AND ITS EFFECTS

Council adopted Resolution #70,156 N.S. at its December 14, 2021 meeting authorizing an amendment to the City's CalPERS Miscellaneous contract. Council must now pass a Resolution of Intention in order to approve the amendment to the contract between the City and the Board Administration of the Public Employees' Retirement System. (See Cal. Gov. Code § 20516.) The contract amendment process, includes the following steps:

- The City shall provide CalPERS with the Resolution and a cover letter indicating the exact percentage of change, total cost-share percentage and who it is applicable to;
- CalPERS will contact the City to establish the Anticipated Schedule of Agency Actions and send the required documents;
- Over a time period specified by CalPERS, the City will:
  - Conduct an employee election whereby a simple majority of the affected PEPRA members in the Unrepresented Group must vote in favor of proposed cost-share terms;
  - The City shall adopt a Resolution of Intention;
  - The City shall approve the final reading of an ordinance or final resolution and complete certification forms.
- Once the documents are received and approved, the contract amendment becomes effective and is updated with the effective date in myCalPERS.
- CalPERS sends a fully executed contract to the City.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

RATIONALE FOR RECOMMENDATION

Council adopted Resolution #70,156 N.S. at its December 14, 2021 meeting authorizing an amendment to the City's CalPERS Miscellaneous contract. Council must now pass a Resolution of Intention in order to approve the amendment to the contract between the City and the Board Administration of the Public Employees' Retirement System.

ALTERNATIVE ACTIONS CONSIDERED

None. The City is obligated under the existing labor agreements to complete the Ramp Downs in accordance with the MOUs.

CONTACT PERSON

Donald E. Ellison, Interim Director of Human Resources, 981-6807

Attachments:

- 1: Resolution: Resolution of Intention  
Exhibit A: Amendment to Contract

**Page 4 of 13**  
**RESOLUTION OF INTENTION**

**TO APPROVE AN AMENDMENT TO CONTRACT**

**BETWEEN THE**

**BOARD OF ADMINISTRATION**  
**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**AND THE**

**CITY COUNCIL**  
**CITY OF BERKELEY**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) for a reduction of 1% for new local miscellaneous members in the Unrepresented Employees group and the Service Employees International Union Local 1021 Maintenance and Clerical Chapters; and

for a reduction of 3% for new local miscellaneous members in the Public Employees Union Local 1 and the Community Services & Part-Time Recreation Leaders Association Local 1021.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date adopted and approved



## EXHIBIT

California  
Public Employees' Retirement System

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# AMENDMENT TO CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Berkeley

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective March 1, 1942, and witnessed January 30, 1942, and as amended effective September 1, 1947, April 1, 1949, January 1, 1952, May 1, 1954, March 1, 1956, August 1, 1959, November 1, 1961, June 29, 1962, December 1, 1962, April 1, 1963, August 1, 1963, October 1, 1964, October 16, 1965, November 16, 1968, March 1, 1973, December 16, 1973, December 1, 1974, July 22, 1976, May 25, 1978, July 9, 1978, January 2, 1983, October 28, 1983, July 18, 1986, June 26, 1988, June 30, 1992, November 28, 1996, October 15, 1998, November 6, 1998, April 9, 1999, April 14, 2000, July 14, 2000, December 22, 2000, July 7, 2002, January 5, 2003, June 13, 2003, December 28, 2012, July 3, 2016, November 6, 2016, January 1, 2017 and December 31, 2017 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 20 are hereby stricken from said contract as executed effective December 31, 2017, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local fire members and for those classic local police members entering membership in the police classification on or prior to December 28, 2012, age 55 for classic local police members entering membership for the first time in the police classification after December 28, 2012 and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after March 1, 1942 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
  
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **PERSONS EMPLOYED JUNE 1, 1962, OR THEREAFTER IN THE FOLLOWING CLASSES IN THE FOLLOWING CLASSES IN THE RECREATION AND PARKS LIBRARY, AND FINANCE DEPARTMENTS:**

**ASSISTANT CAMP UTILITY MAN  
CAMP CLERK  
CAMP COUNSELOR  
CAMP NURSE  
CAMP SUPERVISOR  
CAMP UTILITY MAN  
CAMP RECREATION LEADER**

**COOK'S AIDE  
CHIEF COOK  
FIRST ASSISTANT COOK  
KITCHEN HELPER  
SECOND ASSISTANT COOK**

**DINING ROOM HELPER  
DINING ROOM SUPERVISOR**

**FIELD APPRAISER**

**LIBRARY PAGE I  
LIBRARY PAGE II**

**LIFEGUARD**

**ASSISTANT PLAYGROUND LEADER  
PLAYGROUND LEADER  
PLAYGROUND LEADER TRAINEE  
SENIOR PLAYGROUND LEADER**

**SPECIAL ACTIVITY LEADER;**

- b. **PERSONS EMPLOYED APRIL 1, 1963, OR THEREAFTER AS POLICE TRAINEES;**
  - c. **PHYSICIANS EMPLOYED AFTER AUGUST 1, 1963, CLASSIFIED AS "PHYSICIANS" IN THE CITY'S POSITION ORDINANCE AS THAT ORDINANCE EXISTED ON AUGUST 1, 1963;**
  - d. **PERSONS COMPENSATED ON AN HOURLY BASIS WHO ENTER EMPLOYMENT WITH PUBLIC AGENCY ON OCTOBER 16, 1965, OR THEREAFTER; AND**
  - e. **EMPLOYEES WHO FIRST ENTERED PUBLIC AGENCY SERVICE PRIOR TO JANUARY 26, 1973, IN AN EMPLOYMENT IN WHICH THEY WERE ELIGIBLE FOR MEMBERSHIP IN ANY ONE OF THE PUBLIC AGENCY'S RETIREMENT SYSTEMS FOR SAFETY MEMBERS, AND WHO HAVE NOT EXECUTED AND FILED WITH THE PUBLIC AGENCY A WAIVER OF RIGHTS UNDER THE LOCAL SYSTEM DURING THE PERIOD PRESCRIBED, SUCH EXCLUSION SHALL APPLY WHETHER OR NOT THE EMPLOYEE REENTERS SERVICE OF THE PUBLIC AGENCY THEREAFTER.**
6. Those safety members in the local retirement system employed by Public Agency and who did not waive their rights under said local system were provided another opportunity to execute and file a waiver on or before October 28, 1983.
7. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
8. Public Agency and the Berkeley Redevelopment Agency have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Berkeley Redevelopment Agency, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of August 1, 1977. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Berkeley Redevelopment Agency. Legislation repealed said Section effective January 1, 1988.



9. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after January 5, 2003 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
10. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after January 5, 2003 shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member and for those classic local police members entering membership in the police classification on or prior to December 28, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a classic local police member entering membership for the first time in the police classification after December 28, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
15. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).

- c. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
- d. Section 21222.1 (One-Time 5% Increase - 1970) for local miscellaneous members only. Legislation repealed said Section effective January 1, 1980.
- e. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
- f. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members, classic local fire members and for those classic local police members entering membership on or prior to December 28, 2012.
- g. Section 20965 (Credit for Unused Sick Leave).
- h. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local police members only.
- i. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local police members only.
- j. Section 21024 (Military Service Credit as Public Service).
- k. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- l. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local fire members only.
- m. Section 20475 (Different Level of Benefits): Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after December 28, 2012.
- n. Section 20516 (Employees Sharing Additional Cost):

From and after July 3, 2016, 1.25% for local miscellaneous members in the International Brotherhood of Electrical Workers Local 1245.

From and after November 6, 2016, 8% for classic local miscellaneous members in the Public Employees Union Local 1.

From and after November 6, 2016 and until the effective date of this amendment to contract, 8% for new local miscellaneous members in the Public Employees Union Local 1.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Public Employees Union Local 1.

From and after January 1, 2017, 8% for classic local miscellaneous members in the Community Services & Part-Time Recreation Leaders Association Local 1021.

From and after January 1, 2017 and until the effective date of this amendment to contract, 8% for new local miscellaneous members in the Community Services & Part-Time Recreation Leaders Association Local 1021.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Community Services & Part-Time Recreation Leaders Association Local 1021.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017 and until the effective date of this amendment to contract, 8% for new local miscellaneous members in the Unrepresented Employees group.

From and after the effective date of this amendment to contract, 7% for new local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Service Employees International Union Local 1021 Maintenance and Clerical Chapters.

From and after December 31, 2017 and until the effective date of this amendment to contract, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 Maintenance and Clerical Chapters.

From and after the effective date of this amendment to contract, 7% for new local miscellaneous members in the Service Employees International Union Local 1021 Maintenance and Clerical Chapters.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

16. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
18. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
  - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local police members.
  - c. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574.5 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local fire members.
  - d. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - e. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF BERKELEY

BY \_\_\_\_\_  
MELODY BENAVIDES, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk





Office of the City Manager

INFORMATION CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: City Council Short Term Referral Process – Quarterly Update

INTRODUCTION

This report is a quarterly update on the status of short term (90-day) and other date-certain Council referrals.

CURRENT SITUATION AND ITS EFFECTS

In this context, tracking refers to a manually updated chart (Attachment 1). The May 15, 2018 Council referral establishing the monthly update includes both “short term” and “date-certain” referrals. Short term referrals are referrals that staff determines they will be able to complete in approximately three months. Date-certain referrals are those which contain a specified date of completion at the time they are approved by the City Council. Currently, the City only tracks short term referrals in an Excel spreadsheet.

The January 21, 2020 Council consent item changed the reporting frequency from monthly to quarterly. Providing a quarterly update on all short term and date-certain referrals will allow Council and the public to see the status of these referrals and any circumstances which lead to delays.

BACKGROUND

In 2016, the City Council adopted a system of Re-Weighted Range Voting (RRV) to prioritize the outstanding City Council referrals to staff. The RRV system enables City Council to provide direction to staff on which referrals are highest priority to the City Council. However, that process does not provide information on the status of short term or date-certain referrals. While many short term or date-certain referrals were “updated” through being completed and presented to Council as consent or information items, there was no comprehensive overview of this subset of referrals.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

POSSIBLE FUTURE ACTION

The City Council may wish to direct staff to evaluate this process after it has been in place six months.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No direct fiscal impact. Greater efficiencies in staff resources due to prioritization of work and alignment with budget and strategic plan goals.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

- 1: Pending Short Term Referrals
- 2: Completed Short Term Referrals



Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                    | Recommendations                                                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District | Sponsor | Referral Commission | Original end date   | Lead City Department                   | State     | Planned end date    | Actual end date | Additional comments |
|--------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|---------|---------------------|---------------------|----------------------------------------|-----------|---------------------|-----------------|---------------------|
| 2020-02-11   | 2                  | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F | 2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action. | Councilmembers |                   |         |                     | 2020-07-20 17:00:00 | Health, Housing and Community Services | Pending   | 2020-07-20 17:00:00 |                 |                     |
| 2020-01-28   | 12                 | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F | 2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary                                                                                                                                                                                                                                                                        | Councilmembers |                   |         |                     | 2020-07-20 17:00:00 | Health, Housing and Community Services | Cancelled | 2020-07-20 17:00:00 |                 |                     |

Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                       | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                              | Referral by    | Referral District | Sponsor                                     | Referral Commission | Original end date   | Lead City Department  | State       | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 2020-06-16   | 0                  | Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform | Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council. | Councilmembers |                   | Ben Bartlett, Jesse Arreguin, Kate Harrison |                     | 2020-06-24 17:00:00 | CITY MANAGER'S OFFICE | On Hold     | 2020-06-24 17:00:00 |                 | 2021-06-09 16:10:28 - Melissa McDonough (Additional comments) On hold, pending Reimagining Public Safety<br><br>2021-04-05 11:18:09 - Melissa McDonough (Additional comments) To the greatest extent possible, this work is being incorporated into the reimagining public safety process and it is anticipated that any recommendations that result will outline any barriers to implementation.<br><br>2021-01-12 15:42:28 - Melissa McDonough (Additional comments) On hold, pending Reimagining Police |
| 2020-01-28   | 12                 | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                    | 1) determine if the City can require businesses to post notices on their website                                                                                                                                                                                                                                                                                                                                                             | Councilmembers |                   |                                             |                     | 2020-01-30 17:00:00 | City Attorney         | Not Started | 2020-01-30 17:00:00 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2020-02-11   | 2                  | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                    | 1) determine if the City can require businesses to post notices on their website                                                                                                                                                                                                                                                                                                                                                             | Councilmembers |                   |                                             |                     | 2020-02-17 17:00:00 | City Attorney         | Not Started | 2020-02-17 17:00:00 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                    | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Referral by    | Referral District | Sponsor                                        | Referral Commission                         | Original end date   | Lead City Department   | State       | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 2020-12-15   | 25                 | Prohibition on the Resale of Used Combustion Vehicles in 2040                                                                                                   | On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.                                                                                                                                                   | Commission     |                   |                                                | Community Environmental Advisory Commission | 2020-12-25 17:00:00 | City Attorney          | Not Started | 2020-12-25 17:00:00 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2019-02-19   | 16                 | Providing Requested Direction to the City Manager and Planning Department on the Number of Cannabis Retail Establishments and the Creation of an Equity Program | That the Council provides requested direction to the Planning Department on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category. | Councilmembers |                   | Ben Bartlett, Kriss Worthington, Cheryl Davila |                                             | 2021-12-31 12:00:00 | PLANNING & DEVELOPMENT | Not Started | 2021-12-31 12:00:00 |                 | <p>2021-06-25 15:24:06 - James Bondi (Additional comments)<br/>Project has been de-prioritized, no staff resources allocated. Would require start from beginning, so status changed to "Not Started"</p> <p>2021-01-15 13:24:28 - James Bondi (Additional comments)<br/>Equity program on hold pending additional staff resources. Planned end date pushed back, percent complete reduced to 25%</p> <p>2020-04-15 11:32:41 - James Bondi (Additional comments)<br/>Planned end date moved back to Oct 2020, given delays to public processes and re-prioritization due to</p> |

Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                        | Recommendations                                                                                                                                                                                                                                                                                                           | Referral by    | Referral District | Sponsor      | Referral Commission | Original end date   | Lead City Department | State            | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 2018-04-03   | 18                 | Supplemental Paid Family Leave                                                                                      | 2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.                                                                                                                                                       | Commission     |                   |              |                     | 2019-01-31 17:00:00 | City Attorney        | Work in Progress | 2019-01-31 17:00:00 |                 | <p>2019-12-16 10:27:45 - Christopher Jensen (Additional comments) City Attorney's Office is coordinating with Human Resources.</p> <p>2019-09-17 11:24:26 - Christopher Jensen (Additional comments) City Attorney's Office to coordinate with Human Resources</p>                                                                                                                                                                                                                                                                                                                          |
| 2019-03-26   | 15                 | Rescinded 2021-10-26 Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance | 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. | Councilmembers |                   | Ben Bartlett |                     | 2019-11-29 17:00:00 | City Attorney        | Work in Progress | 2020-01-31 17:00:00 |                 | <p>2019-12-16 10:28:22 - Christopher Jensen (Additional comments) City Attorney's Office is coordinating with Human Resources.</p> <p>2019-09-17 10:59:00 - Christopher Jensen (Additional comments) A draft opinion is under review in the City Attorney's office.</p> <p>2019-06-18 08:04:27 - Melissa McDonough (Additional comments) The City Attorney's Office is drafting a City Attorney opinion analyzing the holding in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4Cal.5th 903 with respect to the City's MWO and PSLO. The completed memo will be</p> |

Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Referral by    | Referral District | Sponsor                                                    | Referral Commission | Original end date   | Lead City Department  | State            | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 2020-02-11   | 15                 | Recommendations Related to Code Enforcement and Receivership Actions                                                                        | On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following:<br>a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the | Councilmembers |                   |                                                            |                     | 2020-02-17 17:00:00 | CITY MANAGER'S OFFICE | Work in Progress | 2020-02-17 17:00:00 |                 | 2022-01-13 13:19:01 - Melissa McDonough (Additional comments) Staff are consulting with City Attorney's Office about an appropriate response to this referral.<br><br>2021-10-22 10:06:35 - Melissa McDonough (Additional comments) Staff are consulting with City Attorney's Office about an appropriate response to this referral.<br><br>2020-10-21 11:12:01 - Melissa McDonough (Additional comments) The staff assigned to conduct this work has been tasked with civil enforcement of the face coverings urgency ordinance.<br><br>2020-07-20 10:49:42 - Melissa McDonough |
| 2019-07-16   | 9                  | Referral to the City Manager to Consider Amending the Language of the City's Wireless Telecommunications Ordinance and Aesthetic Guidelines | Request that the City Manager consider amending the language of the City's Wireless Telecommunications Ordinance (BMC 23C.17) and Aesthetic Guidelines (BMC 16.10 & Aesthetic Guidelines for PROW permits) and return to City Council for adoption as soon as possible.                                                                                                                                                                                                                                          | Councilmembers |                   | Susan Wengraf, Jesse Arreguin, Ben Bartlett, Kate Harrison |                     | 2019-07-22 17:00:00 | City Attorney         | Work in Progress | 2020-02-28 17:00:00 |                 | 2019-11-27 10:54:30 - Melissa McDonough (Additional comments) The City Attorney's Office, the City Manager's Office, Public Works, and Land Use Planning are in the process of revising an internal draft of administrative guidelines for implementing BMC 16.10 with respect to small cell wireless facilities.<br><br>2019-09-17 11:03:27 - Christopher Jensen (Additional comments) The City Manager's Office and City Attorney's Office are coordinating with other departments to update guidelines and procedures for wireless application submittals.                    |

Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                          | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Referral by    | Referral District | Sponsor                                  | Referral Commission | Original end date   | Lead City Department        | State            | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 2020-07-28   | 30                 | Rescinded 2021-10-26 Providing our Unhoused Community in the City of Berkeley with Menstrual Products | 3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months. | Councilmembers |                   | Cheryl Davila, Ben Bartlett, Lori Droste |                     | 2020-10-15 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Work in Progress | 2020-10-15 17:00:00 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2020-11-10   | 11                 | Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street                             | Refer to the City Manager a proposal to install stop signs at the intersections of Eighth Street and Carleton Street and Eighth Street and Pardee Street.                                                                                                                                                                                                                                                                                                                                                          | Councilmembers |                   | Jesse Arreguin                           |                     | 2020-11-18 17:00:00 | Public Works                | Work in Progress | 2020-11-18 17:00:00 |                 | <p>2021-10-13 08:49:37 - Nancy Melendez (Additional comments) Needs memo declaring completion of assessment</p> <p>2021-06-23 11:41:19 - Nancy Melendez (Additional comments) All way stop evaluated, and found not warranted</p> <p>2021-04-15 10:11:39 - Nancy Melendez (Additional comments) Data analysis concluded that traffic and pedestrian volumes are far below the level at which stop signs may be warranted.</p> <p>2021-01-14 17:44:32 - Nancy Melendez (Additional comments) Data collection needed for Stop Warrants is</p> |

Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                        | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Referral by    | Referral District | Sponsor                      | Referral Commission | Original end date   | Lead City Department | State            | Planned end date    | Actual end date | Additional comments |
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| 2020-12-01   | 25                 | Personal Liability Protection for Small Businesses                                                                  | 1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.<br>2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus | Councilmembers |                   | Sophie Hahn, Susan Wengraf   |                     | 2020-12-04 17:00:00 | City Attorney        | Work in Progress | 2020-12-04 17:00:00 |                 |                     |
| 2020-10-27   | 21                 | Convert 62nd Street between King St, and Adeline St. into a One-Way Line that exits in the direction of Adeline St. | Refer to the City Manager to convert King St. and Adeline St. into a one-way lane that exits to Adeline and blocks motorists from entering 62nd Street through Adeline Street.                                                                                                                                                                                                                                                                                                                                                   | Councilmembers |                   | Ben Bartlett, Jesse Arreguin |                     | 2021-06-23 17:00:00 | Public Works         | Work in Progress | 2021-06-23 17:00:00 |                 |                     |

Pending Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number   | Project Name                                                     | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Referral by    | Referral District | Sponsor                                                 | Referral Commission | Original end date   | Lead City Department  | State            | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 2019-09-10   | 53                   | Voluntary Time Off on Statewide Election Days for City Employees | Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.                                                                                                                                                                                                                                                                                                                                                            | Council member |                   | Rigel Robinson, Cheryl Davila, Sophie Hahn, Lori Droste |                     | 2021-07-02 17:00:00 | Human Resources       | Work in Progress | 2021-07-02 17:00:00 |                 | <p>2022-01-18 13:44:05 - Melissa McDonough (Additional comments) The referral will be formally complete when the VTO calendar for FY23 is adopted (i.e., it will be the first year that an election VTO appears).</p> <p>2020-10-21 11:01:23 - Melissa McDonough (Additional comments) Pending draft Administrative Regulation to institute as regular practice and memo to Council to close out referral. Implemented VTO day as Election Day (Nov 3) for 2020.</p> <p>2020-04-28 09:58:54 - Melissa McDonough (Additional comments) item went to council and</p>                |
| 2017-07-25   | Rescinded 2021-10-26 | Public Toilet Policy                                             | Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the | Council member |                   |                                                         |                     | 2020-12-31 17:00:00 | CITY MANAGER'S OFFICE | Past Due         | 2020-12-31 17:00:00 |                 | <p>2021-10-22 10:04:32 - Melissa McDonough (Additional comments) Staff continue to evaluate the feasibility of this referral, given the challenges of maintaining public toilets.</p> <p>2020-07-20 10:51:47 - Melissa McDonough (Additional comments) Response to the referral has been delayed due to the COVID-19 pandemic and its impact on available staffing to support the draft policy. In response to the pandemic, the City has placed and maintains several additional portable toilets and handwashing stations throughout the City.</p> <p>2019-08-05 09:47:54 -</p> |



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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                               | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Referral by    | Referral District | Sponsor                                  | Referral Commission | Original end date   | Lead City Department  | State                      | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 2017-12-19   | 22                 | Rescinded 2021-10-26 Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley | Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.                                                                                                                                                                                                                                                                                                            | Council member |                   | Ben Bartlett, Sophie Hahn, Cheryl Davila |                     | 2018-07-20 17:00:00 | Finance               | Pending<br>Not On Schedule | 2018-07-20 17:00:00 |                 | <p>2020-04-16 10:57:58 - Melissa McDonough (Additional comments) October 2019 draft ordinance was sent to City Attorney for review. Remaining at 25% complete<br/>General Services Manager to commence follow up with City Attorney's Office following COVID-19 event and Emergency Operations Center deactivation.</p> <p>2019-11-25 13:41:42 - Melissa McDonough (Additional comments) Draft ordinance sent to the City Attorney for review.</p>                                                                                                                            |
| 2019-04-02   | 18                 | Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments                                                                | Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be | Councilmembers |                   |                                          |                     | 2020-12-31 15:28:36 | CITY MANAGER'S OFFICE | Pending<br>Not On Schedule | 2020-12-31 15:28:36 |                 | <p>2020-04-02 13:24:58 - Melissa McDonough (Additional comments) Multi-department staff resources are required and are not available to address this request right now.</p> <p>2019-10-03 13:55:00 - Melissa McDonough (Additional comments) Completed matrix</p> <p>2019-09-12 08:32:23 - Melissa McDonough (Additional comments) Convened all City divisions which touch issue (Public Health, Environmental Health, Toxics, Building &amp; Safety, 311). Mapped existing processes. Preparing draft consolidation plan.</p> <p>2019-08-07 15:33:54 - Melissa McDonough</p> |

Pending Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                               | Recommendations                                                                                                                                                                    | Referral by    | Referral District | Sponsor | Referral Commission | Original end date   | Lead City Department | State               | Planned end date    | Actual end date | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 2017-03-14   | 24                 | Referral to Consider Caregiver Parking in Residential Shared Parking Pilot | Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot. | Council member |                   |         |                     | 2020-06-12 17:00:00 | Public Works         | Pending On Schedule | 2020-06-12 17:00:00 |                 | <p>2021-10-13 08:42:05 - Nancy Melendez (Additional comments) No change</p> <p>2021-01-14 17:36:21 - Nancy Melendez (Additional comments) Due to Covid-19 work remains suspended, and the new end date is likely to be 12-31-2021</p> <p>2020-10-05 09:35:13 - Nancy Melendez (Additional comments) (no change) Due to the Shelter in Place order and temporary suspension of RPP, the schedule for this project is estimated to be delayed 6 to 12 months. The new planned end date is June 12, 2021</p> <p>2020-06-30 15:24:51 - Nancy Melendez</p> |

Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                     | Recommendations                                                                                                                                                                                                                                     | Referral by    | Referral District       | Sponsor           | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments |
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| 2014-04-29   | 35                 | 35. City Manager Referral: Policy for Companies Such as Airbnb to Pay Transient Occupancy Tax, as Currently Paid by Other Small Local Businesses | Refer to the City Manager creation of a policy for companies such as Airbnb to pay the Transient Occupancy Tax, as currently paid by other small local businesses.                                                                                  | Council member | City Council District 7 | Kriss Worthington |                     | 2014-10-24 17:00:00 | PLANNING & DEVELOPMENT      | Completed | 2014-10-27 08:00:00 | 2016-09-07 00:00:00 |                     |
| 2014-12-16   | 25                 | Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses                                                              | Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.                                                                 | Council member | City Council District 2 |                   |                     | 2015-06-12 17:00:00 | PLANNING & DEVELOPMENT      | Completed | 2015-06-15 08:00:00 | 2017-01-24 00:00:00 |                     |
| 2015-09-15   | 43                 | Prohibit Sales of Tobacco Products to Persons Under the Age of 21                                                                                | Direct the City Manager and Community Health Commission to draft an ordinance amending Berkeley Municipal Code Chapter 9.80 "Tobacco Retailers" to prohibit the sales of tobacco products and smoking paraphernalia to persons under the age of 21. | Council member |                         | Jesse Arreguin    |                     | 2015-06-15 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2015-06-15 17:00:00 | 2015-06-15 17:00:00 |                     |

Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                      | Recommendations                                                                                                                                                                                                                                     | Referral by    | Referral District | Sponsor        | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments |
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| 2015-09-15   | 43                 | Prohibit Sales of Tobacco Products to Persons Under the Age of 21 | Direct the City Manager and Community Health Commission to draft an ordinance amending Berkeley Municipal Code Chapter 9.80 "Tobacco Retailers" to prohibit the sales of tobacco products and smoking paraphernalia to persons under the age of 21. | Council member |                   | Jesse Arreguin |                     | 2016-03-11 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2016-03-11 17:00:00 | 2016-01-26 00:00:00 |                     |

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| 2015-09-15 | 55 | Referral to the Community Environmental Advisory Commission to Install 1.8 GPM Showerheads in All New Housing Projects or Any Renovation Over \$50,000 | Refer to the Community Environmental Advisory Commission to explore requiring a maximum of 1.8 GPM low flow showerheads in new housing projects and all housing renovations exceeding \$50,000 throughout Berkeley. | Council member |  | Kriss Worthington |  | 2016-03-11 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2016-03-14 08:00:00 | 2016-07-19 00:00:00 |  |
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Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                                                                                          | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Referral by    | Referral District | Sponsor                                                   | Referral Commission | Original end date   | Lead City Department      | State     | Planned end date    | Actual end date     | Additional comments                                                                                                            |
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| 2015-11-10   | 1                  | Proposed Amendments to the Minimum Wage Ordinance; Amending Berkeley Municipal Code Chapter 13.99 (Continued from September 15, 2015) | Review and consider information regarding the activities and costs associated with implementing and enforcing the Commission on Labor's proposed amendments to the Minimum Wage Ordinance (MWO), including the potential impact of the proposed amendments on the City's minimum wage employees, employers, non-profit organizations and community-based organizations, on-call workers and youth training program workers, and either:<br>1. Adopt first reading of an Ordinance amending Berkeley Municipal Code |                |                   |                                                           |                     | 2016-05-06 17:00:00 | CITY MANAGER'S OFFICE     | Completed | 2016-05-09 08:00:00 | 2016-09-01 00:00:00 |                                                                                                                                |
| 2015-11-17   | 30                 | Fourth Ambulance Pilot Project 6-Month Update                                                                                         | No recommendation noted. Action: Moved to Consent Calendar and held over to January 19, 2016. Fire to report back in May 2016 for permanent program.                                                                                                                                                                                                                                                                                                                                                               |                |                   |                                                           |                     | 2016-05-13 17:00:00 | FIRE & EMERGENCY SERVICES | Completed | 2016-05-16 08:00:00 | 2018-07-01 00:00:00 |                                                                                                                                |
| 2015-12-01   | 22                 | City Manager Referral: Pilot Program to Implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley                    | Refer to the City Manager to adopt a Pilot Program to implement Solar Trash Compactors on Telegraph Avenue and Downtown Berkeley.                                                                                                                                                                                                                                                                                                                                                                                  | Council member |                   | Kriss Worthington, Linda Maio, Susan Wengraf, Lori Droste |                     | 2016-05-27 17:00:00 | Public Works              | Completed | 2016-05-30 08:00:00 | 2018-07-24 00:00:00 | 2019-02-05 16:44:20 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts. |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                  | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District       | Sponsor                                    | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments |
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| 2015-12-01   | 33                 | City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance | Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft                                                                                                                                                                                                                                  | Council member | City Council District 7 | Kriss Worthington                          |                     | 2016-05-27 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2016-05-30 08:00:00 | 2016-06-28 00:00:00 |                     |
|              |                    | Google Translate Bar                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                         |                                            |                     |                     | Information Technology | Completed | 2016-06-01 00:00:00 | 2016-06-01 00:00:00 |                     |
| 2015-12-15   | 35                 | Amending Open Government Ordinance to Allow Submission of Revised/Supplemental Items                                                                                                                          | Refer to the City Manager and City Attorney to draft an ordinance amending Berkeley Municipal Code Section 2.06.070.E (Open Government Ordinance) to allow the submission of revised or supplemental agenda material for the Supplemental Communications Packet 2. The revised or supplemental material must be submitted no later than 12 noon the day of the City Council meeting at which the item is to be considered. The online version of the City Council agenda shall also contain a link to such items. If | Council member |                         | Jesse Arreguin, Susan Wengraf, Lori Droste |                     | 2016-06-10 17:00:00 | City Clerk             | Completed | 2016-06-10 17:00:00 |                     |                     |
| 2015-12-15   | 30                 | Provide Cost Estimates to Restore the Berkeley Pier                                                                                                                                                           | Refer to the City Manager to determine the cost to make the appropriate repairs so that it will be safe for public use.                                                                                                                                                                                                                                                                                                                                                                                              | Council member | City Council District 2 |                                            |                     | 2016-06-10 17:00:00 | CITY MANAGER'S OFFICE  | Completed | 2016-06-13 08:00:00 | 2017-03-14 00:00:00 |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                            | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District | Sponsor                        | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                             |
|--------------|--------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|--------------------------------|---------------------|---------------------|-----------------------------|-----------|---------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2015-12-15   | 54                 | Referral to City Manager: Establishment of Affordable Housing Small Sites Program Revised Version       | Refer to the City Manager to: 1. Look into the feasibility of creating a Small Sites Program to allow non-profits to purchase small multi-family buildings (5-25 units) to create and preserve affordable housing, with an emphasis on properties with a high potential for conversion to cooperative homeownership. 2. Develop an inventory of City-owned land and other land owned by public agencies in the City of Berkeley which could potentially be used to create below-market rate housing. | Council member |                   | Jesse Arreguin                 |                     | 2016-06-10 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2016-06-13 08:00:00 | 2016-12-13 00:00:00 | 2019-02-05 16:47:39 - Melissa McDonough (Additional comments) 2 is completed. 1 was later prioritized long term as top priority of Council's housing action plan. Plan outline complete and will bring before HAC in July 2018. |
| 2016-01-19   | 24                 | Tenant Buyout Agreement Ordinance                                                                       | Refer to the City Manager and the Rent Stabilization Board to draft an ordinance regulating situations where a tenant agrees to vacate a rent-controlled unit in exchange for a sum of money, known as a buyout.                                                                                                                                                                                                                                                                                     | Council member |                   | Jesse Arreguin                 |                     | 2016-07-15 17:00:00 | CITY MANAGER'S OFFICE       | Completed | 2016-07-18 08:00:00 | 2016-03-31 00:00:00 |                                                                                                                                                                                                                                 |
| 2016-02-09   | 15                 | Budget Referral: Including BigBelly Solar Compactor Bins Allocation in the 2016 Mid-Year Budget Process | Refer to the 2016 Mid-year budget process the purchasing of BigBelly Solar Compactor Bins in order to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.                                                                                                                                                                                                                                                                                                             | Council member |                   | Kriss Worthington, Lori Droste |                     | 2016-08-05 17:00:00 | Public Works                | Completed | 2016-08-08 08:00:00 | 2018-07-24 00:00:00 | 2019-02-05 16:51:37 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts.                                                                                                  |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                             | Recommendations                                                                                                                                                                                                                                                                                                           | Referral by    | Referral District | Sponsor           | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------------|---------------------|---------------------|-----------------------------|-----------|---------------------|---------------------|---------------------|
| 2016-02-09   | 26                 | Develop a Provision for the Landmarks Preservation Ordinance to Allow for the De-designation of a Landmark Designation for a Building that has been Legally Demolished (Continued from January 12, 2016) | Refer to the City Manager to develop a provision for the Landmarks Preservation Ordinance (LPO) that would allow a landmark designation to be de-designated for a building that has been previously landmarked but subsequently has been legally demolished.                                                              | Council member |                   |                   |                     | 2016-08-05 17:00:00 | CITY MANAGER'S OFFICE       | Completed | 2016-08-08 08:00:00 | 2016-05-10 00:00:00 |                     |
| 2016-03-15   | 6                  | Prioritize Installation of Bicycle Lane on Fulton Street                                                                                                                                                 | Direct the City Manager and Transportation staff to prioritize and expedite the installation of a bicycle lane on Fulton Street between Bancroft Way and Channing Way.                                                                                                                                                    | Council member |                   | Jesse Arreguin    |                     | 2016-09-09 17:00:00 | Public Works                | Completed | 2016-09-12 08:00:00 | 2016-05-10 00:00:00 |                     |
| 2016-04-05   | 10                 | Modify the Proposed Early Mitigation Fee Discount and Preserve Revenue Towards Units At Or Below 50% AMI and Add Sunset Clause (Continued from February 23, 2016)                                        | That the City of Berkeley amend Council Item 10a to remove the option of paying a substantially-reduced mitigation fee at the issuance of a permit, and to preserve revenue from the mitigation fees to maintain or increase the funds designated towards units for incomes at or below 50% AMI, and add a sunset clause. | Council member |                   | Kriss Worthington |                     | 2016-09-30 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2016-10-03 08:00:00 | 2016-07-19 00:00:00 |                     |



Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                | Recommendations                                                                                                                                                                                                                                                                                                                                        | Referral by    | Referral District | Sponsor           | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|---------------------|
| 2016-04-26   | 31                 | Creation of 311 Mobile Application                                                                                                                                                          | Refer to the City Manager to create a mobile application for the 311 system and improve the 311 Online Service Center.                                                                                                                                                                                                                                 | Council member |                   | Jesse Arreguin    |                     | 2016-10-24 08:00:00 | Information Technology | Completed | 2016-10-24 08:00:00 | 2016-11-15 00:00:00 |                     |
| 2016-05-10   | 21                 | Resolutions Consenting to Inclusion of the City of Berkeley Properties in the California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority | ABAG has a new report and the City Council has voted twice in favor; thus, the City of Berkeley should approve and sign an agreement for collaborative services for Property Assessed Clean Energy Financing (PACE) marketplace. Also, that the City of Berkeley approve and sign acknowledgement addendum of RCSA, as executed between ABAG and RPPs. | Council member |                   | Kriss Worthington |                     | 2016-11-04 17:00:00 | City Attorney          | Completed | 2016-11-07 08:00:00 | 2016-09-20 00:00:00 |                     |
| 2016-05-31   | 22                 | City Manager Referral: Consider Adding Energy Efficient Equity as an Additional Property Assessed Clean Energy Program                                                                      | Refer to the City Manager to consider adding Energy Efficient Equity as an additional property assessed clean energy program.                                                                                                                                                                                                                          | Council member |                   | Kriss Worthington |                     | 2016-11-25 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2016-11-28 08:00:00 | 2016-09-20 00:00:00 |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                    | Recommendations                                                                                                                                                                                                                                                                                                                                                                                               | Referral by    | Referral District       | Sponsor           | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------|-------------------|---------------------|---------------------|-----------------------------|-----------|---------------------|---------------------|---------------------|
| 2016-05-31   | 20                 | Requesting a Comprehensive Report on the State of Homeless Services within the City of Berkeley | Request the City Manager direct staff to prepare a report outlining the details of City funded homeless services. The purpose of this report is to help Council and the community understand the various factors related to the allocation of resources to address homelessness within the City. Once the report is complete, it is requested that city staff schedule a worksession to go over the findings. | Council member | City Council District 5 |                   |                     | 2016-11-25 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2016-11-28 08:00:00 | 2016-11-01 00:00:00 |                     |
| 2016-06-28   | 47                 | City Manager Referral: Acquiring a High-Capacity Scanner for Multiple City Departments          | Refer to the City Manager to consider investing in a high-capacity scanner to digitize City records for the Council and multiple City departments.                                                                                                                                                                                                                                                            | Council member |                         | Kriss Worthington |                     | 2016-12-26 08:00:00 | Information Technology      | Completed | 2016-12-26 08:00:00 | 2017-12-12 00:00:00 |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                          | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District | Sponsor           | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------------|---------------------|---------------------|-----------------------------|-----------|---------------------|---------------------|---------------------|
| 2015-12-15   | 54                 | Referral to City Manager: Establishment of Affordable Housing Small Sites Program Revised Version                     | Refer to the City Manager to: 1. Look into the feasibility of creating a Small Sites Program to allow non-profits to purchase small multi-family buildings (5-25 units) to create and preserve affordable housing, with an emphasis on properties with a high potential for conversion to cooperative homeownership. 2. Develop an inventory of City-owned land and other land owned by public agencies in the City of Berkeley which could potentially be used to create below-market rate housing. | Council member |                   | Jesse Arreguin    |                     | 2017-01-02 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2017-01-02 17:00:00 | 2017-01-02 17:00:00 |                     |
| 2016-07-12   | 27                 | Refer to City Manager to Consider Applying for \$100,000 from the Better Together Resilient Communities Grant Program | That the City Manager consider applying for the \$100,000 grant that PG&E's Better Together Resilient Communities grant program will offer in the beginning of 2017.                                                                                                                                                                                                                                                                                                                                 | Council member |                   | Kriss Worthington |                     | 2017-01-06 17:00:00 | PLANNING & DEVELOPMENT      | Completed | 2017-01-09 08:00:00 | 2016-12-31 00:00:00 |                     |
| 2016-07-19   | 41                 | Companion Report: Amend Berkeley Municipal Code Creating Community Health Commission                                  | Refer to staff to write an ordinance based on the Community Health Commission (CHC) recommendation with the changes suggested by staff.                                                                                                                                                                                                                                                                                                                                                              |                | MAYOR AND COUNCIL |                   |                     | 2017-01-13 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2017-01-16 08:00:00 | 2016-11-29 00:00:00 |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                              | Recommendations                                                                                                                                                                                                                                                                                                                                                          | Referral by    | Referral District | Sponsor                        | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                            |
|--------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|--------------------------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 2016-09-20   | 32                 | City Manager Referral: Implementing BigBelly Solar Compactor Bins                                                                         | Refer to the City Manager to examine the feasibility of procuring BigBelly Solar Compactor Bins to save money, meet zero waste goals, and reduce Berkeley's greenhouse gas emissions.                                                                                                                                                                                    | Council member |                   | Kriss Worthington, Lori Droste |                     | 2017-03-17 17:00:00 | Public Works           | Completed | 2017-03-20 08:00:00 | 2018-07-24 00:00:00 | 2019-02-05 17:04:44 - Melissa McDonough (Additional comments) 6/2018 RFPs received; 2 solar compactors to be issued contracts. |
| 2016-09-20   | 22                 | Amending Council Rules Regarding Removal of Commissioners                                                                                 | Direct staff to return with a policy recommendation consistent with the recommendations in this report, i.e., noting that as a matter of courtesy and respect, Councilmembers are expected to set the date a commissioner is to be replaced on a commission and communicate that date to the commissioner not less than two weeks from the official date of replacement. | Council member |                   | Commission                     |                     | 2017-03-17 17:00:00 | City Clerk             | Completed | 2017-03-20 08:00:00 | 2018-06-12 00:00:00 | 2019-02-05 17:02:37 - Melissa McDonough (Additional comments) Incorporating changes from City Council.                         |
| 2016-09-20   | 21                 | City Manager Referral: Consider the Four Recommendations Contained in the Alameda County Grand Jury Report (Continued from July 19, 2016) | Refer to the City Manager to consider the four recommendations in response to the Alameda County Grand Jury Report recommendations.                                                                                                                                                                                                                                      | Council member |                   | Kriss Worthington              |                     | 2017-03-20 08:00:00 | Information Technology | Completed | 2017-03-20 08:00:00 | 2016-10-20 00:00:00 |                                                                                                                                |
|              |                    | Improved Emergency Notification System                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                          |                |                   |                                |                     |                     | Information Technology | Completed | 2017-04-01 00:00:00 | 2017-06-05 00:00:00 |                                                                                                                                |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                             | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Referral by    | Referral District | Sponsor        | Referral Commission | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|----------------|---------------------|---------------------|--------------------------------|-----------|---------------------|---------------------|---------------------|
| 2016-10-18   | 25                 | Amendments to BMC 23C.23.050 to Allow a Third Option to Satisfy the Private Percent for Art Requirements | Request the City Manager draft an ordinance for Council adoption to revise BMC 23C.23.050, the One-Percent for Public Art on Private Projects Ordinance, to do the following: 1. Have 5% of the 1% requirement go directly to administration of the Public Art in Private Development program regardless of how the developer decides to satisfy the requirement;                                                                                                                                                                                           | Council member |                   |                |                     | 2017-04-14 17:00:00 | Office of Economic Development | Completed | 2017-04-17 08:00:00 | 2017-01-24 00:00:00 |                     |
| 2016-10-18   | 41                 | City Plan for Emergency Shelter During Winter Season                                                     | Refer the following actions to the City Manager to consider in developing a plan for emergency shelter/services during the upcoming winter season. These actions will help implement Resolution No. 67,357-N.S. "Declaring a Homeless Shelter Crisis in Berkeley": 1. Allow full use of the Multi-Agency Service Center (MASC) at 1931 Center Street as a Warming Center. Direct the City Manager to study the feasibility of using the West Berkeley Senior Center as a day-time Warming Center or evening shelter. Engage in discussions with Dorothy Day | Council member |                   | Jesse Arreguin |                     | 2017-04-14 17:00:00 | HEALTH, HSG & COMMUNITY SVC    | Completed | 2017-04-17 08:00:00 | 2017-06-27 00:00:00 |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                       | Recommendations                                                                                                                                                                                                                                               | Referral by    | Referral District | Sponsor           | Referral Commission | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------------|---------------------|---------------------|--------------------------------|-----------|---------------------|---------------------|---------------------|
| 2016-10-18   | 26                 | Revisions to the Public Art in Private Development Program                         | Request the City Manager draft a resolution to revise the Public Art in Private Development Program Guide to provide the Civic Arts Commission guidance and more flexibility in the use of the Cultural Trust Fund with the language suggested in the report. | Council member |                   |                   |                     | 2017-04-14 17:00:00 | Office of Economic Development | Completed | 2017-04-17 08:00:00 | 2016-12-13 00:00:00 |                     |
| 2016-11-01   | 15                 | City Manager Referral: Increasing Transparency in City Public Record Act Responses | Approved revised recommendation to request a report from the City Manager on how the City is using the permitted exemptions in compliance with the Public Records Act.                                                                                        | Council member |                   | Kriss Worthington |                     | 2017-04-28 17:00:00 | City Attorney                  | Completed | 2017-05-01 08:00:00 | 2016-12-13 00:00:00 |                     |
| 2016-12-13   | 29                 | Ordinance for Standards for Testing and Certification of DAS Antennas              | Request that the City Manager draft ordinance language to amend Section 16.10.100 of the Berkeley Municipal Code to include Standards for Testing and Certification of DAS Antennas and return to the City Council within 60 days.                            | Council member |                   | Susan Wengraf     |                     | 2017-06-09 17:00:00 | City Attorney                  | Completed | 2017-06-12 08:00:00 | 2017-03-28 00:00:00 |                     |

Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                             | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Referral by    | Referral District | Sponsor     | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|---------------------|
| 2017-01-24   | 38                 | Berkeley Mothers Initiative                                              | Request that the City Manager ensure that all City buildings provide and maintain at least one private place reasonably close to an employee's workspace for breastfeeding mothers to pump.                                                                                                                                                                                                                                                                                                                                            | Councilmembers |                   | Lori Droste |                     | 2017-07-21 17:00:00 | CITY MANAGER'S OFFICE  | Completed | 2017-07-24 08:00:00 | 2017-07-01 00:00:00 |                     |
| 2017-01-24   | 37                 | Berkeley BABIES Initiative                                               | Request that the City Manager create a provision and enforcement mechanism to ensure that all publically-accessible City buildings install and maintain at least one baby diaper-changing accommodation that is accessible in both men and women's restrooms or a single diaper-changing accommodation that is accessible to all genders. In addition, request that the City Manager provide recommendations to mandate all businesses to provide changing stations in either women's and men's restrooms or gender-neutral restrooms. | Councilmembers |                   |             |                     | 2017-07-24 08:00:00 | CITY MANAGER'S OFFICE  | Completed | 2017-07-24 08:00:00 | 2017-07-01 00:00:00 |                     |
| 2017-01-31   | 10                 | Medical Cannabis Ordinance Revisions and Cultivation Application Process | Request that the City Manager provide Council with analysis of the questions presented by Councilmember Sophie Hahn.                                                                                                                                                                                                                                                                                                                                                                                                                   | Council member |                   |             |                     | 2017-07-28 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2017-07-31 08:00:00 | 2017-11-07 00:00:00 |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                           | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Referral by    | Referral District | Sponsor | Referral Commission                         | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|---------|---------------------------------------------|---------------------|--------------------------------|-----------|---------------------|---------------------|---------------------|
| 2017-02-14   | 11                 | Updated Information Report on Measure M                | Request that the City Manager return to the City Council in April with an Information Report on Measure M implementation, expenditures, projected expenses and plans.                                                                                                                                                                                                                                                                                                                                                                                              | Council member |                   |         |                                             | 2017-08-11 17:00:00 | Public Works                   | Completed | 2017-08-14 08:00:00 | 2017-05-02 00:00:00 |                     |
| 2017-03-28   | 33                 | Referral Response: Cigarette Butt Pollution Prevention | REFER to the City Manager to enact a pilot program in downtown Berkeley with the goal of greatly reducing cigarette butt litter that accumulates on sidewalks and curbsides, in a central location. This pilot program would: a) Place a total of four receptacles for cigarette butt disposal in front of three adult schools and a bus stop where smoking behavior continues despite its prohibition. The receptacles are to be placed in front of: i. Berkeley City College, 2050 Center Street; ii. Language Studies International on 2015 Center Street; iii. | Commission     |                   |         | Community Environmental Advisory Commission | 2017-09-22 17:00:00 | Office of Economic Development | Completed | 2017-09-25 08:00:00 | 2017-05-30 00:00:00 |                     |



Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                              | Recommendations                                                                                                                                                                                                                                                                                                                                                                     | Referral by    | Referral District | Sponsor                                                   | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments                                                                                                   |
|--------------|--------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-----------------------------------------------------------|---------------------|---------------------|-----------------------------|-----------|---------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------|
| 2017-03-28   | 22                 | Security Camera Database                                                                                  | Request that the City Manager return to Council with an update on the referral to create a voluntary database of security cameras in Berkeley. With an increase in crime, residents are anxious to help the Berkeley Police Department solve cases and arrest the perpetrators - amended to include direction that guidelines protect privacy and prevent misuse of camera footage. | Council member |                   |                                                           |                     | 2017-09-25 08:00:00 | Police                      | Completed | 2017-09-25 08:00:00 | 2018-08-15 00:00:00 |                                                                                                                       |
| 2017-07-25   | 40                 | Expediting Elements of Previous Council Referral to Study Possible Scenarios of the Loss of Federal Funds | Direct the City Manager to expedite the compilation and delivery of a list of federal funds that the City of Berkeley receives and the programs and facilities supported by such funds.                                                                                                                                                                                             | Council member |                   | Sophie Hahn, Jesse Arreguin, Cheryl Davila, Kate Harrison |                     | 2018-01-19 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2017-10-23 00:00:00 | 2018-12-11 12:22:40 | 2019-02-05 17:14:03 - Melissa McDonough (Additional comments) HHCS is updating with the latest single audit findings. |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                  | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Referral by    | Referral District | Sponsor                                                 | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                          |
|--------------|--------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|---------------------------------------------------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2017-05-30   | 53                 | Eliminate the Required Affidavits of Residency for Commissioners                              | Eliminate the requirement for Commissioners to submit Affidavits of Residency when they are appointed, and annually thereafter, in pursuit of saving time and money for the City of Berkeley. Revised Materials - <a href="http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/2017-05-30_Item_53_Eliminate_the_Required_-_Rev.aspx">http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/2017-05-30_Item_53_Eliminate_the_Required_-_Rev.aspx</a> | Council member |                   |                                                         |                     | 2017-11-24 17:00:00 | City Clerk             | Completed | 2017-11-27 08:00:00 | 2017-09-12 00:00:00 |                                                                                                                                                                                                                                                                              |
| 2017-06-27   | 32                 | Housing Inspection and Community Services Manager                                             | Request the City Manager to create and fill the position of Housing Inspection and Community Services Manager.                                                                                                                                                                                                                                                                                                                                                                            | Council member |                   |                                                         |                     | 2017-12-22 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2017-12-25 08:00:00 | 2018-09-13 00:00:00 | 2019-02-05 17:13:07 - Melissa McDonough (Additional comments) New position approved by Personnel Board. Will bring to Council for adoption by November which will complete referral.                                                                                         |
| 2017-10-03   | 7                  | Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms | Refer to the City Manager to issue a request for information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council.                                                                                                                                                                                                                                                                                                                | Council member |                   | Sophie Hahn, Kate Harrison, Cheryl Davila, Ben Bartlett |                     | 2018-01-01 17:00:00 | Finance                | Completed | 2018-01-01 17:00:00 | 2019-09-24 12:41:03 | 2019-04-12 15:07:44 - Melissa McDonough (Additional comments) Issued #18-11201 Feb. 5, 2018 as an RFI (Request for information); closed March 1, 2018. Received 13 information responses for review. Next Steps: use responses to inform scope of work, then release as RFP. |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                         | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Referral by    | Referral District | Sponsor                                  | Referral Commission       | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------|--------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|------------------------------------------|---------------------------|---------------------|------------------------|-----------|---------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2017-07-25   | 51                 | Commercial Cannabis Regulations and Licensing        | Refer to the City Manager and Cannabis Commission the proposed local ordinances to establish a licensing process for Commercial Cannabis operations, as permitted under Proposition 64, Adult Use of Marijuana Act. The Council requests that the City Manager and Cannabis Commission report to the City Council on its recommendations on regulations and licensing for commercial cannabis businesses before the end of 2017.                                                                                       | Council member |                   |                                          |                           | 2018-01-19 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2018-01-22 08:00:00 | 2018-09-13 00:00:00 | 2019-02-05 17:15:33 - Melissa McDonough (Additional comments) Lengthy process involving 3 Commissions and many City departments. Some Ordinance changes will be at Council 9/13/18. But more will be needed. Council Worksession scheduled for 10/9/18, then adoption of more Ordinance changes expected by end of year, which will close this referral.                                                      |
| 2017-10-31   | 17                 | Expanded Criteria for the Installation of Stop Signs | 1. Refer to the Transportation Commission consideration of additional or supplemental stop sign criteria which addresses the needs of vulnerable populations, the presence of bicycle boulevards, and the difficulty of crossing particular intersections. 2. Direct that staff consult with the Bicycle Subcommittee of the Transportation Commission when making decisions impacting bicycle boulevards, whenever possible. 3. Request that the City Manager provide an informational report on the particular state | Council member |                   | Kate Harrison, Ben Bartlett, Lori Droste | Transportation Commission | 2018-01-29 17:00:00 | Public Works           | Completed | 2018-01-29 17:00:00 | 2019-11-12 17:00:00 | 2019-09-25 08:55:09 - Melissa McDonough (Additional comments) Commission Recommendation and City Manager Companion report are under review and tentatively scheduled for council approval in Nov 2019<br><br>2019-02-05 16:27:28 - Melissa McDonough (Additional comments) Transportation Commission formed a subcommittee and held first meeting 6/11/18, additional meetings to be planned by subcommittee. |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                        | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                          | Referral by    | Referral District | Sponsor                                                | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                         |
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| 2017-09-12   | 33                 | Voter Registration Forms in All City Buildings on Their Main Floors | Direct the City Manager to provide voter registration forms on the main floor of all designated city buildings that are open to the public and in all Community based organizations within the city limits. Community based organizations that are funded by the City of Berkeley will be required to pick up the voter registration forms from the City Clerk's Office and that should be clearly stated in their respective contracts. | Council member |                   | Cheryl Davila, Kate Harrison, Sophie Hahn              |                     | 2018-03-09 17:00:00 | City Clerk             | Completed | 2018-03-12 08:00:00 | 2017-11-08 00:00:00 |                                                                                                                                                                                                                                             |
| 2017-10-03   | 24                 | Parallel Permitting Process                                         | Request that the City Manager in coordination with the Director of Planning and the Chief Building Official work to establish a voluntary parallel permitting process for applications to construct housing in the City of Berkeley.                                                                                                                                                                                                     | Council member |                   | Susan Wengraf, Linda Maio, Lori Droste, Jesse Arreguin |                     | 2018-03-30 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2018-04-02 08:00:00 | 2017-11-01 00:00:00 | 2019-02-05 17:23:50 - Melissa McDonough (Additional comments) This voluntary parallel permitting option already exists. Following October 2017 referral we advised Building staff to be sure to make option known to interested applicants. |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                   | Recommendations                                                                                                                                                                                                                                                                                                                                                                        | Referral by    | Referral District | Sponsor                                   | Referral Commission | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                    |
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| 2017-10-03   | 21                 | Referral to the City Manager to Provide a Public Master List of the Legislation on which the City Council Has Taken a Position | Request that the City Manager work with the City's lobbyist to create and maintain a master list of the legislation on which the City Council has taken a formal position of support or opposition through passage of an item.                                                                                                                                                         | Council member |                   | Kate Harrison, Sophie Hahn, Cheryl Davila |                     | 2018-03-30 17:00:00 | City Clerk                     | Completed | 2018-04-02 08:00:00 | 2018-01-23 00:00:00 |                                                                                                                                                                                                                                                                                                                                                        |
| 2018-01-23   | 27                 | Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool                                  | Short Term Referral to City Manager to assess the feasibility to keep the West Campus Pool open all year round and to start COB Shower Program at the West Campus Pool. Keeping the West Campus Pool open all year round will provide equitable swimming options in both North Berkeley and in South/West Berkeley and provide another location available for our community to shower. | Council member |                   | Cheryl Davila, Ben Bartlett               |                     | 2018-07-20 17:00:00 | Parks, Recreation & Waterfront | Completed | 2018-04-23 00:00:00 | 2018-10-16 10:14:13 | 2019-02-05 17:38:54 - Melissa McDonough (Additional comments)<br>a) On June 12, 2018, Council received an Off Agenda Memo that identifies the cost to establish a shower program at West Campus Pool.<br>B) In mid-September 2018, Council will receive an Off Agenda Memo that describes the feasibility of keeping West Campus pool open year-round. |
| 2017-10-31   | 30                 | Short-Term Referral to the City Manager, a Process for Relocation of a Permitted Cannabis Dispensary                           | Refer to the City Manager to approve a process for the relocation of Apothecarium, a cannabis dispensary with valid permits.                                                                                                                                                                                                                                                           | Council member |                   |                                           |                     | 2018-04-27 17:00:00 | PLANNING & DEVELOPMENT         | Completed | 2018-04-30 08:00:00 | 2018-01-23 00:00:00 |                                                                                                                                                                                                                                                                                                                                                        |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                             | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Referral by    | Referral District | Sponsor                                                 | Referral Commission | Original end date   | Lead City Department | State     | Planned end date    | Actual end date     | Additional comments |
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| 2017-12-05   | 18                 | City Manager Referral: Prioritizing New Business Before Old Business at City Council Meetings                                                                                                            | Prioritize new business before old business at City Council Meetings by:<br>1. Altering the Council rules of procedure as adopted May 24, 2016 so that new business comes before old business. The reformatted section will read "The agenda for the regular business meetings shall include the following:<br>Ceremonial;<br>Comments from the City Manager;<br>Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, New Business, Old Business);<br>Information Reports; | Council member |                   |                                                         |                     | 2018-06-01 17:00:00 | City Clerk           | Completed | 2018-06-04 08:00:00 | 2018-01-30 00:00:00 |                     |
| 2018-02-13   | 17                 | Referral to the City Manager to Submit a Filing to the CPUC Recommending Adjusting Electric Rule 20 to Better Serve the City of Berkeley and Other Communities with Very High Fire Hazard Severity Zones | A referral to the City Manager to submit a filing with the California Public Utilities Commission (CPUC) concerning the CPUC's current review of Electric Rule 20. The CPUC is considering, among other things, how the existing program is administered by the various utility companies operating in California and the definition of what projects are to be included in the public interest.                                                                                                                                 | Council member |                   | Susan Wengraf, Sophie Hahn, Jesse Arreguin, Lori Droste |                     | 2018-08-10 17:00:00 | Public Works         | Completed | 2018-08-10 17:00:00 |                     |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                    | Recommendations                                                                                                                                                                                                                                                                                                                                                              | Referral by    | Referral District      | Sponsor                                             | Referral Commission | Original end date   | Lead City Department      | State     | Planned end date    | Actual end date     | Additional comments |
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| 2018-02-13   | 26                 | Referral to the City Manager on Gender Options of the General Application for City Boards and Commissions                                                                                                       | Refer to the City Manager to add a nonbinary gender option on the General Application for appointment to Berkeley boards and commissions.                                                                                                                                                                                                                                    | Council member |                        | Lori Droste, Linda Maio, Susan Wengraf, Worthington |                     | 2018-08-10 17:00:00 | City Clerk                | Completed | 2018-08-13 08:00:00 | 2018-03-01 00:00:00 |                     |
| 2018-02-27   | 22                 | Wildland Urban Interface Fire Safety and Fire Safety Education                                                                                                                                                  | Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP); |                | City Council and Mayor |                                                     |                     | 2018-08-24 17:00:00 | FIRE & EMERGENCY SERVICES | Completed | 2018-08-24 17:00:00 |                     |                     |
| 2018-03-13   | 17                 | Referral to the Arts Commission and the City Manager: Cost Estimate and Plan for Installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St | Refer to the City Manager a request to develop a cost estimate and an installation plan for installing sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer the cost estimate and plan to the Arts Commission.                                                                                          | Council member |                        |                                                     |                     | 2018-09-07 17:00:00 | Public Works              | Completed | 2018-09-07 17:00:00 |                     |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                           | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Referral by    | Referral District | Sponsor                                                | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments |
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| 2018-01-30   | 14                 | Direction and Referral to the City Manager Regarding "Premier Cru" Property            | 3. The Berkeley Way Affordable Housing Project is the City's top affordable housing priority. Premier Cru, as a City property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to move Premier Cru forward as a High Priority initiative: a. Based on recommendations from Health, Housing and Community Services and other Departments, the Housing Advisory | Council member |                   | Sophie Hahn, Jesse Arreguin, Linda Maio, Kate Harrison |                     | 2018-09-07 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2018-09-10 08:00:00 | 2018-05-29 00:00:00 |                     |
| 2017-12-19   | 41                 | Companion Report: Public Works Commission Recommendation for the Five-Year Paving Plan | Adopt a Resolution updating the City's Five-Year Street Rehabilitation Plan for FY 2018 to FY 2022. The City Council may consider the information put forth by the Public Works Commission relevant to adoption of the recommended plan.                                                                                                                                                                                                                                                                                                       |                |                   |                                                        |                     | 2018-09-21 17:00:00 | Public Works           | Completed | 2018-09-24 08:00:00 | 2018-07-24 00:00:00 |                     |



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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                          | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Referral by    | Referral District | Sponsor | Referral Commission       | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments |
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| 2017-12-05   | 24                 | Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503 | to refer the item as written in Supplemental Reports Packet #2 to the City Manager to conduct an analysis of the item, including a review of current indigency procedures and coordination with similar efforts in the City of Oakland, and report back to the Council in 90 days.                                                                                                                                                                                                                                      | Council member |                   |         | Transportation Commission | 2018-09-28 17:00:00 | Finance                     | Completed | 2018-09-28 17:00:00 | 2018-07-02 00:00:00 |                     |
| 2018-04-24   | 17                 | Refer the Housing Advisory Commissions Questions on the Smoke-Free Residential Housing Ordinance to Staff and Berkeley Considers                                                      | The Housing Advisory Commission respectfully requests that the Council direct the City Manager to assist the HAC in its review of the Smoke-Free Residential Housing Ordinance, a regulation of tobacco use, as follows: 1. By responding to the HAC's questions enumerated in the report with any readily available responsive information. 2. By facilitating the conduct of a "Berkeley Considers" questionnaire about the Smoke-Free Residential Housing Ordinance, questions for which are proposed in the report. | Commission     |                   |         |                           | 2018-10-19 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2018-10-19 17:00:00 | 2019-03-17 14:41:36 |                     |

Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                       | Recommendations                                                                                                                                                                                                                                                                                                                                                                                             | Referral by    | Referral District | Sponsor                                                 | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 2017-07-25   | 10                 | Authorizing City Manager Approval for Community Development Block Grant (CDBG) Community Facility Improvement Contracts Under \$200,000; Amending BMC Chapter 7.18 | Adopt first reading of an Ordinance, by two-thirds vote of the Council, amending Chapter 7.18 of the Berkeley Municipal Code to authorize the City Manager to enter into and amend contracts of up to \$200,000 with applicants recommended for funding by staff and the Housing Advisory Commission under the City's Community Development Block Grant (CDBG) program for community facility improvements. |                |                   |                                                         |                     | 2018-10-19 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2018-10-22 08:00:00 | 2018-04-24 00:00:00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2018-07-31   | 10                 | Direction to the City Manager Regarding the Community Service In Lieu of Parking Penalties Program                                                                 | Direct the City Manager to amend the eligibility requirements of the Community Service In Lieu of Parking Penalties Program in order to allow all indigent individuals to be eligible to participate in the program (regardless of the registration status of a potential participant's vehicle).                                                                                                           | Council member |                   | Ben Bartlett, Cheryl Davila, Kate Harrison, Sophie Hahn |                     | 2018-10-29 17:00:00 | Public Works                | Completed | 2018-10-29 17:00:00 | 2019-01-19 15:21:35 | 2019-08-27 15:23:33 - Nancy Melendez (Additional comments) FJ/DP: Aside from the fact that Public Works is not actually involved in citations or citation payment plans or alternatives, this program exists and the FAQ at the link below was updated January 2019.<br><a href="https://www.cityofberkeley.info/uploadedFiles/City_Manager/Level_3_-_General/COMMUNITY%20SERVICE.pdf">https://www.cityofberkeley.info/uploadedFiles/City_Manager/Level_3_-_General/COMMUNITY%20SERVICE.pdf</a><br><br>2019-02-05 15:38:44 - Melissa McDonough (Additional comments) Because this is a multidepartmental task assigned to Public Works, involving Finance and City Attorney, and administered by the City |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                   | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Referral by    | Referral District | Sponsor       | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                   |
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| 2018-05-15   | 23                 | Transgender Health Access Training at City of Berkeley Clinics | Adopt a Resolution providing \$2,400 from the General Fund to support a half-day Transgender Health Access Training for City of Berkeley Public Health staff in June 2018.                                                                                                                                                                                                                                                                                                                                                                      | Commission     |                   |               |                     | 2018-11-09 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2018-11-10 17:00:00 | 2019-02-04 10:22:57 | 2019-04-15 10:25:13 - Laura Schroeder (Additional comments) On February 4, 2019 staff from public health and mental health attended a training on Transgender Access to Public Health |
|              | 24                 | Budget Referral: Increasing Safety at San Pablo Park           | Request the City Manager perform traffic assessments to gather data and refer any needed improvements to the FY 2020 – FY 2021 budget process.                                                                                                                                                                                                                                                                                                                                                                                                  | Councilmembers |                   | Cheryl Davila |                     | 2018-11-13 17:00:00 | Public Works                | Completed | 2018-11-13 17:00:00 | 2019-05-16 00:00:00 |                                                                                                                                                                                       |
| 2018-05-29   | 14                 | Implementation of Secure Storage Program                       | 1. Direct the City Manager to expedite implementation of two publicly available, secure storage facilities to accommodate as many individuals as possible, based on the parameters set in staff's March 2, 2018 RFI: Downtown Homeless Storage Pilot - Staffing and Operations and on additional parameters outlined in Program Details, below. 2. Direct the City Manager to publicize the locations, hours, and rules applicable to new storage facilities through normal outreach channels (website, press release, etc.) and through direct | Council member |                   |               |                     | 2018-11-23 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2018-11-26 08:00:00 | 2018-07-24 00:00:00 |                                                                                                                                                                                       |

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4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                   | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District | Sponsor                                    | Referral Commission       | Original end date   | Lead City Department | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 2018-07-10   | 20                 | Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets | Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the | Council member |                   | Kriss Worthington, Sophie Hahn             | Transportation Commission | 2018-11-27 17:00:00 | Public Works         | Completed | 2018-11-27 17:00:00 | 2018-11-27 17:00:00 | 2022-01-27 11:08:37 - Nancy Melendez (Additional comments) Council approved the ordinance, and the City is now accepting and processing applications.<br><br>2021-10-13 08:47:05 - Nancy Melendez (Additional comments) Second reading of the Ordinance October 12, 2021 for permitting shared electric scooters and other electric micromobility devices<br><br>2021-04-15 10:10:12 - Nancy Melendez (Additional comments) Staff is preparing a new permit program for dockless shared mobility devices like scooters and ebikes. This will be submitted for review by the City attorney in May |
| 2018-09-13   | 31                 | Short-Term Referral to City Manager re: Emergency Standby Officers Qualifications                                                              | Referral to the City Manager to consider the following suggestions for requirements and qualifications for Emergency Standby Officers and return to Council within 90 days with recommendations. Possible requirements may include: - Trainings in roles and responsibilities to serve as a standby officer possibly including: ethics and workplace harassment. -City government experience. -Council District residency. - Require standby officers to meet the same qualifications, including restrictions on conflict of interest,               | Council member |                   | Susan Wengraf, Jesse Arreguin, Sophie Hahn |                           | 2018-12-11 17:00:00 | City Clerk           | Completed | 2018-12-11 17:00:00 | 2019-05-02 12:02:38 | 2019-02-05 15:21:26 - Melissa McDonough (Additional comments) Ongoing discussion with City Attorney regarding potential criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                                                        | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                  | Referral by    | Referral District | Sponsor       | Referral Commission | Original end date   | Lead City Department | State     | Planned end date    | Actual end date     | Additional comments |
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| 2018-12-11   | 23                 | Short-term referral to City Attorney and Health Housing and Community Service to amend Berkeley Municipal Code 7,441-N.S. to expand the control of flavored tobacco across the City of Berkeley toward preventing youth and young adult tobacco use | Short-term referral to City Manager to amend Berkeley Municipal Code 7,441-N.S. according to the changes made in the attached amended ordinance to prohibit the sale of flavored tobacco products and require a minimum package size for cigars and little cigars across the City of Berkeley. The primary purpose of the amendment to the ordinance is to do more to prevent youth and young adult tobacco use. | Councilmembers |                   | Cheryl Davila |                     | 2018-12-11 17:00:00 | City Attorney        | Completed | 2018-12-11 17:00:00 | 2019-09-10 13:15:43 |                     |
| 2018-07-10   | 17                 | Referral to City Manager to Consolidate all City Commission Workplans in One Place for Easy Access for Staff, the Public, and Elected Officials                                                                                                     | Make a referral to the City Manager to consolidate all City Commission Workplans in one place for easy (electronic) access for staff, the public, and elected officials.                                                                                                                                                                                                                                         | Council member |                   |               |                     | 2019-01-04 17:00:00 | City Clerk           | Completed | 2019-01-07 08:00:00 | 2018-09-13 00:00:00 |                     |

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| Meeting Date | Agenda Item Number | Project Name                                                         | Recommendations                                                                                                                                                                                                                                                                                                       | Referral by    | Referral District | Sponsor                                | Referral Commission | Original end date   | Lead City Department | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                |
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| 2018-10-30   | 20                 | Proposed Portland Loo Installations in Telegraph Commercial District | Short-Term Referral to the City Manager to identify costs for the installation of a "Portland Loo" type of bathroom facility in Telegraph Commercial District. Costs should be comprehensive and include, but not be limited to: the facility, infrastructure, design, construction, oversight and any contingencies. | Councilmembers |                   | Jesse Arreguin, Sophie Hahn            |                     | 2019-01-31 17:00:00 | Public Works         | Completed | 2019-01-31 17:00:00 | 2019-02-27 00:00:00 |                                                                                                                                                                                                                                                                                                    |
| 2018-11-13   | 23                 | Clarifying Jurisdiction of Ohlone Greenway                           | Refer to the City Manager to review the recommendation to place the Ohlone Greenway under park rules and policies with the intent of revising the BMC to include the Ohlone Greenway as open space and enforce park-like rules.                                                                                       | Councilmembers |                   | Linda Maio, Sophie Hahn, Kate Harrison |                     | 2019-02-13 17:00:00 | City Attorney        | Completed | 2019-02-13 17:00:00 | 2019-09-17 10:57:38 | 2019-09-17 10:57:27 - Christopher Jensen (Additional comments) Referral response complete; Public Works is providing assistance on right-of-way issues.<br><br>2019-04-24 10:04:24 - Mark Numainville (Additional comments) City Attorney provided legal opinion to PRW. PRW to report to Council. |
| 2017-05-02   | 27                 | Berkeley Bicycle Plan 2018                                           | Adopt a Resolution approving the Berkeley Bicycle Plan 2017, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.                                                                                                                                                      |                |                   |                                        |                     | 2019-02-15 17:00:00 | Public Works         | Completed | 2019-02-15 17:00:00 |                     |                                                                                                                                                                                                                                                                                                    |

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| Meeting Date | Agenda Item Number | Project Name                                                                                             | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Referral by    | Referral District | Sponsor                 | Referral Commission | Original end date   | Lead City Department  | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 2015-11-17   | 28                 | Improve Conditions on Our Community Sidewalks; Amending Berkeley Municipal Code Chapters 13.36 and 14.48 | Discuss and refer the following services and ordinances to the City Manager for implementation, and adopt first reading of three Ordinances: 1. Adding Section 13.36.085 to the Berkeley Municipal Code prohibiting urination and defecation in public places. 2. Amending Sections 14.48.020 and 14.48.170 of the Berkeley Municipal Code regulating use of sidewalks. 3. Adding Section 13.36.040 to the Berkeley Municipal Code prohibiting obstruction of City-owned planters and trees. Additional Services: 1. Create a secure storage facility | Council member |                   | Linda Maio, Lori Droste |                     | 2019-02-28 16:00:00 | CITY MANAGER'S OFFICE | Completed | 2019-02-28 16:00:00 | 2019-02-28 16:00:00 | 2019-10-15 14:27:16 - Melissa McDonough (Additional comments) Staff has prepared an overview of the outcomes from the pilot implementation of the Shared Sidewalk Policy , and anticipates presenting its findings to Council in Fall 2019. The ongoing program is currently in place.<br><br>2019-08-07 14:46:28 - Melissa McDonough (Additional comments) Storage is done as is mobile showers and expansion of bathrooms, 14.48 re: sidewalks is done.<br><br>2019-04-24 15:08:11 - Melissa McDonough (Additional comments) Outreach information disseminated to people |
| 2018-11-13   | 24                 | Budget Referral: Increasing Safety at San Pablo Park                                                     | 4. Develop, implement and coordinate drills for active shooter and other emergency protocol at San Pablo Park: Create protocol with input from community partners, then orient licensed daycare providers, coaches, trainers and program staff who operate out of the park, and conduct drills with City staff operating the Center and providers in order to prepare for emergencies and how to use the Center as a shelter during or following them.                                                                                                | Councilmembers |                   | Cheryl Davila           |                     | 2019-03-01 17:00:00 | Police                | Completed | 2019-03-01 17:00:00 | 2019-03-30 15:34:27 | 2019-04-24 15:35:06 - Melissa McDonough (Additional comments) Training class conducted March 30                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                             | Recommendations                                                                                                                                                                                                                                       | Referral by    | Referral District | Sponsor                    | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments |
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| 2017-12-05   | 17                 | City Manager Referral: Consider CPUC Interconnection Applications                                                                                        | Refer to the City Manager consideration of applying for CPUC interconnection applications.                                                                                                                                                            | Council member |                   |                            |                     | 2019-03-04 16:00:00 | Public Works           | Completed | 2019-03-04 16:00:00 | 2018-04-04 00:00:00 |                     |
| 2018-09-13   | 18                 | Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue | Amended to be a referral to the City Manager regarding enforcement of measures to mitigate damage to the general welfare of the City and neighborhood resulting from the damage and subsequently-required removal of trees at 1698 University Avenue. | Council member |                   | Kate Harrison              |                     | 2019-03-11 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2019-03-11 16:00:00 | 2018-10-01 15:56:16 |                     |
| 2018-09-25   | 22                 | Safe storage of firearms - Revised materials (Supp 2)                                                                                                    | Refer to the City Manager to review draft Safe Storage of Firearms ordinance, identify and resolve issues, and return to Council within 90 days.                                                                                                      | Council member |                   | Susan Wengraf, Sophie Hahn |                     | 2019-03-22 17:00:00 | City Attorney          | Completed | 2019-03-23 16:00:00 | 2018-12-24 16:21:16 |                     |
| 2018-10-02   |                    | Lobbyists Registration and Regulation Ordinance; Amendments to Existing Revolving Door Ordinance                                                         | Request an analysis from the City Manager before the November budget discussion on the administrative impacts and cost to implement the lobbyist ordinance.                                                                                           | Council member | MAYOR AND COUNCIL |                            |                     | 2019-03-29 17:00:00 | City Attorney          | Completed | 2019-03-30 16:00:00 | 2019-01-22 12:32:26 |                     |



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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                                                                                           | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                     | Referral by    | Referral District | Sponsor           | Referral Commission | Original end date   | Lead City Department | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 2018-10-02   | 9                  | Amend BMC Chapters 6.24 and 14.52 to Authorize Paid Parking on Shattuck Avenue between Carleton Street and Ward Street and add the Northside (Euclid/Hearst) Metered Parking Area to the goBerkeley Program; and Authorize Paid Parking at the City-Owned Adeline/Alcatraz Parking Lot | Request staff to perform an analysis of the parking in the Northside area during the academic year to be completed within six months.                                                                                                                                                                                                                                                                                               | Council member | MAYOR AND COUNCIL |                   |                     | 2019-04-02 17:00:00 | Public Works         | Completed | 2019-04-02 17:00:00 | 2019-08-01 15:29:17 | 2019-08-27 15:29:52 - Nancy Melendez (Additional comments) GH: Staff conducted an analysis of the parking in the Northside area in spring 2019, roughly six months after goBerkeley price and time limits went into effect on November 1, 2018. As summarized in the June 25, 2019 Information Report submitted to Council, the data showed that goBerkeley changes are working as intended to increase parking availability in the area. Two minor adjustments to prices and time limits in "Value" zones went into effect August 1, 2019<br><br>2019-02-05 16:25:11 - Melissa McDonough (Additional comments) |
| 2018-10-30   | 35                 | City Manager referral: Initiate a franchise agreement with FlixBus                                                                                                                                                                                                                     | That the Council refer to the City Manager initiation of a franchise agreement with FlixBus, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, and providing a procedure for the assessment and collection of administrative penalties for permit violations. | Councilmembers |                   | Kriss Worthington |                     | 2018-10-30 17:00:00 | Public Works         | Completed | 2019-05-01 11:39:27 | 2019-05-23 00:00:00 | 2019-04-23 11:49:56 - Mark Numainville (Additional comments) Resolution of Intent adopted on 3/26/19; Public Hearing set for 4/30/19                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                                                                                           | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Referral by    | Referral District       | Sponsor                                    | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                          |
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| 2018-10-16   | 25                 | Welcome to Berkeley Signage                                                                                                                                                                                                                                                            | Refer to the City Manager on a short term basis to replace all the Welcome to Berkeley signs with the Option B design per the Transportation Commission recommendation, including "Ohlone Territory" but not a second motto. Also, leave space on the sign to add a policy message and consult with Ohlone leaders on the use of the word "territory."                                                                                                                                                                                              | Councilmembers | City Council District 2 | Cheryl Davila                              |                     | 2018-10-16 17:00:00 | Public Works           | Completed | 2019-05-03 12:00:00 | 2019-02-07 00:00:00 |                                                                                                                                                                                                                                                                              |
| 2019-02-19   | 21                 | Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation | 1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning Commission | Councilmembers |                         | Kate Harrison, Rigel Robinson, Sophie Hahn |                     | 2019-05-21 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2019-05-21 17:00:00 | 2019-06-11 09:40:07 | 2019-04-15 09:44:51 - James Bondi (Additional comments) Scheduled for Council 4/30/19.<br><br>2019-04-12 16:04:35 - Melissa McDonough (Additional comments) May be done at Council 4/30/19, pending recommendation from Planning Commission (special Public Hearing 4/3/19). |

Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                                                                           | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Referral by    | Referral District | Sponsor                   | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                              |
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| 2019-02-19   | 9                  | Short-Term Referral: Develop Ordinance permitting Cannabis Events and designate Cesar Chavez Park as an Approved Venue | Short-Term Referral to the City Manager to develop ordinance amendments permitting up to three cannabis events per year in the first year in the City of Berkeley and designating Cesar Chavez Park as the sole approved location for cannabis events, provided such events are organized and licensed as required by the State of California. The ordinance shall: 1. reference Resolution No. 68,326-N.S., declaring that Berkeley is a sanctuary for adult use cannabis, 2. specify procedures for such events that replicate similar alcohol related event | Councilmembers |                   | Jesse Arreguin            |                     | 2019-05-21 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2019-05-22 00:00:00 | 2019-04-15 09:54:32 | 2019-04-15 09:54:26 - James Bondi (Additional comments) Council considered and opted not to adopt policy, 4/2/19.<br><br>2019-04-12 16:02:31 - Melissa McDonough (Additional comments) Pending Council adoption of Cannabis Ordinance revisions scheduled for April 2 (second reading April 23). |
| 2017-07-25   | 37                 | Reviewing the GIG Car Share Pilot Program                                                                              | Refer to the City Manager and Transportation Department a review of the concerns, emerging regarding some features of the recently implemented GIG Car Share pilot program, request adjustments before the two-year pilot program from staff.                                                                                                                                                                                                                                                                                                                  | Council member |                   | Linda Maio, Susan Wengraf |                     | 2019-05-28 17:00:00 | Public Works           | Completed | 2019-05-28 17:00:00 | 2019-05-28 11:39:27 | 2019-02-05 15:16:47 - Melissa McDonough (Additional comments) The program evaluation will be conducted in early 2019 and an action report prepared for Council to continue, modify, or discontinue the pilot.                                                                                    |

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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                               | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Referral by    | Referral District | Sponsor                       | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                        |
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| 2019-03-26   | 23                 | Referral to City Manager to Scope Process and Estimate Cost of New General Plan                                                                                                                                            | 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.                                                                                                                                                                                                                                       | Councilmembers |                   | Jesse Arreguin, Cheryl Davila |                     | 2019-06-21 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2019-06-21 17:00:00 | 2019-06-12 09:41:11 | 2019-04-15 09:53:31 - James Bondi (Additional comments) Scoping has begun. Off-Agenda Memo will provide answers (date TBD) |
| 2018-12-11   | 26                 | Referral to the City Manager and Planning Commission to Update the Housing Pipeline Report to Address Timeline between Planning Entitlements and Submission of Building Permit Applications and Consider Reasons for Delay | Referral to the City Manager to include in the Housing Pipeline Report an analysis of the time between planning entitlements and building permit requests for all projects of five units or greater over the past five years. On an ongoing basis, refer to the City Manager and Planning Commission to propose changes to current Planning approval process to address the causes of delays between entitlements and building permits for construction or substantial rehabilitation of five or more dwelling units. | Councilmembers |                   | Kate Harrison                 |                     | 2018-12-11 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2019-07-16 16:43:23 | 2019-07-23 11:40:57 |                                                                                                                            |

Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                | Recommendations                                                                                                                                                                                                                                  | Referral by    | Referral District | Sponsor                                                    | Referral Commission | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 2019-03-26   | 15                 | Ensuring the Sustainability of the Berkeley Flea Market                                                                                                                                                     | Short-term referral to the City Manager to provide material and strategic assistance to the Berkeley Flea Market, to sustain and enhance its ability to serve both merchant participants and the community at large.                             | Council member |                   | Ben Bartlett, Sophie Hahn, Cheryl Davila                   |                     | 2019-05-27 17:00:00 | Office of Economic Development | Completed | 2019-07-30 11:38:31 | 2019-07-30 11:38:31 | 2019-12-25 20:59:26 - Jordan Klein (Additional comments)<br>Info report to Council on January 21, 2020 (Referral Response: Small Business Retention Programs) includes a summary of the assistance provided to CSU / Berkeley Flea Market, and includes their new strategic plan as an attachment. OED will continue to provide support to the Flea Market, directly and through our partner organizations.<br><br>2019-11-25 13:18:59 - Melissa McDonough (Additional comments) Community Services United (nonprofit that runs the flea market) submitted their strategic plan for the flea market |
| 2019-05-28   | 29                 | Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St. | Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation. | Councilmembers |                   | Ben Bartlett, Kate Harrison, Cheryl Davila, Jesse Arreguin |                     | 2019-06-13 17:00:00 | Public Works                   | Completed | 2019-08-07 13:59:42 | 2019-10-01 17:00:00 | 2021-04-14 14:02:28 - Nancy Melendez (Additional comments) All materials have arrived. Final installation is scheduled and work is anticipated to be completed by 4-30-21.<br><br>2020-06-30 15:29:22 - Nancy Melendez (Additional comments) PW waiting for a response from Berkeley Electric to confirm project and when they can start.<br><br>2019-11-26 14:28:34 - Melissa McDonough (Additional comments) Project is out to bid and completion is expected by end of fiscal year.<br><br>2019-11-26 14:19:08 - Melissa McDonough (Additional comments)                                         |

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| Meeting Date | Agenda Item Number | Project Name                                                                                                             | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District | Sponsor                    | Referral Commission | Original end date   | Lead City Department  | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 2018-11-13   | 18                 | Short-Term Referral to City Manager to Complete Steps Necessary to Establish Lava Mae Services in Berkeley               | Short-term referral to the City Manager to coordinate with Fire, Planning and Public Works Department Heads to provide permits, identify locations and allow access to water and disposal hook-ups necessary to bring Lava Mae shower services to Berkeley's homeless populations within 90 days for a 6-8 week pilot. This includes: - Determining locations to set up portable shower; and - Identifying water source for hook ups designated to dispense water for showers, either fire hydrants (preferred) or garden hose spigots; and -Parking | Councilmembers |                   | Cheryl Davila, Sophie Hahn |                     | 2019-09-10 17:00:00 | CITY MANAGER'S OFFICE | Completed | 2019-09-10 17:00:00 | 2019-09-12 08:29:03 | 2019-09-12 08:30:15 - Melissa McDonough (Additional comments) Report on Council agenda.<br><br>2019-08-07 15:07:11 - Melissa McDonough (Additional comments) Sites and hook-ups have been established.                                                                                                                                                                                                                                                                                                               |
| 2019-09-10   | 48                 | Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street | Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.                                                                                                                                                                                                                                                                                                                                     | Council member |                   | Ben Bartlett               |                     | 2019-09-16 17:00:00 | Public Works          | Completed | 2019-09-16 17:00:00 | 2019-09-16 17:00:00 | 2021-06-23 11:40:09 - Nancy Melendez (Additional comments) Construction beginning July 2021<br><br>2020-10-05 09:33:42 - Nancy Melendez (Additional comments) Received approval to fill Associate Traffic Engineer vacancy to do the work. initiating hiring process.<br><br>2020-03-19 10:31:47 - Nancy Melendez (Additional comments) Engineering Design work is commencing now, construction expected in Spring 2021<br><br>2019-11-26 14:16:26 - Melissa McDonough (Additional comments) Off agenda memo pending |

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| Meeting Date | Agenda Item Number | Project Name                                             | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Referral by    | Referral District | Sponsor                                                    | Referral Commission | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 2019-09-10   | 55                 | Game Day Parking - Minor Update to include RPP area K    | Refer to the City Manager the modification of parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish "Enhanced Fine Areas" to prohibit parking without a valid RPP permit to include RPP Zone K; and install new RPP signs in zone K to clearly indicate UC Berkeley home football game day parking prohibitions.                                                                                                                                                          | Council member |                   | Lori Droste, Jesse Arreguin                                |                     | 2019-09-16 17:00:00 | Public Works                   | Completed | 2019-09-16 17:00:00 | 2019-09-16 17:00:00 | 2020-10-28 16:19:57 - Mark Numainville (Additional comments) Item 13 on the 10-27-2020 agenda<br><br>2020-06-30 15:27:04 - Nancy Melendez (Additional comments) There is no known plan for Cal Football this fall. So the program is not expected to occur this year. Work to include area K has not started.<br><br>2019-11-26 14:14:38 - Melissa McDonough (Additional comments) Scheduled for Council action spring 2020.                                                                                                                                                                                                                             |
| 2019-07-16   | 14                 | Opportunity Zone Project Guidelines for the City Manager | Refer to the City Manager the priorities listed below for investment in Berkeley's Opportunity Zones for proactive outreach and marketing to investors or Opportunity Funds, and to guide any discussions or negotiations regarding development projects in Opportunity Zones. The priorities are: Construction of new Affordable Housing units or acquisition and preservation of affordable housing; Preservation of historic buildings; Cultural Institutions and Performing Arts Venues; Civic Uses (Government Offices, | Councilmembers |                   | Ben Bartlett, Kate Harrison, Jesse Arreguin, Cheryl Davila |                     | 2019-07-22 17:00:00 | Office of Economic Development | Completed | 2019-09-25 11:01:10 | 2020-01-24 10:52:16 | 2020-04-16 10:52:40 - Melissa McDonough (Additional comments) Off-agenda memo released on 1/24/20: <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Opportunity%20Zones%20012320.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Opportunity%20Zones%20012320.pdf</a><br><br>2019-11-25 13:28:38 - Melissa McDonough (Additional comments) Information report postponed pending further analysis.<br><br>2019-11-05 13:31:36 - Jordan Klein (Additional comments) Information report submitted for 12/3/19 Council Meeting<br><br>2019-09-24 07:59:59 - Melissa McDonough (Additional comments) |

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| Meeting Date | Agenda Item Number | Project Name                                 | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Referral by | Referral District | Sponsor       | Referral Commission         | Original end date   | Lead City Department                   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                  |
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| 2019-11-12   | 18                 | Request for Information: Police Dispatch     | Refer to the City Manager a request for information clarifying: 1. when non-emergency phone calls to the police are directed to the Berkeley Police Department and when to the California Highway Patrol or other outside agencies, and 2. what staffing or technological changes would be needed to direct more calls to Berkeley dispatch.                                                                                                                                                                  | Councilmemb |                   | Kate Harrison |                             | 2019-11-20 17:00:00 | Police                                 | Completed | 2019-11-20 17:00:00 | 2019-11-20 17:00:00 | 2020-10-26 10:56:20 - Melissa McDonough (Additional comments) Off agenda memo submitted 10/26<br><br>2020-08-05 09:43:23 - Melissa McDonough (Additional comments) Completion pending submittal of memo to Council documenting work. |
| 2019-09-10   | 35                 | 1281 University Avenue Request for Proposals | Refer to the City Manager to issue a Request for Proposals (RFP) for residential development at the City-owned site at 1281 University Avenue with a requirement that 100% of the on-site units to be restricted to 80% AMI or below households with at least 10% at 50% AMI, with consideration given to accommodations that serve unhoused or homeless households, including nontraditional living arrangements such as tiny homes and that Council consider interim use for the site for housing purposes. | Commission  |                   |               | Housing Advisory Commission | 2019-11-29 17:00:00 | Health, Housing and Community Services | Completed | 2019-11-29 17:00:00 | 2019-11-29 17:00:00 | 2019-12-02 14:11:54 - Melissa McDonough (Additional comments) RFP issued, responses due 12/12/19                                                                                                                                     |



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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                    | Recommendations                                                                                                                                                                                                                                                                                 | Referral by    | Referral District | Sponsor | Referral Commission | Original end date   | Lead City Department                   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                 |
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| 2019-09-24   | 36                 | Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless | Send a letter to Alameda County requesting data on deaths of identified homeless individuals. Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally. | Councilmembers |                   |         |                     | 2019-10-31 17:00:00 | Health, Housing and Community Services | Completed | 2019-11-29 17:00:00 | 2019-11-29 17:00:00 | 2019-12-02 14:10:47 - Melissa McDonough (Additional comments) Disregard previous comment. Mistake.<br><br>2019-12-02 14:06:36 - Melissa McDonough (Additional comments) RFP issued, due date for responses 12/12/19 |

|            |    |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                    |            |  |  |                        |                     |                       |           |                     |                     |                                                                                                                                                                                                                                                                                   |
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| 2019-09-10 | 30 | Referral Response: Proposed New BMC Ordinance Adding Chapter 9.26 Live Animal Sales – Disclosure Requirements | In lieu of approving the ordinance, encourage Berkeley live animal retailers to provide purchasers with information regarding the sourcing of their animals by utilizing one or two of the following designations describing the sourcing of the particular animal: 'captive bred;' 'hobby breeder' or 'licensed breeder;' 'rescue;' 'wild caught;' or 'imported.' | Commission |  |  | Animal Care Commission | 2019-12-16 17:00:00 | CITY MANAGER'S OFFICE | Completed | 2019-12-16 17:00:00 | 2019-10-03 17:00:00 | 2019-10-15 14:28:21 - Melissa McDonough (Additional comments) Staff developed a set of standard terms and sent a letter to all animal retailers on 10/3/2019, encouraging them to use the designations. Staff has prepared and submitted a referral response via off-agenda memo. |
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| Meeting Date | Agenda Item Number | Project Name                                                                               | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Referral by    | Referral District | Sponsor                                                    | Referral Commission | Original end date   | Lead City Department  | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 2020-03-10   | 23                 | Directing the City Manager to Lease Caltrans Property at University and West Frontage Road | Direct the City Manager to:<br>1. Negotiate a lease agreement with the California Department of Transportation (Caltrans) for the leasing of state property at University Avenue and West Frontage Road as indicated in Attachment 1. The property will be used for a temporary outdoor shelter with restrooms, hand washing stations and garbage service. The City Manager should also inquire about whether additional Caltrans parcels adjacent to those being offered are also available for lease. The City Manager should utilize funding                | Councilmembers |                   | Jesse Arreguin, Rigel Robinson, Kate Harrison, Sophie Hahn |                     | 2020-03-23 17:00:00 | CITY MANAGER'S OFFICE | Completed | 2020-03-23 17:00:00 | 2020-03-23 17:00:00 |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2020-04-14   | 0                  | Save Our Small (SOS) Business Loan Fund                                                    | Refer to the City Manager to rapidly explore and, if feasible, pursue the creation of a special structured financial recovery loan fund to provide a supplemental source of capital for Berkeley small businesses impacted by the COVID-19 emergency. Among other considerations, the City Manager is requested to consider whether the City of Berkeley should act as a sponsor of the fund, working with one or more financial institutions to pool capital from private investors and the City of Berkeley to lower the risk of the product and support low | Councilmembers |                   | Sophie Hahn, Jesse Arreguin, Susan Wengraf, Kate Harrison  |                     | 2020-04-16 17:00:00 | CITY MANAGER'S OFFICE | Completed | 2020-04-16 17:00:00 | 2020-04-16 17:00:00 | 2020-10-21 11:31:46 - Melissa McDonough (Additional comments) ee off agenda memo: (April 27) <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Business%20and%20Arts%20Organization%20Continuity%20Grant%20Programs%20042720.docx.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Business%20and%20Arts%20Organization%20Continuity%20Grant%20Programs%20042720.docx.pdf</a> |

Completed Short Term Referrals  
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| Meeting Date | Agenda Item Number | Project Name                                                                         | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Referral by        | Referral District | Sponsor                                                                      | Referral Commission | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments |
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| 2020-06-02   | 11                 | Berkeley Safe Open Air Dining                                                        | 1. Refer to the City Manager to explore and identify, on an expedited basis, potential public locations throughout Berkeley, including but not limited to wide sidewalks, street medians, building curtilages, parking bays and strips, streets and portions of streets, parking lots, and parks, for the temporary placement of tables and chairs to be used, if and when safe and feasible, for open air dining to support restaurants, cafes, food shops, and other small businesses impacted by the COVID-19 emergency, and to increase capacity for pedes- | Councilmemb<br>ers |                   | Sophie<br>Hahn, Jesse<br>Arreguin,<br>Rigel<br>Robinson,<br>Kate<br>Harrison |                     | 2020-06-10 17:00:00 | CITY MANAGER'S OFFICE          | Completed | 2020-06-10 17:00:00 | 2020-06-10 17:00:00 |                     |
| 2020-03-10   | 26                 | Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street | Refer the item to the City Manager to explore City uses of the property for housing and homelessness services and needs, or other uses, and review the remediation needs of the property.                                                                                                                                                                                                                                                                                                                                                                       | Councilmemb<br>ers |                   |                                                                              |                     | 2020-07-20 17:00:00 | HEALTH, HSG &<br>COMMUNITY SVC | Completed | 2020-07-20 17:00:00 | 2020-07-20 17:00:00 |                     |

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| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                                                                                                                                                         | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Referral by        | Referral District | Sponsor                     | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 2020-01-21   | 32                 | Short Term Referral to the City Manager: 1. Improve and increase External Community Engagement; 2. Identify the funding resources needed to adequately implement number 1; and 3. Implement and require all City Council items and staff reports include Climate Impacts in addition to Environmental Sustainability | Adopt the following amended actions with a positive recommendation from the Council Facilities, Infrastructure, Transportation, Environment and Sustainability (FITES) Committee: 1. Short Term Referral to the City Manager: to look at how to improve and increase External Community Engagement – including funding for regular on- going town halls or neighborhood assemblies for external community engagement and collaboration to engage the community and allow for input on new                                                                | Councilmemb<br>ers |                   | Cheryl Davila, Ben Bartlett |                     | 2020-01-23 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2020-07-31 17:00:00 | 2020-07-21 17:00:00 | 2020-07-24 13:25:25 - James Bondi (Additional comments)<br>Completed at Council 7/21/2020. Council action to accept report also created new long-term referral, to be tracked separately.<br><br>2020-07-01 13:12:14 - James Bondi (Additional comments)<br>Referral response scheduled for Council 7/21/20.<br><br>2020-04-15 11:31:10 - James Bondi (Additional comments)<br>Work has begun, draft report to Council prepared, but put on hold until budget recommendations can be considered in larger City budget context given COVID impacts. |
| 2020-09-15   | 27                 | Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund                                                                                                                                                                                            | Refer to the City Manager to engage in robust outreach to small businesses and organizations in Berkeley that may be eligible to participate in the California Rebuilding Fund, a new public-private partnership based on the SOS Small Business Loan model Berkeley passed in April 2020, that will leverage government backed capital to support small enterprises in California. It is our understanding that loans will be made in part on a first come, first served basis, so time is of the essence for staff to do outreach. The City Manager is | Councilmemb<br>ers |                   | Sophie Hahn                 |                     | 2020-09-25 17:00:00 | CITY MANAGER'S OFFICE  | Completed | 2020-09-25 17:00:00 | 2020-09-25 17:00:00 | 2020-10-21 11:30:40 - Melissa McDonough (Additional comments)<br>This effort will dovetail with the expanded RLF program (called "RLP", resiliency loan program) the federal funds are to be accepted and approved by council 10/27/20.                                                                                                                                                                                                                                                                                                            |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                               | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Referral by    | Referral District | Sponsor                     | Referral Commission | Original end date   | Lead City Department        | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-----------------------------|---------------------|---------------------|-----------------------------|-----------|---------------------|---------------------|---------------------|
| 2020-09-15   | 31                 | Preserving Our Children's Recreation Areas | Request the City Manager implement the following recommendations for Willard Park and utilize them for other parks where appropriate:<br>1. Increase nighttime enforcement and enable the enforcement of park rules and ordinances.<br>2. Consider the presence of needles and feces a Public Health threat and enable the Public Health Department to cordon off areas of encampment for the purpose of clearing the areas of contamination and ensuring the areas are safe for public use. | Councilmembers |                   | Lori Droste, Jesse Arreguin |                     | 2020-09-25 17:00:00 | CITY MANAGER'S OFFICE       | Completed | 2020-09-25 17:00:00 | 2020-09-25 17:00:00 |                     |
| 2020-09-22   | 16                 | Healthy Checkout Ordinance                 | 2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.                                                                                                                                                                                                                                                                                                                                  | Councilmembers |                   | Kate Harrison, Sophie Hahn  |                     | 2020-10-15 17:00:00 | HEALTH, HSG & COMMUNITY SVC | Completed | 2020-10-15 17:00:00 | 2020-10-15 17:00:00 |                     |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                        | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Referral by    | Referral District | Sponsor                                                 | Referral Commission | Original end date   | Lead City Department          | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|---------------------------------------------------------|---------------------|---------------------|-------------------------------|-----------|---------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2020-10-13   | 12                 | Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment                             | Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: - Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; - Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas. Cameras will not use facial recognition or biometric software.                                | Councilmembers |                   | Rashi Kesarwani, Susan Wengraf                          |                     | 2020-10-22 17:00:00 | Parks Recreation & Waterfront | Completed | 2020-10-22 17:00:00 | 2020-10-22 17:00:00 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2020-10-13   | 18                 | Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley | Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials. |                |                   | Ben Bartlett, Sophie Hahn, Kate Harrison, Cheryl Davila |                     | 2020-10-22 17:00:00 | CITY MANAGER'S OFFICE         | Completed | 2020-10-22 17:00:00 | 2020-10-22 17:00:00 | 2022-01-13 13:17:54 - Melissa McDonough (Additional comments) Staff have implemented this and we now provide regular garbage service to encampment and nearby areas impacted by encampment on a twice weekly basis.<br><br>2021-10-22 09:36:04 - Melissa McDonough (Additional comments) Staff have begun implementing this and we now provide regular garbage service to encampment and nearby areas impacted by encampment on a twice weekly basis. |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                   | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Referral by    | Referral District | Sponsor      | Referral Commission | Original end date   | Lead City Department | State     | Planned end date    | Actual end date     | Additional comments                                                                        |
|--------------|--------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|--------------|---------------------|---------------------|----------------------|-----------|---------------------|---------------------|--------------------------------------------------------------------------------------------|
| 2020-10-13   | 17                 | Removal of Traffic Bollards on the Intersection at Fairview and California St. | Refer to the City Manager to remove the traffic bollards at the intersection at Fairview and California St. for the following reasons: 1. To allow residents, emergency responders, street cleaning and garbage disposal services, and delivery vehicles ease of access to enter and exit Fairview Street; 2. To allow residents of the 1600 block of Fairview St. access to additional parking spots because the current capacity is inadequate; and 3. To decrease illegal dumping that has been incentivized by the traffic bollards and eliminate the harborage of junk, |                |                   | Ben Bartlett |                     | 2020-10-22 17:00:00 | Public Works         | Completed | 2020-10-22 17:00:00 | 2020-10-22 17:00:00 | 2021-01-14 17:42:45 - Nancy Melendez (Additional comments) The bollards have been removed. |
| 2020-11-10   | 5                  | Referral Response: Including Climate Impacts in City Council Reports           | Request that the City Manager update the templates and associated training materials to add "Climate Impacts" in the "Environmental Sustainability" section of reports to the City Council, and codify the changes in Appendix B in the next update to the Berkeley City Council Rules of Procedure. This recommendation is a partial response to a January 21, 2020 referral, sponsored by Councilmembers Davila and Bartlett, to require that all City Council items and staff reports include "climate impacts" in addition to environmental sustainability.              | Councilmembers |                   |              |                     | 2020-11-18 17:00:00 | City Clerk           | Completed | 2020-11-18 17:00:00 | 2020-11-18 17:00:00 |                                                                                            |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                          | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District | Sponsor                                                    | Referral Commission | Original end date   | Lead City Department           | State     | Planned end date    | Actual end date     | Additional comments                                                                                     |
|--------------|--------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|------------------------------------------------------------|---------------------|---------------------|--------------------------------|-----------|---------------------|---------------------|---------------------------------------------------------------------------------------------------------|
| 2020-12-01   | 28                 | Rescinded 2021-10-26 Referral: Commission Low-Income Stipend Reform                                                   | Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:<br>1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.<br>2. Increasing the low-income stipend from | Councilmembers |                   | Rigel Robinson                                             |                     | 2020-12-04 17:00:00 | City Clerk                     | Completed | 2020-12-04 17:00:00 | 2020-12-04 17:00:00 |                                                                                                         |
| 2020-12-15   | 39                 | Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration | On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes:<br>Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the                                        | Councilmembers |                   | Lori Droste, Jesse Arreguin, Rigel Robinson, Kate Harrison |                     | 2020-12-25 17:00:00 | Office of Economic Development | Completed | 2020-12-25 17:00:00 | 2020-12-25 17:00:00 | 2021-04-05 11:08:42 - Melissa McDonough (Additional comments) Anticipated return to Council in May 2021 |



Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                                                            | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Referral by    | Referral District | Sponsor                                                   | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-----------------------------------------------------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2020-06-16   | 24                 | Lessons Learned in Organizational Management During Crisis                                                                                                                              | Refer to the City Manager to include insights and reflections on organizational management in any comprehensive report regarding the City response to the COVID-19 Emergency. Information should include but not limited to: an overview of how the City was structured and functioned differently during activation of the Emergency Operations Center, the benefits and challenges with cross departmental collaborations, and strategies or structures worth instituting and incorporating into | Councilmembers |                   | Jesse Arreguin, Kate Harrison, Sophie Hahn, Susan Wengraf |                     | 2021-01-15 17:00:00 | CITY MANAGER'S OFFICE  | Completed | 2021-01-15 17:00:00 | 2021-01-15 17:00:00 | 2020-10-28 16:18:36 - Mark Numainville (Additional comments) Presentation made and report submitted at 10-27-2020 council meeting<br><br>2020-10-16 15:22:51 - Melissa McDonough (Additional comments) Report and presentation on 10/27 City Council Meeting Agenda<br><br>2020-07-14 14:04:25 - Melissa McDonough (Additional comments) The report on our emergency response will be provided culminating a year of activities. |
| 2021-01-26   | 11                 | Short Term Referral to City Manager, Disaster and Fire Safety Commission and Planning Commission to Amend Local Accessory Dwelling Unit (ADU) Zoning Ordinance and Berkeley's Fire Code | Refer to the City Manager, the Disaster and Fire Safety Commission and Planning Commission to evaluate and recommend to Council within 90 days, a set of ordinance amendments and programs to address emergency access and egress, parking and objective development standards for ADUs in all districts with expedited consideration to address the constraints presented by high fire hazard conditions and narrow and curving roadways in Fire Zones 2 and 3.                                   | Councilmembers |                   | Susan Wengraf, Sophie Hahn                                |                     | 2021-01-28 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2021-01-28 17:00:00 | 2021-01-28 17:00:00 | 2021-11-05 13:56:59 - James Bondi (Additional comments) Closed at Council 10/26/21 (Council heard item).<br><br>2021-06-25 15:42:18 - James Bondi (Additional comments) Submitted for Council 7/13/21.                                                                                                                                                                                                                           |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                   | Recommendations                                                                                                                                                                                                                                                                                                                                      | Referral by    | Referral District | Sponsor                       | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                                                                                                                                                                                                                                                 |
|--------------|--------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------------------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2021-03-09   | 11                 | Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.) | prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.                                                                | Councilmembers |                   |                               |                     | 2021-03-15 17:00:00 | City Clerk             | Completed | 2021-03-15 17:00:00 | 2021-03-15 17:00:00 | 2021-11-03 16:41:56 - Mark Numainville (Additional comments) See Item 3 from 10/26 agenda. New templates posted and distributed to Council.                                                                                                                                                                                                                                         |
| 2020-12-15   | 32                 | Deferral of Remaining Permit Fees for 2009 Addison Street                                                      | Refer to the City Manager to conduct a feasibility analysis and develop an MOU with the Berkeley Repertory Theater to defer \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater's housing project at 2009 Addison Street (leaving flexibility for timing, setting of interest, schedule of payments, and fund sources). | Councilmembers |                   | Jesse Arreguin, Susan Wengraf |                     | 2021-03-31 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2021-03-31 17:00:00 | 2021-03-31 17:00:00 | 2021-06-25 15:18:31 - James Bondi (Additional comments) MOU on fee deferrals executed by Council in 2021, Econ. Devt lead department./<br><br>2021-02-05 11:19:27 - Melissa McDonough (Additional comments) The Planning and Development Department has started to analyze the permit service center fund and staff are meeting with Berkeley Rep to discuss the deferral referral. |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                           | Recommendations                                                                                                                                                                                                     | Referral by    | Referral District       | Sponsor           | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                                                                   |
|--------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------|-------------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2016-07-12   | 27                 | Refer to City Manager to Consider Applying for \$100,000 from the Better Together Resilient Communities Grant Program                                  | That the City Manager consider applying for the \$100,000 grant that PG&E's Better Together Resilient Communities grant program will offer in the beginning of 2017.                                                | Council member |                         | Kriss Worthington |                     | 2021-06-28 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2021-06-28 17:00:00 | 2021-06-28 17:00:00 | 2021-06-25 15:30:16 - James Bondi (Additional comments)<br>Was in process of completion before the referral was made.<br>Completed immediately after. |
| 2015-09-15   | 55                 | Referral to the Community Environmental Advisory Commission to Install 1.8 GPM Showerheads in All New Housing Projects or Any Renovation Over \$50,000 | Refer to the Community Environmental Advisory Commission to explore requiring a maximum of 1.8 GPM low flow showerheads in new housing projects and all housing renovations exceeding \$50,000 throughout Berkeley. | Council member |                         | Kriss Worthington |                     | 2021-06-28 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2021-06-28 17:00:00 | 2021-06-28 17:00:00 | 2021-06-25 15:40:07 - James Bondi (Additional comments)<br>Done at Council 7/19/16                                                                    |
| 2014-04-29   | 35                 | 35. City Manager Referral: Policy for Companies Such as Airbnb to Pay Transient Occupancy Tax, as Currently Paid by Other Small Local Businesses       | Refer to the City Manager creation of a policy for companies such as Airbnb to pay the Transient Occupancy Tax, as currently paid by other small local businesses.                                                  | Council member | City Council District 7 | Kriss Worthington |                     | 2021-06-28 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2021-06-28 17:00:00 | 2014-05-02 08:00:00 | 2021-06-25 10:49:57 - James Bondi (Additional comments)<br>Referral was never necessary, TOT is collected from STRs                                   |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                                                                                             | Recommendations                                                                                                                                                                                                                                       | Referral by    | Referral District | Sponsor           | Referral Commission | Original end date   | Lead City Department   | State     | Planned end date    | Actual end date     | Additional comments                                                                                           |
|--------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|-------------------|---------------------|---------------------|------------------------|-----------|---------------------|---------------------|---------------------------------------------------------------------------------------------------------------|
| 2018-09-13   | 18                 | Adopt a Resolution in Support of Appropriate City Enforcement Measures to Mitigate Damages Resulting from the Removal of Trees at 1698 University Avenue | Amended to be a referral to the City Manager regarding enforcement of measures to mitigate damage to the general welfare of the City and neighborhood resulting from the damage and subsequently-required removal of trees at 1698 University Avenue. | Council member |                   | Kate Harrison     |                     | 2021-06-28 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2021-06-28 17:00:00 | 2021-06-28 17:00:00 |                                                                                                               |
| 2016-05-31   | 22                 | City Manager Referral: Consider Adding Energy Efficient Equity as an Additional Property Assessed Clean Energy Program                                   | Refer to the City Manager to consider adding Energy Efficient Equity as an additional property assessed clean energy program.                                                                                                                         | Council member |                   | Kriss Worthington |                     | 2021-06-28 17:00:00 | PLANNING & DEVELOPMENT | Completed | 2021-06-28 17:00:00 | 2021-06-28 17:00:00 |                                                                                                               |
| 2021-09-14   | 39                 | Open Government Commission Recommendations to City Council Regarding Teleconferenced Meetings                                                            | Adopted the recommendation from the Mayor in Supplemental Communications Packet #2 to refer amendments to Appendix C of the Rules of Procedure to the City Manager to bring back to Council for adoption.                                             | Councilmembers |                   | Jesse Arreguin    |                     | 2021-09-22 17:00:00 | City Clerk             | Completed | 2021-09-22 17:00:00 | 2021-09-22 17:00:00 | 2021-11-03 16:38:44 - Mark Numainville (Additional comments) See Item 7 from 10-12-21 agenda - Item completed |

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                               | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Referral by    | Referral District | Sponsor        | Referral Commission | Original end date   | Lead City Department  | State     | Planned end date    | Actual end date     | Additional comments |
|--------------|--------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|----------------|---------------------|---------------------|-----------------------|-----------|---------------------|---------------------|---------------------|
| 2021-09-28   | 0                  | Re-Establishing a COVID-19 Business Damage Mitigation Fund | Refer to the City Manager to re-establish the COVID-19 Business Damage Mitigation Fund in an amount up to \$50,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency. Authorize the City Manager to appropriate funding for the Mitigation Fund from Berkeley Relief Fund donations received through the East Bay Community Foundation. | Councilmembers |                   | Jesse Arreguin |                     | 2021-10-04 17:00:00 | CITY MANAGER'S OFFICE | Completed | 2021-10-04 17:00:00 | 2021-10-04 17:00:00 |                     |

|            |    |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |  |                                           |  |                     |            |           |                     |                     |  |
|------------|----|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|-------------------------------------------|--|---------------------|------------|-----------|---------------------|---------------------|--|
| 2017-09-12 | 33 | Voter Registration Forms in All City Buildings on Their Main Floors | Direct the City Manager to provide voter registration forms on the main floor of all designated city buildings that are open to the public and in all Community based organizations within the city limits. Community based organizations that are funded by the City of Berkeley will be required to pick up the voter registration forms from the City Clerk's Office and that should be clearly stated in their respective contracts. | Council member |  | Cheryl Davila, Kate Harrison, Sophie Hahn |  | 2021-11-04 17:00:00 | City Clerk | Completed | 2021-11-04 17:00:00 | 2021-11-04 17:00:00 |  |
|------------|----|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|-------------------------------------------|--|---------------------|------------|-----------|---------------------|---------------------|--|

Completed Short Term Referrals  
4th Quarter 2021

| Meeting Date | Agenda Item Number | Project Name                                                                      | Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Referral by    | Referral District | Sponsor                                    | Referral Commission | Original end date   | Lead City Department | State     | Planned end date    | Actual end date     | Additional comments                                                                               |
|--------------|--------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|--------------------------------------------|---------------------|---------------------|----------------------|-----------|---------------------|---------------------|---------------------------------------------------------------------------------------------------|
| 2018-09-13   | 31                 | Short-Term Referral to City Manager re: Emergency Standby Officers Qualifications | Referral to the City Manager to consider the following suggestions for requirements and qualifications for Emergency Standby Officers and return to Council within 90 days with recommendations. Possible requirements may include: - Trainings in roles and responsibilities to serve as a standby officer possibly including: ethics and workplace harassment. -City government experience. -Council District residency. - Require standby officers to meet the same qualifications, including restrictions on conflict of interest, | Council member |                   | Susan Wengraf, Jesse Arreguin, Sophie Hahn |                     | 2021-11-04 17:00:00 | City Clerk           | Completed | 2021-11-04 17:00:00 | 2021-11-04 17:00:00 | 2021-11-03 16:49:48 - Mark Numainville (Additional comments) Completed with Reso 68830 on 4/23/19 |



Office of the City Manager

30

INFORMATION CALENDAR  
February 22, 2022

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: Age-Friendly Berkeley Update

INTRODUCTION

This report provides an update on the implementation process and activities of the City of Berkeley's Age-Friendly Action Plan.

CURRENT SITUATION AND ITS EFFECTS

The Age-Friendly Action Plan is a strategic plan developed by residents, community organizations, and City staff that identifies resources and outlines goals that demonstrate Berkeley's commitment to a livable community where people of all ages are included and able to thrive. The number of Berkeley residents age 65 and over are expected to more than double by 2030; older adults are a vital part of the Berkeley community.

For the past two years, a Steering Committee consisting of City staff from the Parks, Recreation, & Waterfront Department, Planning Department and the Health, Housing and Community Services Department have met regularly to identify specific performance measures for each of the four priority areas listed the City of Berkeley's Age-Friendly Action Plan:

- Housing & Economic Security
- Transportation & Mobility
- Health & Wellness
- Social Participation & Civic Engagement

The performance measures were identified using a Results-Based Accountability framework. This framework focuses on measuring the impact of activities on the community, and also enables staff to track the progress of each identified objective. The attached data sheets illustrate 3-year trends for each of the performance measures within each priority area. Generally, the data show that results have been relatively

consistent in most areas during this period, and some measures show volatility related to the impact of the pandemic, particularly on in-person activities.

Several activities currently in process – such as the Vision Zero Action Plan for traffic and pedestrian safety, social and recreational opportunities offered through the City's Recreation and Senior Centers, and affordable housing projects – are examples of what the City is already doing to create and promote a community that is livable for all ages, and particularly addresses the needs and concerns of older adults.

### BACKGROUND

The City of Berkeley was accepted into the World Health Organization and the American Association of Retired Persons' (AARP) network of Age-Friendly Communities in November 2016. To become a member of the network, the City was required to complete an application that demonstrated Berkeley's commitment to older adults. Through the City's dedicated services to older adults, its robust non-profit sector, and innovative planning, the City demonstrated Berkeley's commitment to the older adult community.

The City of Berkeley Age-Friendly Action Plan was finalized in 2018 through a collaborative public-private partnership that includes representatives from City of Berkeley Aging Services Division, Ashby Village, Center for Independent Living, and Lifelong Medical partner agencies. The aforementioned four priority areas were identified after compiling findings from a community survey, forum, focus groups, and interviews to inform the Action Plan.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

In consideration of environmental impacts, electronic copies of Berkeley's Age-Friendly Action Plan are viewable and available for download online here:

[https://www.cityofberkeley.info/Health\\_Human\\_Services/Division\\_on\\_Aging/Age-Friendly\\_Berkeley\\_Action\\_Plan.aspx](https://www.cityofberkeley.info/Health_Human_Services/Division_on_Aging/Age-Friendly_Berkeley_Action_Plan.aspx).

Council may decide to identify and support new, innovative and/or expanded projects with Age-Friendly elements, in Berkeley, in the coming months and years.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The City has a large and growing older adult population that is expected to double within the next decade. Ensuring that older adults are able to live and thrive in Berkeley requires greater and more varied efforts than any one entity can provide. For example, the Health, Housing, and Community Services Department's Aging Services Division has 27 FTE staff and a budget of approximately \$6 million already dedicated to operating senior centers, providing paratransit and meals services, and providing supportive services for older adults and their caregivers. Continued cross-departmental collaboration and public-private coordination are essential to the goals of the Age-



Friendly Berkeley Plan, and a significant expansion of services would require the identification of new financial resources.

CONTACT PERSON

Tanya Bustamante, Aging Services Manager, HHCS, 510-981-5178

Attachments:

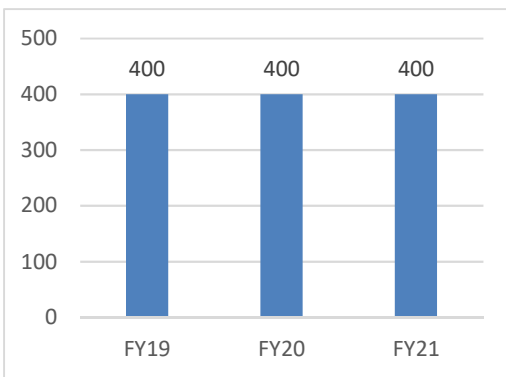
- 1: Housing & Economic Security Data Sheet
- 2: Transportation & Mobility Data Sheet
- 3: Health & Wellness Data Sheet
- 4: Social Participation & Civic Engagement Data Sheet



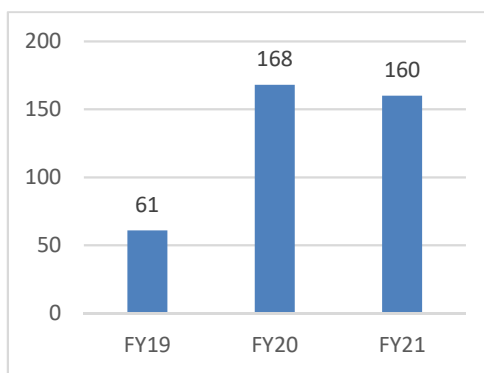
# AGE FRIENDLY BERKELEY: HOUSING AND ECONOMIC SECURITY FY19-21

In 2016, Berkeley joined a worldwide network of Age Friendly Cities and Communities to prepare for the rapidly growing older adult population. After reviewing community responses and promising local efforts already underway, the planning process identified four priority areas of focus including Housing and Economic Security. The goal within this priority area is to develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status. The Age Friendly Leadership Team has identified key measures to inform the work, track progress, and ultimately improve results. The following snapshot represents our data trends for the previous three fiscal years.

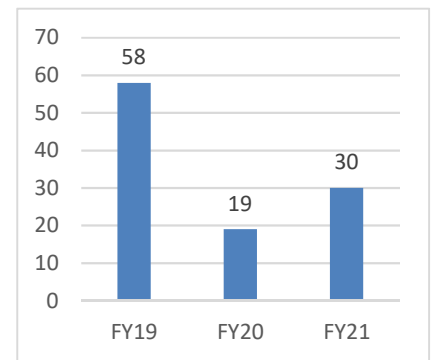
## How Much Did We Do?



NUMBER OF CITY-FUNDED AFFORDABLE HOUSING UNITS AVAILABLE TO OLDER ADULTS

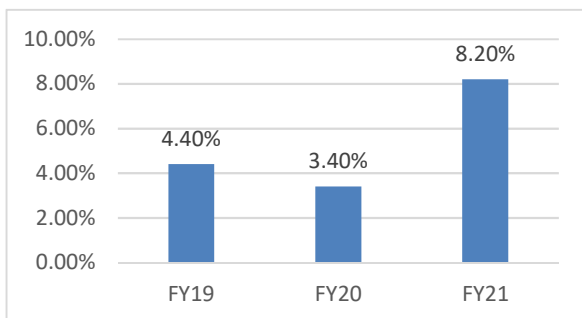


NUMBER OF HOMELESS OLDER ADULTS SERVED THRU STAIR CENTER & HOUSING RESOURCE CENTER



NUMBER OF OLDER ADULTS SERVED THRU DISABLED REHAB LOAN PROJECTS & HOME REPAIR PROGRAM

## How Well Did We Do It?



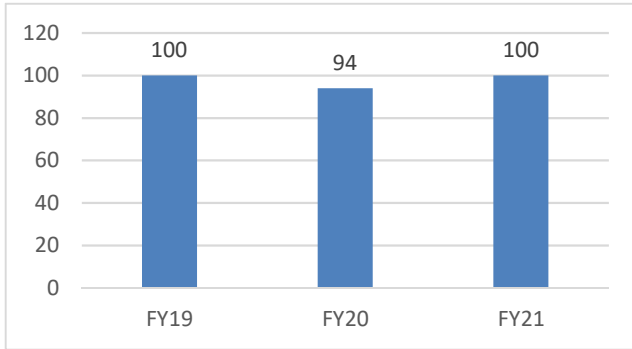
AVERAGE VACANCY RATE OF CITY-FUNDED AFFORDABLE HOUSING UNITS

# AGE FRIENDLY BERKELEY: HOUSING AND ECONOMIC SECURITY FY19-21



## Is Anyone Better Off?

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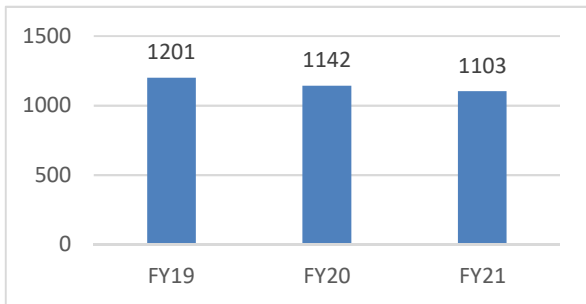
% OF OLDER ADULTS WHO  
OBTAIN PERMANENT HOUSING  
THRU SHELTER+CARE PROGRAM

# AGE FRIENDLY BERKELEY: TRANSPORTATION AND MOBILITY FY19-21



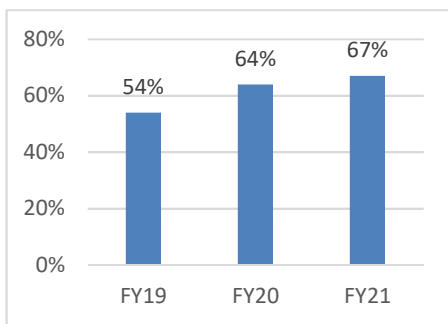
In 2016, Berkeley joined a worldwide network of Age Friendly Cities and Communities to prepare for the rapidly growing older adult population. After reviewing community responses and promising local efforts already underway, the planning process identified four priority areas of focus including Transportation and Mobility. The goal within this priority area is to advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities. The Age Friendly Leadership Team has identified key measures to inform the work, track progress, and ultimately improve results. The following snapshot represents our data trends for the previous three fiscal years.

## How Much Did We Do?

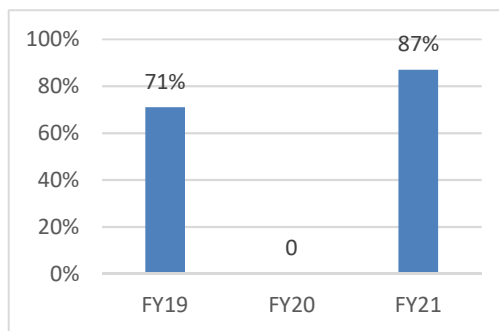


NUMBER OF OLDER ADULTS PARTICIPATING IN BERKELEY RIDES PARATRANSIT PROGRAM

## How Well Did We Do It?



% OF BERKELEY RIDES CLIENTS FROM LOW-INCOME CENSUS TRACTS



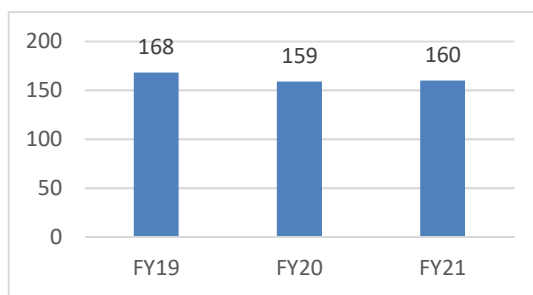
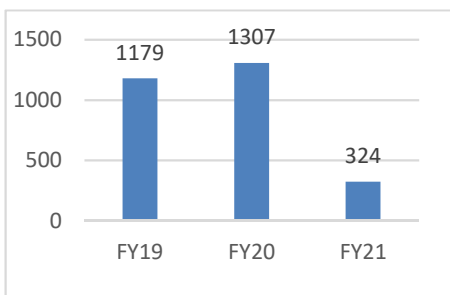
% OF BERKELEY RIDES SATISFIED WITH SERVICES

# AGE FRIENDLY BERKELEY: HEALTH AND WELLNESS FY19-21



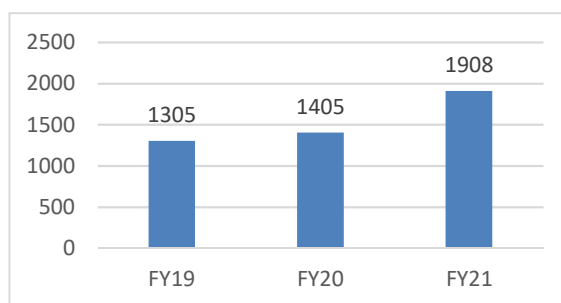
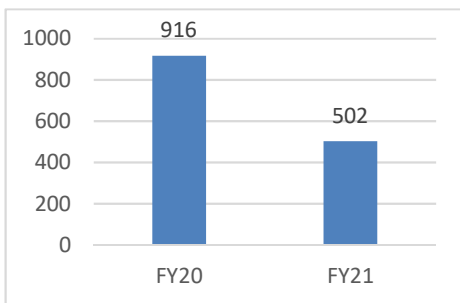
In 2016, Berkeley joined a worldwide network of Age Friendly Cities and Communities to prepare for the rapidly growing older adult population. After reviewing community responses and promising local efforts already underway, the planning process identified four priority areas of focus including Health and Wellness. The goal within this priority area is to develop a more integrated system of services and supports that are person centered and ensure that all residents have the opportunity to engage in health promoting activities. The Age Friendly Leadership Team has identified key measures to inform the work, track progress, and ultimately improve results. The following snapshot represents our data trends for the previous three fiscal years.

## How Much Did We Do?



NUMBER OF OLDER ADULTS RECEIVING SENIOR CENTER MEALS

NUMBER OF OLDER ADULTS RECEIVING MENTAL HEALTH (CLINICAL) SERVICES



NUMBER OF OLDER ADULTS PARTICIPATING IN HYPERTENSION PREVENTION PROGRAM

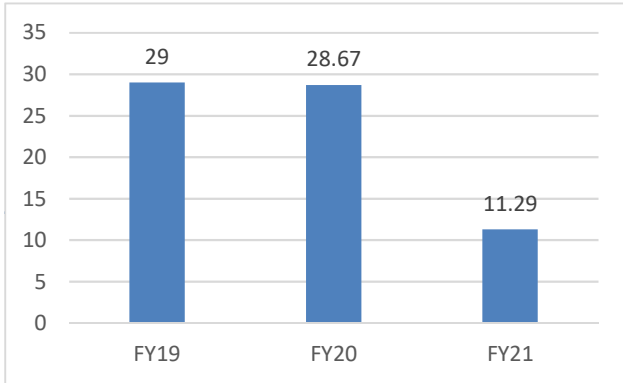
NUMBER OF OLDER ADULT NON-CLINICAL SOCIAL SERVICE ENCOUNTERS COMPLETED

# AGE FRIENDLY BERKELEY: HEALTH AND WELLNESS FY19-21



## How Well Did We Do It?

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AVERAGE NUMBER OF OLDER  
ADULTS ATTENDING FITNESS  
CLASSES IN A YEAR

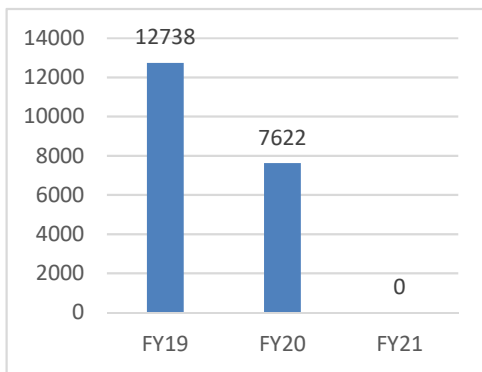
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# AGE FRIENDLY BERKELEY: SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT FY19-21

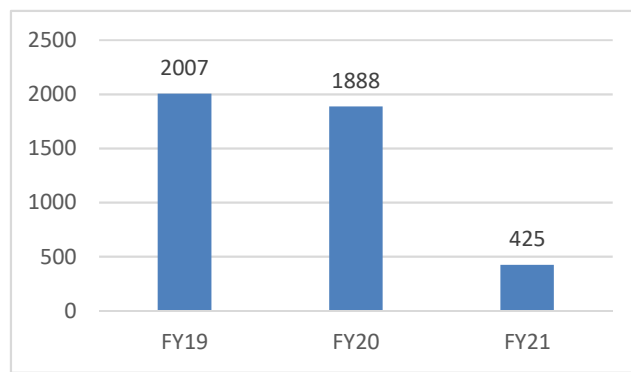


In 2016, Berkeley joined a worldwide network of Age Friendly Cities and Communities to prepare for the rapidly growing older adult population. After reviewing community responses and promising local efforts already underway, the planning process identified four priority areas of focus including social participation and civic engagement. The goal within this priority area is enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible. The Age Friendly Leadership Team has identified key measures to inform the work, track progress, and ultimately improve results. The following snapshot represents our data trends for the previous three fiscal years.

## How Much Did We Do?

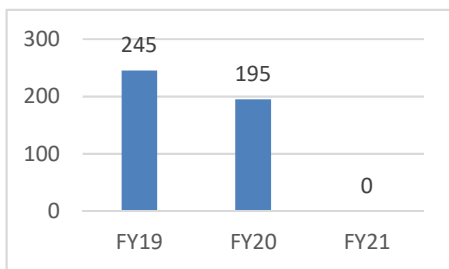


HOURS OF VOLUNTEER TIME AT SENIOR & RECREATION CENTERS

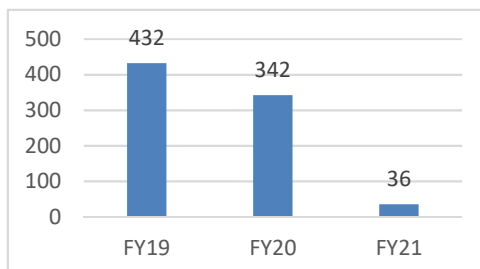


NUMBER OF OLDER ADULT PARTICIPANTS IN SENIOR CENTERS

## How Well Did We Do It?



AVERAGE NUMBER OF VOLUNTEER HOURS PER PERSON



AVERAGE DAILY ATTENDANCE AT SENIOR CENTERS







Office of the City Manager

INFORMATION CALENDAR  
February 22, 2022

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: LPO NOD: 1325 Arch Street – Application LMSAP2021-0003

INTRODUCTION

The attached Notice of Decision adopted by the Landmarks Preservation Commission is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC) has approved a Structural Alteration Permit (SAP) to complete limited exterior changes for the subject landmark building. This action is subject to a 15-day appeal period, which began when the Notice of Decision (NOD) was mailed on February 7, 2022.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the LPC in granting or denying a SAP. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, this Information Item must be taken up as an Action Item and then set for a public hearing at a later date. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by February 22, 2022. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing; otherwise, the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision of the LPC to approve the SAP, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Landmarks Preservation Commission Secretary, Planning and Development Department, 510-981-7410

Attachments:

1: Notice of Decision – #LMSAP2021-0003 for 1325 Arch Street



L A N D M A R K S  
 P R E S E R V A T I O N  
 C O M M I S S I O N

---

N O T I C E O F D E C I S I O N

**DATE OF BOARD DECISION: January 6, 2022**  
**DATE NOTICE MAILED: February 7, 2022**  
**APPEAL PERIOD EXPIRATION: February 22, 2022**  
**EFFECTIVE DATE OF PERMIT (Barring Appeal): February 23, 2022<sup>1</sup>**

## 1325 Arch Street

**Structural Alteration Permit (#LMSAP2021-0003) to complete limited exterior alterations to a City Landmark Building – Schneider/Kroeber House.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permit:

**PERMITS REQUIRED:**

- Structural Alteration Permit

**APPLICANT:** Sidell Pakravan Architects, 2445 6<sup>th</sup> Street, Berkeley, CA

**ZONING DISTRICT:** Single Family Residential, Hillside Overlay (R-1/H)

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt pursuant to Section 15331 of the CEQA Guidelines (Historical Resource Restoration and Rehabilitation).

**The Application materials for this project are available online at:**

<http://www.cityofberkeley.info/zoningapplications>

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**FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

<sup>1</sup> Pursuant to BMC Section 1.04.070, if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day. Pursuant to BMC Section 3.24.190, the City Council may “certify” any decision of the LPC for review, within fifteen days from the mailing of the NOD. Such certification shall stay all proceedings in the same manner as the filing of a notice of appeal.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2021-0003  
1325 Arch Street  
February 7, 2022  
Page 2 of 5

**COMMISSION VOTE: 8-1-0-0**

**YES:** ADAMS, CRANDALL, ENCHILL, JOHNSON, LEUSCHNER, MONTGOMERY,  
SCHWARTZ, TWU

**NO:** FINACOM

**ABSTAIN:** [NONE]

**ABSENT:** [NONE]

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code)**

An appeal may be taken to the City Council by the City Council on its own motion, by motion of the Planning Commission, by motion of the Civic Art Commission, by the verified application of the owners of the property or their authorized agents, or by the verified application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of this chapter.

Such appeal shall be taken by filing a written notice of appeal with the City Clerk within fifteen days after the mailing of the notice of the decision of the commission. The notice of appeal shall clearly and concisely set forth the grounds upon which the appeal is based. If the appeal is taken by an owner of the property affected, or an authorized agent, the notice of appeal shall be filed in duplicate and the City Clerk shall immediately forward one copy to the secretary of the commission. If the appeal is taken by someone other than an owner of affected property or an authorized agent, the notice of appeal shall be filed in triplicate and the City Clerk shall immediately forward one copy to the owner or authorized agent of the affected property and one copy to the secretary of the commission. Within ten days after the filing of a notice of appeal, the secretary of the commission shall transmit to the City Council a copy of the application, a copy of the notice of appeal and a written statement setting forth the reasons for the commission's decision, and shall make available to the council, at the time the matter is considered by the council, all other papers constituting the record upon which the action appealed from was taken.

The City Clerk is located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's facsimile number is (510) 981-6901. The City Clerk's telephone number is (510) 981-6900.

An appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

The required fee is as follows (checks and money orders must be payable to "City of Berkeley"):

- a. The basic fee for persons other than the applicant is \$500. This fee may be

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2021-0003  
1325 Arch Street  
February 7, 2022  
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reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.

b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.

c. The fee for all appeals by Applicants is \$2,500.

**STRUCTURAL ALTERATION PERMIT ISSUANCE:**

If no appeal is received, the Structural Alteration Permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time. Information about the Building Permit process can be found at the following link:

<http://www.ci.berkeley.ca.us/permitservicecenter/>.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in a public hearing and/or written correspondence during the proceedings related to this permit.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2021-0003  
1325 Arch Street  
February 7, 2022  
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- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**PUBLIC COMMENT:**

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Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

**FURTHER INFORMATION:**

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Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7413 or fcrane@cityofberkeley.edu. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, between 8 a.m. and 4 p.m., Monday through Thursday.

**ATTACHMENTS:**

- 
- 1. Findings and Conditions
  - 2. Project Plans, revised **OCTOBER 29, 2021**

**ATTEST:**   
Fatema Crane, Senior Planner  
Secretary to the Landmarks Preservation Commission

cc: City Clerk  
Applicant: Kristen Sidell  
Sidell Pakravan Architects  
2445 6<sup>th</sup> Street  
Berkeley, CA 94710

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2021-0003  
1325 Arch Street  
February 7, 2022  
Page 5 of 5

Property Owner: Golden Bear, LLC #166  
1400 Shattuck Avenue, Suite 12  
Berkeley, CA 94709

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DRAFT FINDINGS AND CONDITIONS

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## **1325 Arch Street – The Schneider/Kroeber House**

### **Structural Alteration Permit #LMSAP2021-0003**

**To complete limited exterior alteration to a designated City Landmark building that is pending City Council Certification.**

#### **CEQA FINDINGS**

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 153331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

#### **SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS**

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Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The subject property features a single-family residence designed by Bernard Maybeck. The use of the property would continue, unchanged, with this project.
2. The historic character of the property will be retained and preserved where the proposed alterations are limited in scope so as to avoid changes to its overall design character.
3. This property will continue to be recognized as a physical record of its time, place, and use as a result of the approved project. None of the proposed alterations are found to create a false sense of historical development.
4. No changes to this property that have acquired historic significance in their own right, such as the 1933 rear addition, would be undertaken in a manner that would impair their significance.
5. This project would not negatively affect distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize this property.
6. No deteriorated historic features of this property will be affected by this proposal.



7. Chemical or physical treatments are not anticipated; however, if they are appropriate, they will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. Any archeological resources at this site would be unaffected by the proposed work which includes no excavation.
9. Exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property in a significant or detrimental way. The new work, such as new porch stone pavers and rear stair railing, will be differentiated from the old, historic work and materials.
10. The proposed work could be removed and the new window openings could be infilled with matching materials in the future, thereby retaining the essential form and integrity of the historic building design.

#### **LANDMARK PRESERVATION ORDINANCE FINDINGS**

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1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that the proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property, because:
  - A. The proposed set of building alterations is limited in scope, and would result in modest and discreet changes that would preserve the overall character of the building's historic design and features.
  - B. The proposed changes would not adversely affect the special character of this Maybeck-design residence, or its special aesthetic value as viewed from within the site and from its setting.

## STANDARD CONDITIONS

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The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

### 1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

### 2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

### 3. Subject to All Applicable Laws and Regulations

The approved construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to installation, the applicant shall obtain Use Permit approval in accordance with BMC Section 23C.17 (Wireless Telecommunication). Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

### 4. Exercise and Lapse of Permits (Section 23B.56.100)

- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has:
  - (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

### 5. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn,

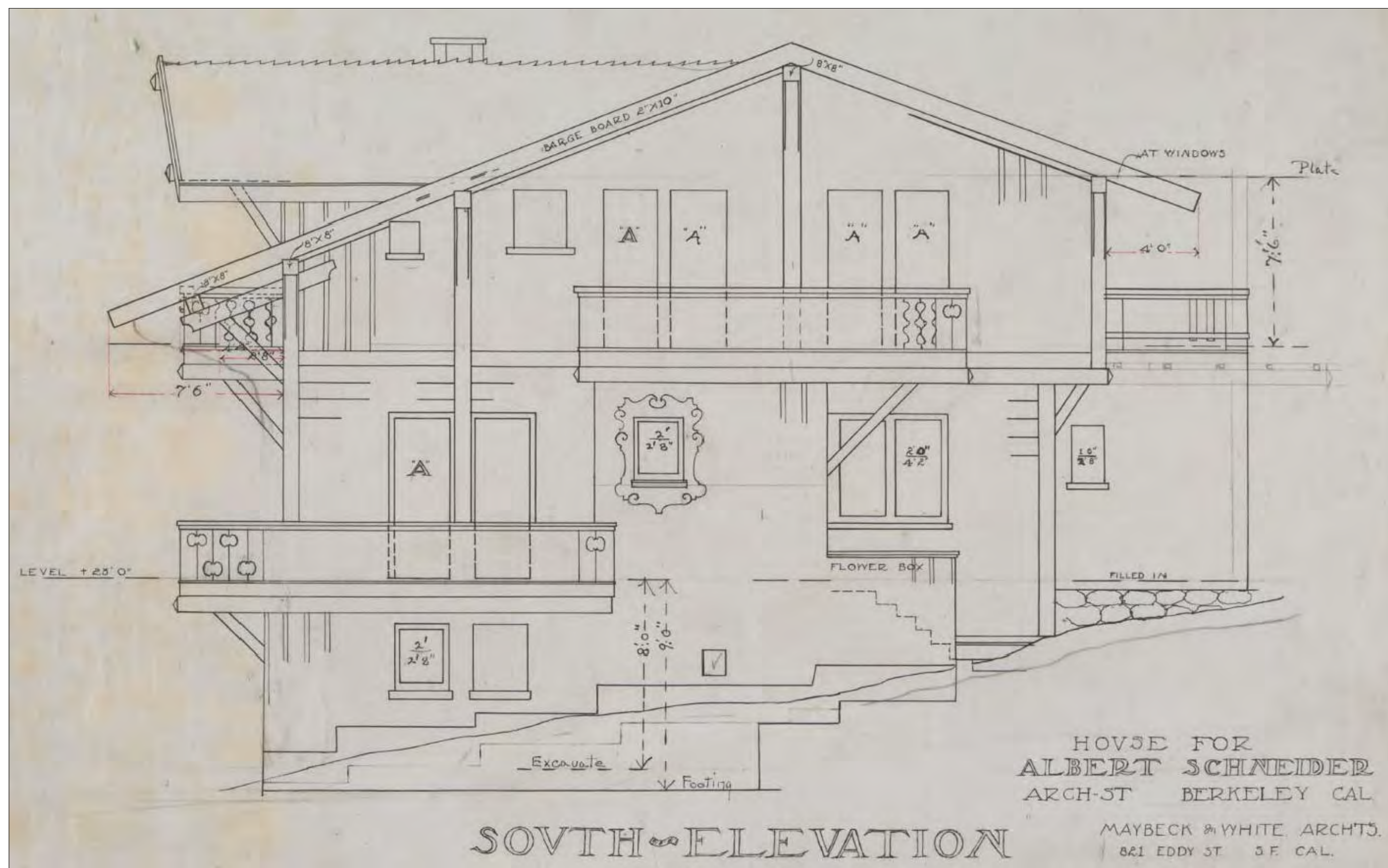
set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

### **ADDITIONAL CONDITIONS**

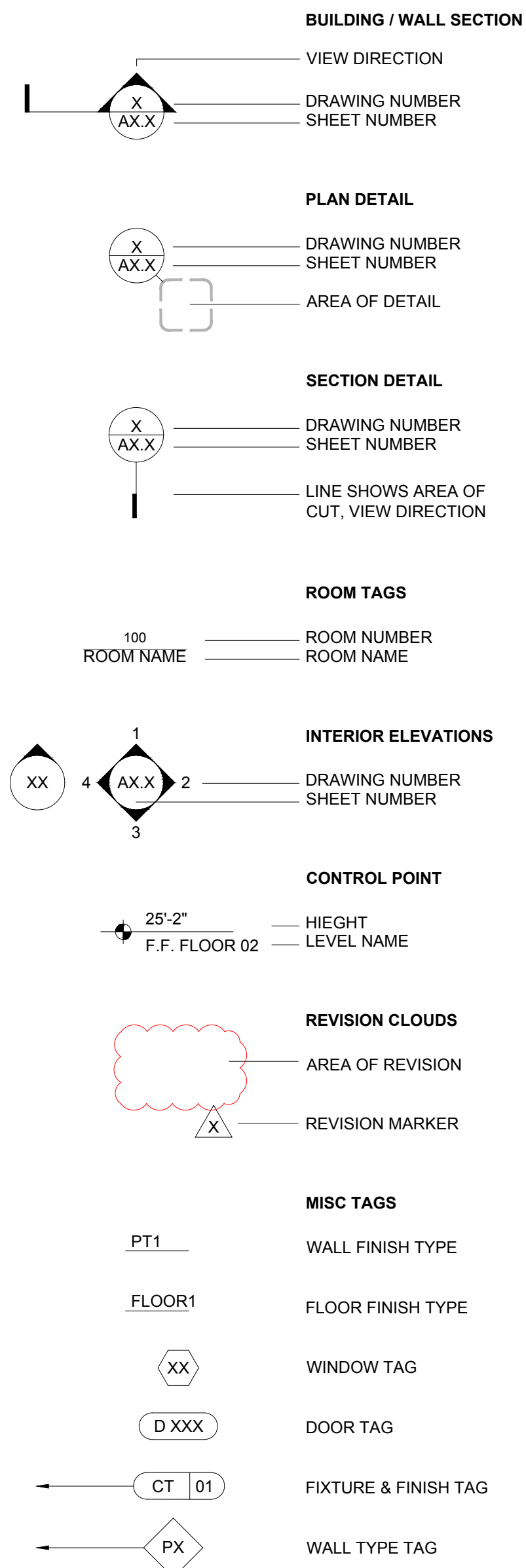
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The following additional conditions are attached to this Permit:

6. **City Council Certification.** This Structural Alteration Permit approval is contingent upon City Council Certification of the City Landmark designation for this property, in accordance with BMC Section 3.24.190.
7. **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
8. **Stair Railing Replacement – *if applicable.*** Prior to building permit submittal, the project plans shall be revised to include a replacement stair railing design that is simple and differentiated from the historic building design and shall avoid conjecture and false historicism; the railing materials, colors and finishes shall be complimentary and compatible with the historic building design. The final design shall be considered and approved by ministerial review in coordination with the Commission Chairperson.
9. **Chemical Treatments.** With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
10. All glass is assumed to be clear glass. Any proposed glass that is not clear glass, shall be indicated on all drawings, and shall be reviewed for approval by staff.
11. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.



## SYMBOLS



## PROJECT DATA

|                            |                                                                                                                                                       |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILDING ADDRESS</b>    | 1325 ARCH ST<br>BERKELEY, CA 94708                                                                                                                    |
| <b>PROJECT DESCRIPTION</b> | ADD HALF BATH; ADD FULL BATH;<br>REMODEL 3 (E) BATHROOMS; MODIFY<br>4 WINDOWS                                                                         |
| <b>PARCEL NUMBER</b>       | 060 246502700                                                                                                                                         |
| <b>ZONING</b>              | R-1H                                                                                                                                                  |
| <b>SETBACKS</b>            | FRONT: 20'-0"<br>REAR: 20'-0"                                                                                                                         |
| <b>SIDES:</b>              | 4'-0"                                                                                                                                                 |
| <b>LOT AREA</b>            | 6600 SF                                                                                                                                               |
| <b>BLDG FOOTPRINT</b>      | (E) PRIMARY: 1580 SF<br>(E) GARAGE: 185 SF<br>(NO CHANGE)                                                                                             |
| <b>FLOOR AREA</b>          | (E) ATTIC (NOT DRAWN) 395 SF<br>(E) SECOND LEVEL 1579 SF<br>(E) FIRST LEVEL 1463 SF<br>(E) BASEMENT LEVEL 1566 SF<br>(E) TOTAL 5003 SF<br>(NO CHANGE) |
| <b>LOT COVERAGE</b>        | MAX ALLOWABLE: 40%<br>EXISTING: 37.3%<br>(NO CHANGE)                                                                                                  |
| <b>MAX HEIGHT</b>          | MAX ALLOWABLE: 35'-0"<br>EXISTING: 31'-4"<br>(NO CHANGE)                                                                                              |
| <b>OCCUPANCY</b>           | SINGLE FAMILY RESIDENTIAL                                                                                                                             |
| <b>CONSTRUCTION TYPE</b>   | V-B, UNSPRINKLERED                                                                                                                                    |
| <b>FIRE ZONE</b>           | 2, VERY HIGH                                                                                                                                          |

## SIDELL PAKRAVAN ARCHITECTS

sidellpakravan.com  
info@sidellpakravan.com

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## ABBREVIATIONS

|                              |                                |
|------------------------------|--------------------------------|
| ADJ. ADJUSTABLE              | MFG. MANUFACTURING             |
| A.F.F. ABOVE FINISHED FLOOR  | MFR. MANUFACTURER              |
| ALT. ALTERNATE               | MIN. MINIMUM                   |
| APPROX. APPROXIMATE          | MISC. MISCELLANEOUS            |
| ARCH. ARCHITECTURAL          | MTD. MOUNTED                   |
|                              | MTL. METAL                     |
| BLDG. BUILDING               | (N) NEW                        |
| BLDG. STD. BUILDING STANDARD | N.I.C. NOT IN CONTRACT         |
| B.O. BOTTOM OF               | N.T.S. NOT TO SCALE            |
| BTM. BOTTOM                  |                                |
| BTWN. BETWEEN                |                                |
|                              | O.A. OVERALL                   |
| CLG. CEILING                 | O.C. ON CENTER                 |
| CLG. HT. CEILING HEIGHT      | OPNG. OPENING                  |
| CLR. CLEAR                   | OPP. OPPOSITE                  |
| COL. COLUMN                  |                                |
| CONC. CONCRETE               | PART. PARTITION                |
| CONST. CONSTRUCTION          | PLYWD. PLYWOOD                 |
| CONT. CONTINUOUS             | POL. POLISHED                  |
|                              | P.P. POWER POLE                |
|                              | PTD. PAINTED                   |
| DET. DETAIL                  | R. RADIUS                      |
| DIA. DIAMETER                | RD. ROUND                      |
| DIAG. DIAGONAL               | RECT. RECTANGULAR              |
| DIM. DIMENSION               | REF. REFERENCE                 |
| DWG. DRAWING                 | REINF. REINFORCED              |
| (E) EXISTING                 | RELOC. RELOCATE OR RELOCATED   |
| EA. EACH                     | REQ. REQUIRED                  |
| ELEV. ELEVATION              | REV. REVISION                  |
| ELEC. ELECTRICAL             | R.O. ROUGH OPENING             |
| ENGR. ENGINEER               |                                |
| EQ. EQUAL                    | SECT. SECTION                  |
| EXT. EXTERIOR                | SIM. SIMILAR                   |
|                              | SPECS. SPECIFICATIONS          |
| FIN. FINISH                  | S.S. STAINLESS STEEL           |
| FLR. FLOOR                   | S.S.D. SEE STRUCTURAL DRAWINGS |
| F.O. FIELD OPENING           | STD. STANDARD                  |
| F.V. FIELD VERIFY            | STL. STEEL                     |
|                              | STRUCT. STRUCTURAL             |
| GA. GAUGE                    | SUSP. SUSPENDED                |
|                              | T.&G. TONGUE & GROOVE          |
| H.B. HOSE BIBB               | T.O. TOP OF                    |
| HDW. HARDWARE                | TYP. TYPICAL                   |
| HP. HIGH POINT               |                                |
| HORIZ. HORIZONTAL            | U.N.O. UNLESS NOTED OTHERWISE  |
| HR. HOUR                     |                                |
| HT. HEIGHT                   | VERT. VERTICAL                 |
|                              | INT. INTERIOR                  |
| INSUL. INSULATION            | V.I.F. VERIFY IN FIELD         |
| INT. INTERIOR                |                                |
| J.B. JUNCTION BOX            | WD. WOOD                       |
|                              | W.P. WATERPROOF                |
| MATL. MATERIAL               |                                |
| MAX. MAXIMUM                 |                                |
| MECH. MECHANICAL             |                                |

## VICINITY MAP



## PROJECT DIRECTORY

**OWNER**  
Golden Bear LLC  
1325 Arch St  
Berkeley, CA 94708

**ARCHITECT**  
Kristen Sidell  
Sidell Pakravan Architects  
2445 Sixth Street  
Berkeley, CA 94710  
510 984 0904  
info@sidellpakravan.com

**INTERIOR DESIGNER**  
Laura Martin Bovard  
LMB Interiors  
339 15th Street, Suite 301  
Oakland, CA 94612  
510 531 8438

**CONTRACTOR**  
Jetton Construction  
Contact: Kevin Wuertz  
kevin@jettonconstruction.com

**STRUCTURAL ENGINEER**  
-

**ENERGY CONSULTANT**  
-

## DRAWING INDEX

|                      |                                     |
|----------------------|-------------------------------------|
| <b>ARCHITECTURAL</b> |                                     |
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| DATE       | ISSUE        |
|------------|--------------|
| 08.09.2021 | LPC          |
| 10.29.2021 | LPC REVISION |

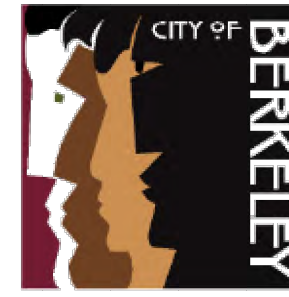
## ARCH ST

1325 ARCH STREET  
BERKELEY, CA, 94708

## SHEET TITLE COVER SHEET AND PROJECT INFORMATION

# A0.01

SHEET NO.  
372



# PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
 Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

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## TABULATION FORM

Project Address: 1325 ARCH ST, BERKELEY, CA 94708 Date: 08.09.2021

Applicant's Name: Sidell Pakravan Architects

Zoning District R1-H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

|                                             |               | <i>Existing</i> | <i>Proposed</i> | <i>Permitted/<br/>Required</i> |
|---------------------------------------------|---------------|-----------------|-----------------|--------------------------------|
| <b>Units, Parking Spaces &amp; Bedrooms</b> |               |                 |                 |                                |
| Number of Dwelling Units                    | (#)           | 1               | 1               | 1                              |
| Number of Parking Spaces                    | (#)           | 1               | 1               | 1                              |
| Number of Bedrooms                          | (#)           |                 |                 |                                |
| (R-1, R-1A, R-2, R-2A, and R-3 only)        |               |                 |                 |                                |
| <b>Yards and Height</b>                     |               |                 |                 |                                |
| Front Yard Setback                          | (Feet)        | 20'             | 20'             | 20'                            |
| Side Yard Setbacks:                         |               |                 |                 |                                |
| (facing property)                           | Left: (Feet)  | 4'              | 4'              | 4'                             |
|                                             | Right: (Feet) | 4'              | 4'              | 4'                             |
| Rear Yard Setback                           | (Feet)        | 20'             | 20'             | 20'                            |
| Building Height*                            | (# Stories)   | 3               | 3               | 3                              |
| Average*                                    | (Feet)        | 27'             | 27'             | 28'                            |
| Maximum*                                    | (Feet)        | 34'             | 34'             | 35'                            |
| <b>Areas</b>                                |               |                 |                 |                                |
| Lot Area                                    | (Square-Feet) | 6600            | 6600            |                                |
| Gross Floor Area*                           | (Square-Feet) |                 |                 |                                |
| Total Area Covered by All Floors            |               | 5003            | 5003            |                                |
| Building Footprint*                         | (Square-Feet) |                 |                 |                                |
| Total of All Structures                     |               | 1765            | 1765            |                                |
| Lot Coverage*                               | (%)           |                 |                 |                                |
| (Footprint/Lot Area)                        |               | 37.3%           | 37.3%           | 40%                            |
| Useable Open Space*                         | (Square-Feet) |                 |                 |                                |
|                                             |               | 3740            | 3740            | 400                            |
| Floor Area Ratio*                           |               |                 |                 |                                |
| Non-Residential only                        | (Except ES-R) |                 |                 |                                |

\*See Definitions – Zoning Ordinance Title 23F.

Revised: 05/15

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|------------|-------|
| 08.09.2021 | LPC   |

| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**TABULATION SHEET**

**A0.02**

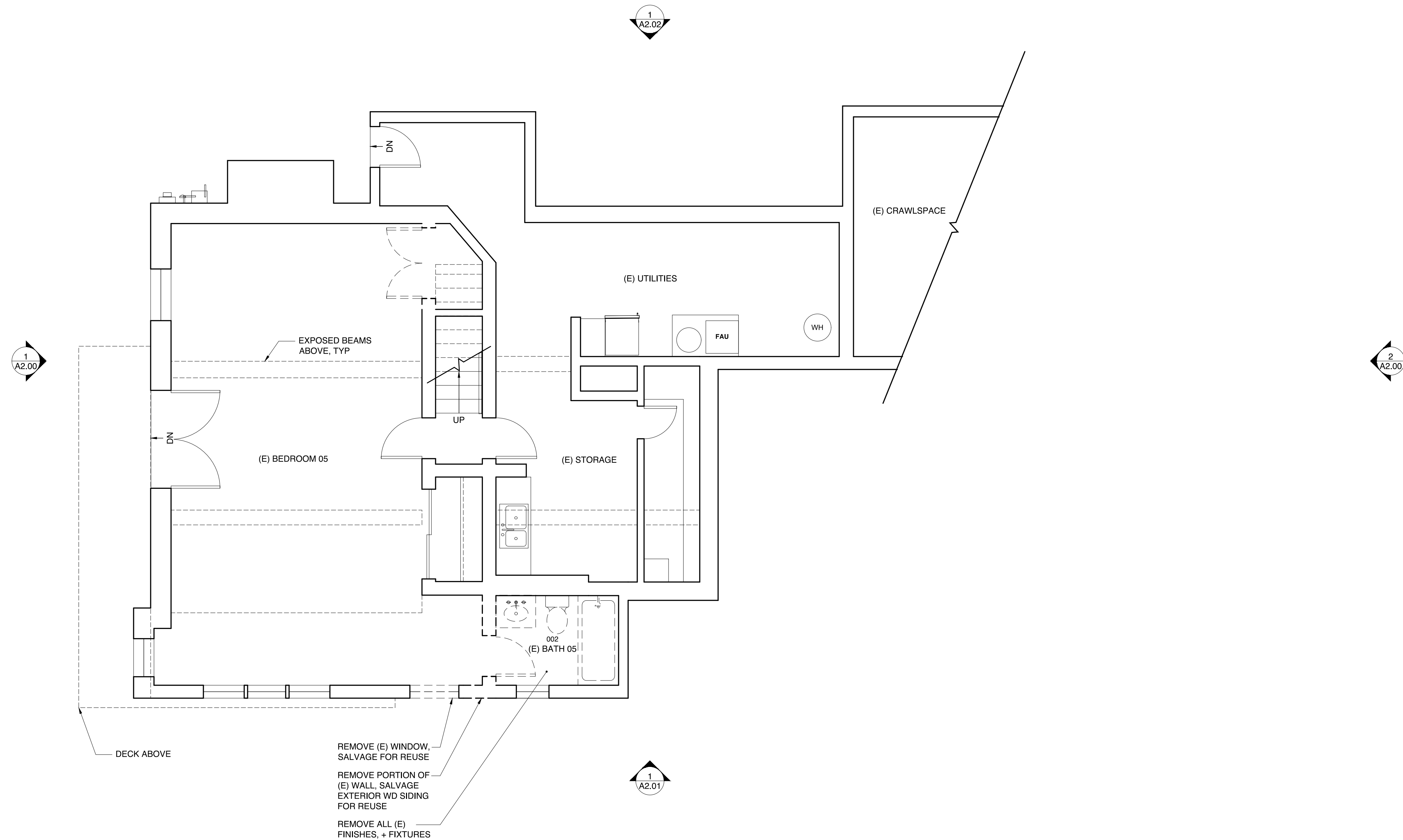
SHEET NO.  
373



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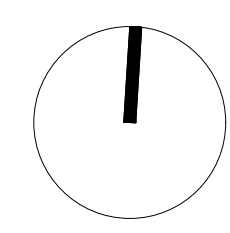
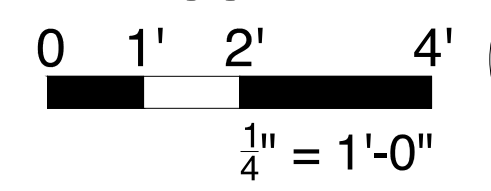


REMOVE (E) WINDOW,  
SALVAGE FOR REUSE

REMOVE PORTION OF  
(E) WALL, SALVAGE  
EXTERIOR WD SIDING  
FOR REUSE

REMOVE ALL (E)  
FINISHES, + FIXTURES

1: (E) BASEMENT FLOOR PLAN



**LEGEND**

| SYMBOL | TYPE                     |
|--------|--------------------------|
|        | (E) TO DEMO              |
|        | (E) WALLS 2X4 @ 16" O.C. |
|        | 1 HR. WALL               |

| DATE       | ISSUE |
|------------|-------|
| 08.09.2021 | LPC   |
|            |       |
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|            |       |

| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

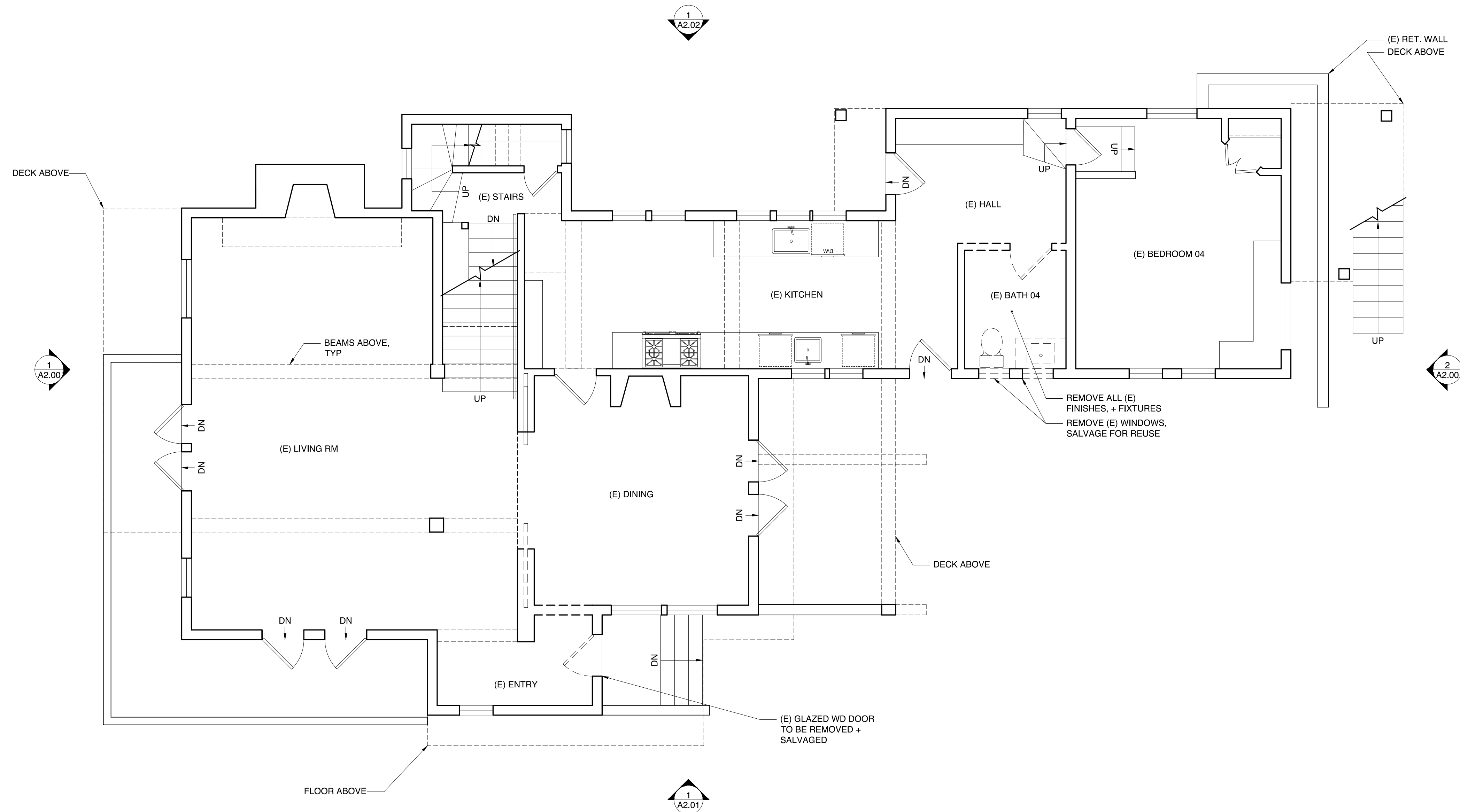
**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

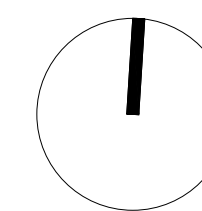
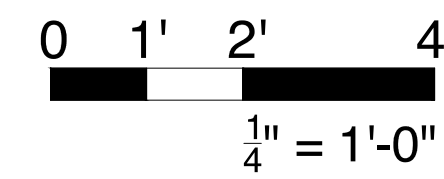
SHEET TITLE  
**BASEMENT FLOOR  
EXISTING + DEMO  
PLANS**

**A1.02**

SHEET NO.  
375



1: (E) FIRST FLOOR PLAN



**LEGEND**

| SYMBOL | TYPE                     |
|--------|--------------------------|
|        | (E) TO DEMO              |
|        | (E) WALLS 2X4 @ 16" O.C. |
|        | 1 HR. WALL               |

| DATE       | ISSUE |
|------------|-------|
| 08.09.2021 | LPC   |

| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

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1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**FIRST FLOOR  
EXISTING + DEMO  
PLANS**

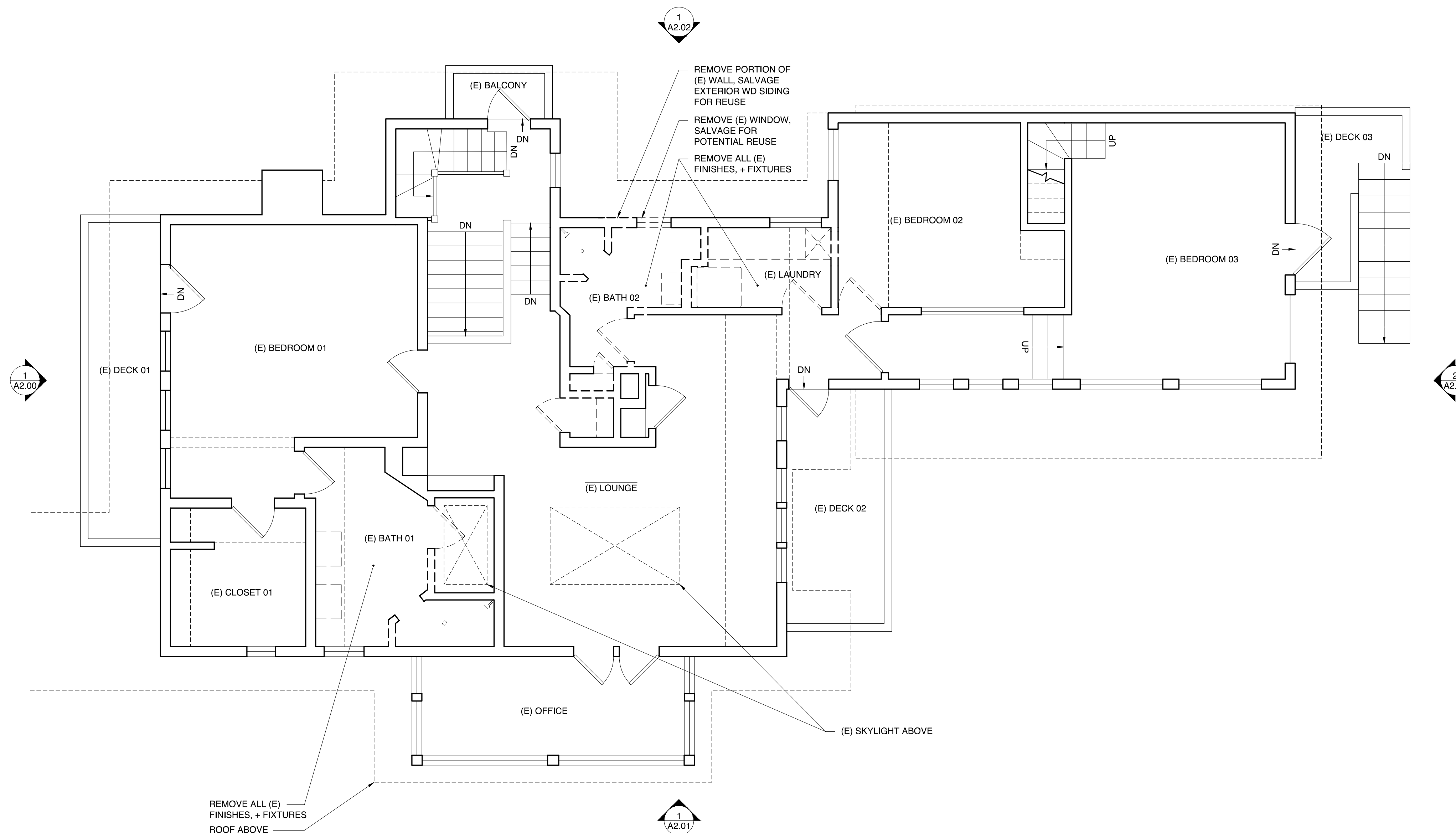
**A1.03**



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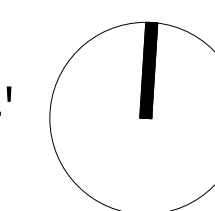
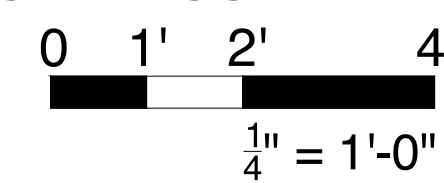
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|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**SECOND FLOOR  
EXISTING + DEMO  
PLANS**

1: SECOND FLOOR PLAN



**LEGEND**

| SYMBOL | TYPE                     |
|--------|--------------------------|
|        | (E) TO DEMO              |
|        | (E) WALLS 2X4 @ 16" O.C. |
|        | 1 HR. WALL               |

**A1.04**

SHEET NO.  
377

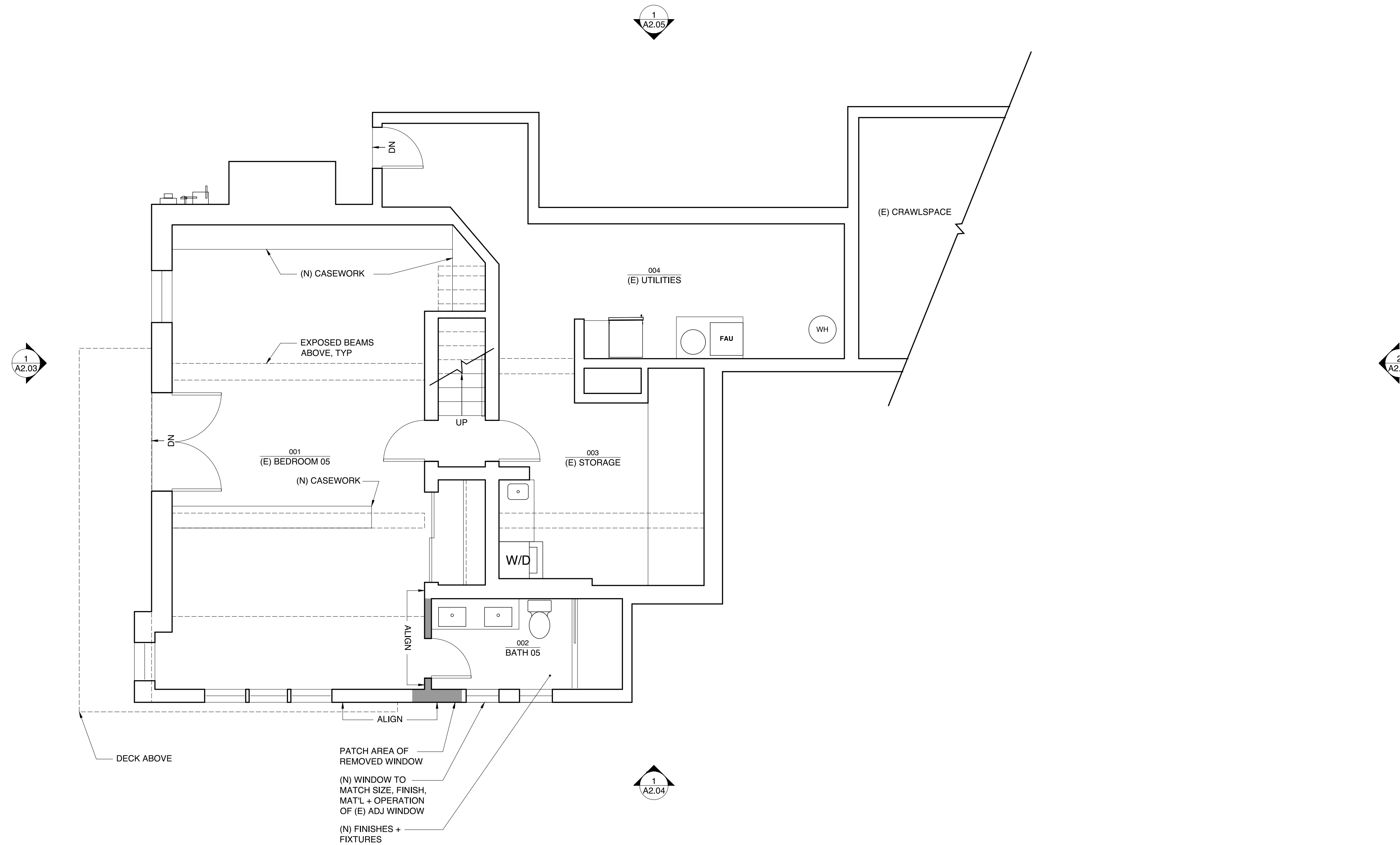
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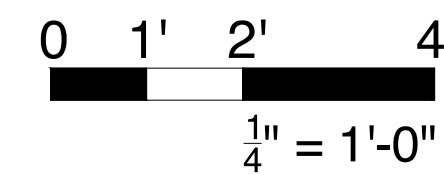
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**NOTES**

1. ALL (N) INT. WALLS SHALL MATCH (E) WD. PANELING
2. BATHROOMS SHALL HAVE TILE FINISH AT AREAS EXPOSED TO WATER



1: BASEMENT FLOOR PLAN



**LEGEND**

| SYMBOL   | TYPE                                         |
|----------|----------------------------------------------|
| [Symbol] | (E) WALLS 2X4 @ 16" O.C.                     |
| [Symbol] | (N) WALLS 2X4 @ 16" O.C. W/ FULL BATT INSUL. |
| [Symbol] | 1 HR. WALL                                   |

| DATE       | ISSUE |
|------------|-------|
| 08.09.2021 | LPC   |

| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**(N) BASEMENT  
FLOOR PLAN**

**A1.05**

SHEET NO.  
378

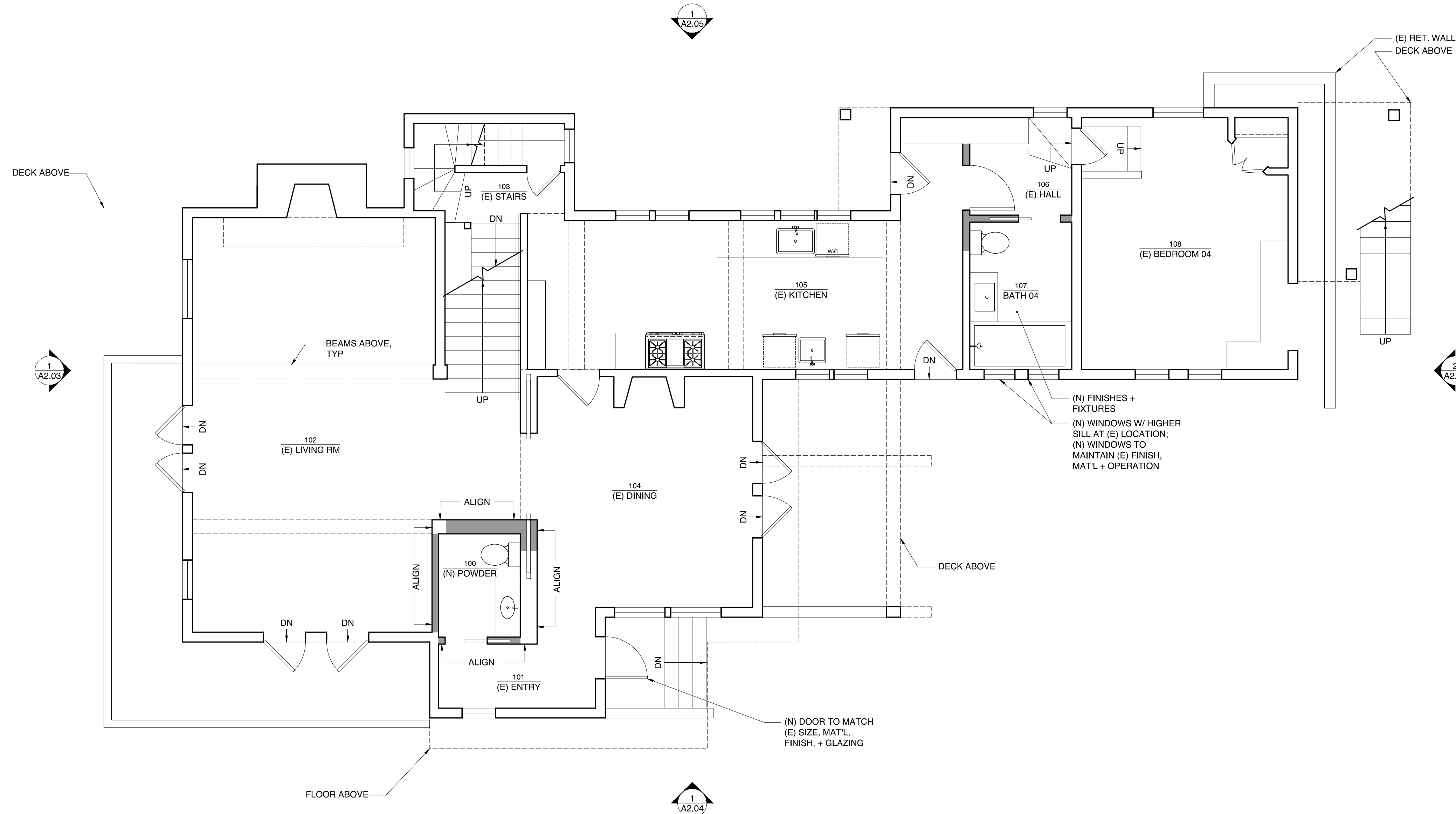
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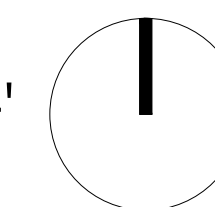
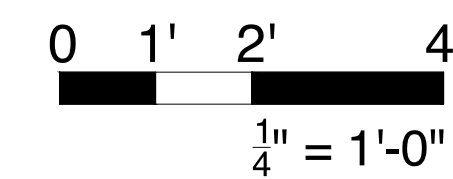
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**NOTES**

1. ALL (N) INT. WALLS SHALL MATCH (E) WD. PANELING
2. BATHROOMS SHALL HAVE TILE FINISH AT AREAS EXPOSED TO WATER



1: FIRST FLOOR PLAN



**LEGEND**

| SYMBOL       | TYPE                                         |
|--------------|----------------------------------------------|
| [White box]  | (E) WALLS 2X4 @ 16" O.C.                     |
| [Grey box]   | (N) WALLS 2X4 @ 16" O.C. W/ FULL BATT INSUL. |
| [Dotted box] | 1 HR. WALL                                   |

| DATE       | ISSUE |
|------------|-------|
| 08.09.2021 | LPC   |

| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**(N) FIRST FLOOR  
PLAN**

**A1.06**

SHEET NO.  
379

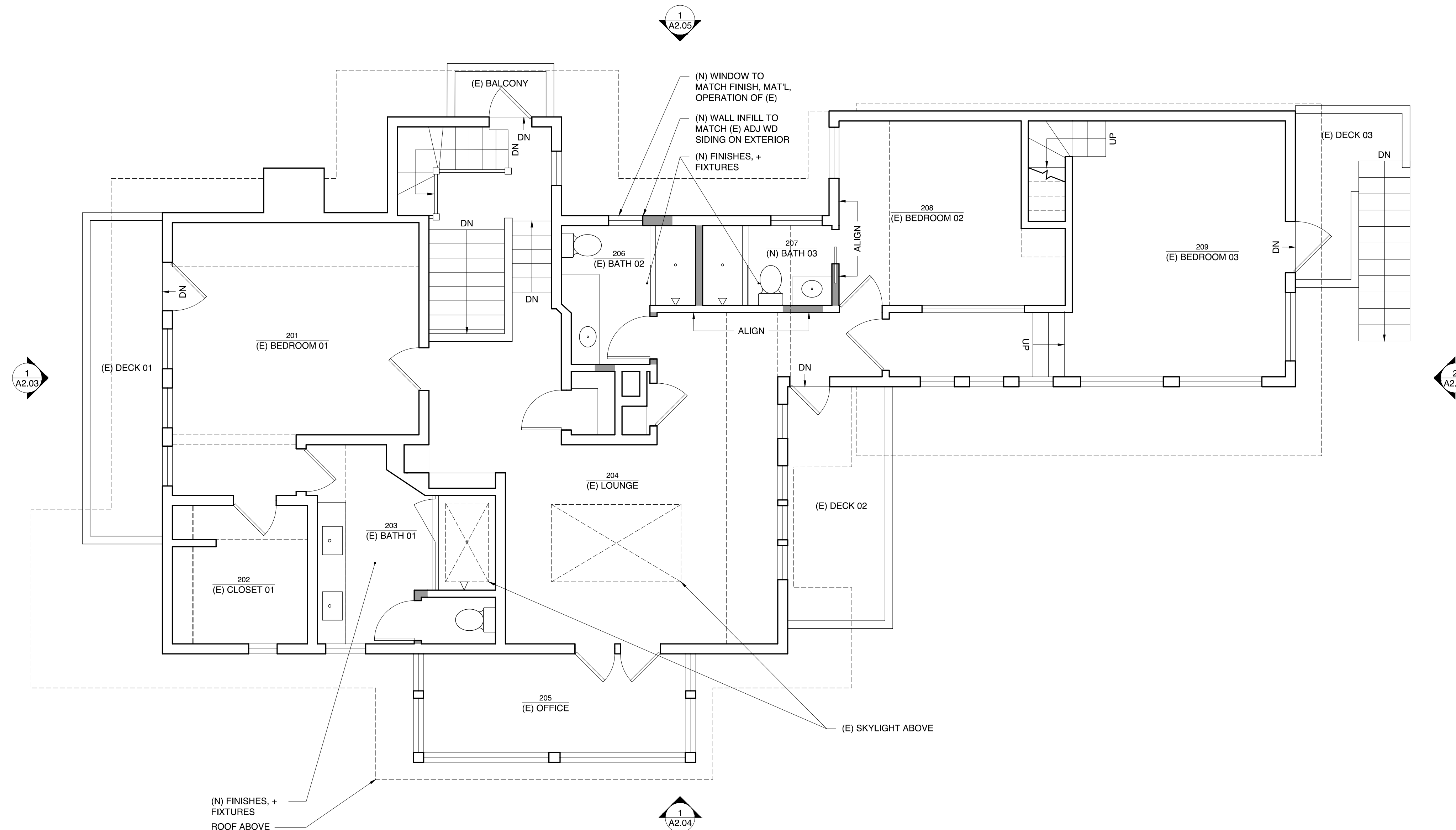
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**NOTES**

1. ALL (N) INT. WALLS SHALL MATCH (E) WD. PANELING
2. BATHROOMS SHALL HAVE TILE FINISH AT AREAS EXPOSED TO WATER



| DATE       | ISSUE |
|------------|-------|
| 08.09.2021 | LPC   |

| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

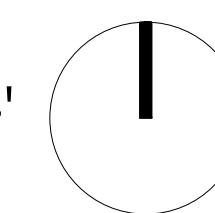
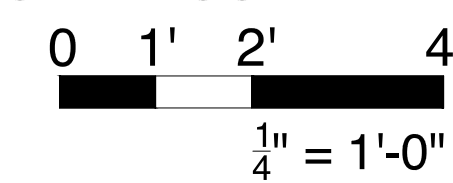
1325 ARCH STREET  
BERKELEY, CA, 94708

**SHEET TITLE  
(N) SECOND FLOOR  
PLAN**

**LEGEND**

| SYMBOL   | TYPE                                            |
|----------|-------------------------------------------------|
| [Symbol] | (E) WALLS 2X4 @ 16" O.C.                        |
| [Symbol] | (N) WALLS 2X4 @ 16" O.C. W/<br>FULL BATT INSUL. |
| [Symbol] | 1 HR. WALL                                      |

1: SECOND FLOOR PLAN



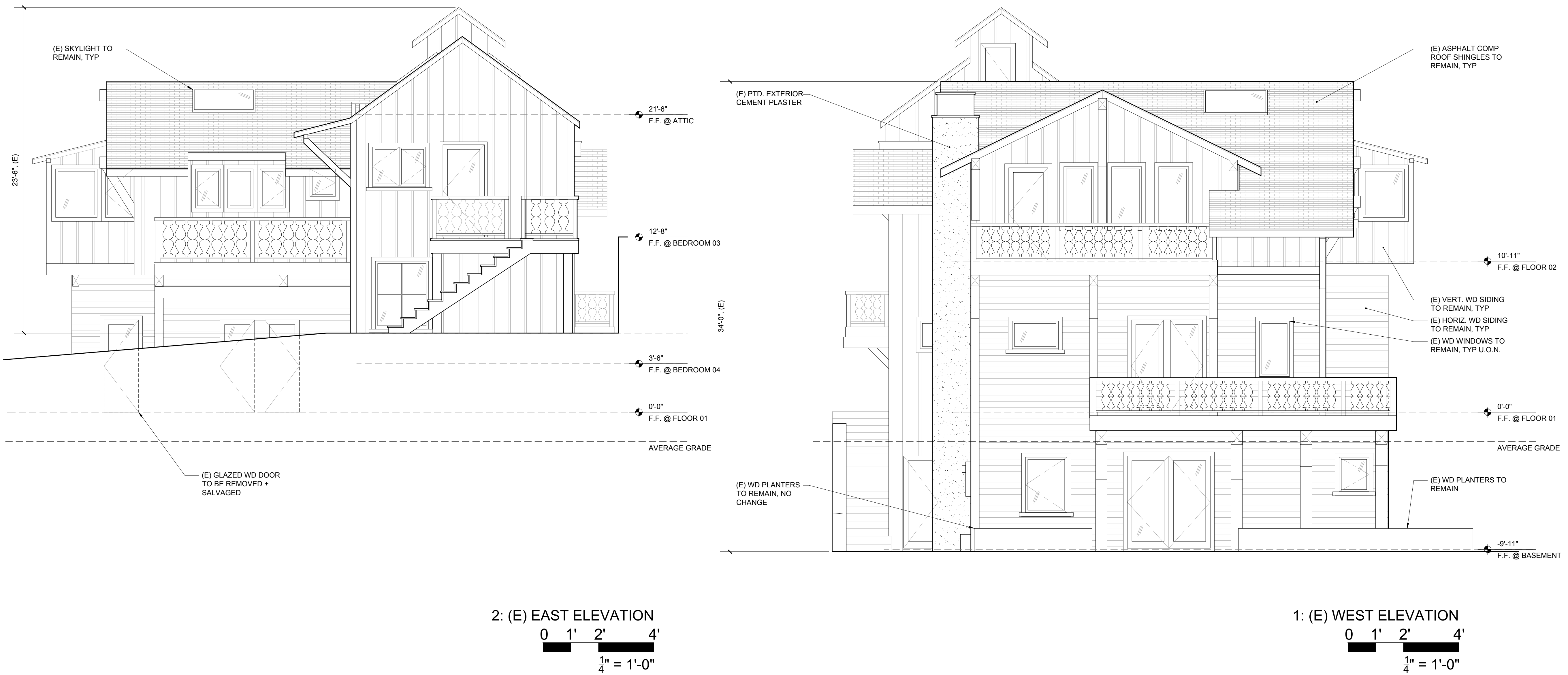
**A1.07**

SHEET NO.  
380

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| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

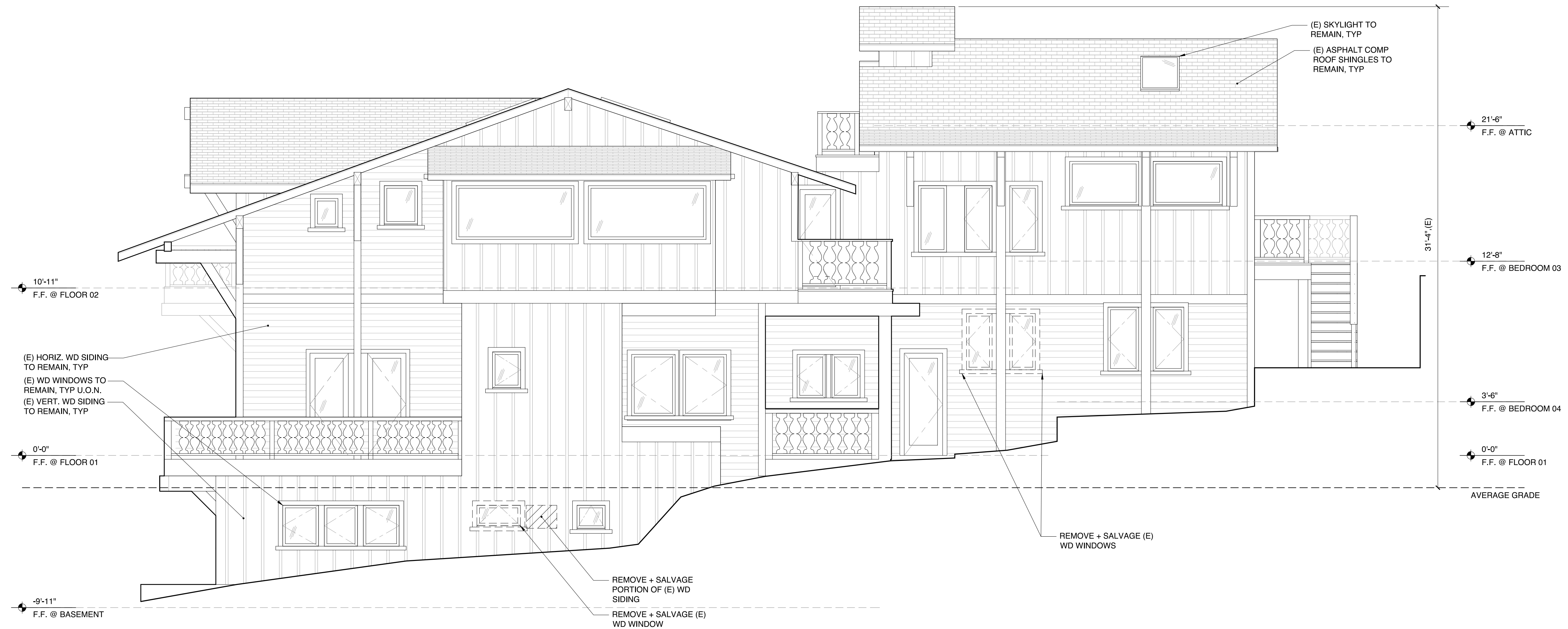
**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**(E) ELEVATIONS**

**A2.00**

SHEET NO.  
381



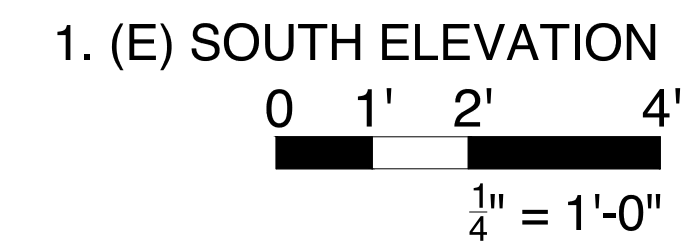
| DATE       | ISSUE |
|------------|-------|
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|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

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BERKELEY, CA, 94708

SHEET TITLE  
**(E) ELEVATIONS**

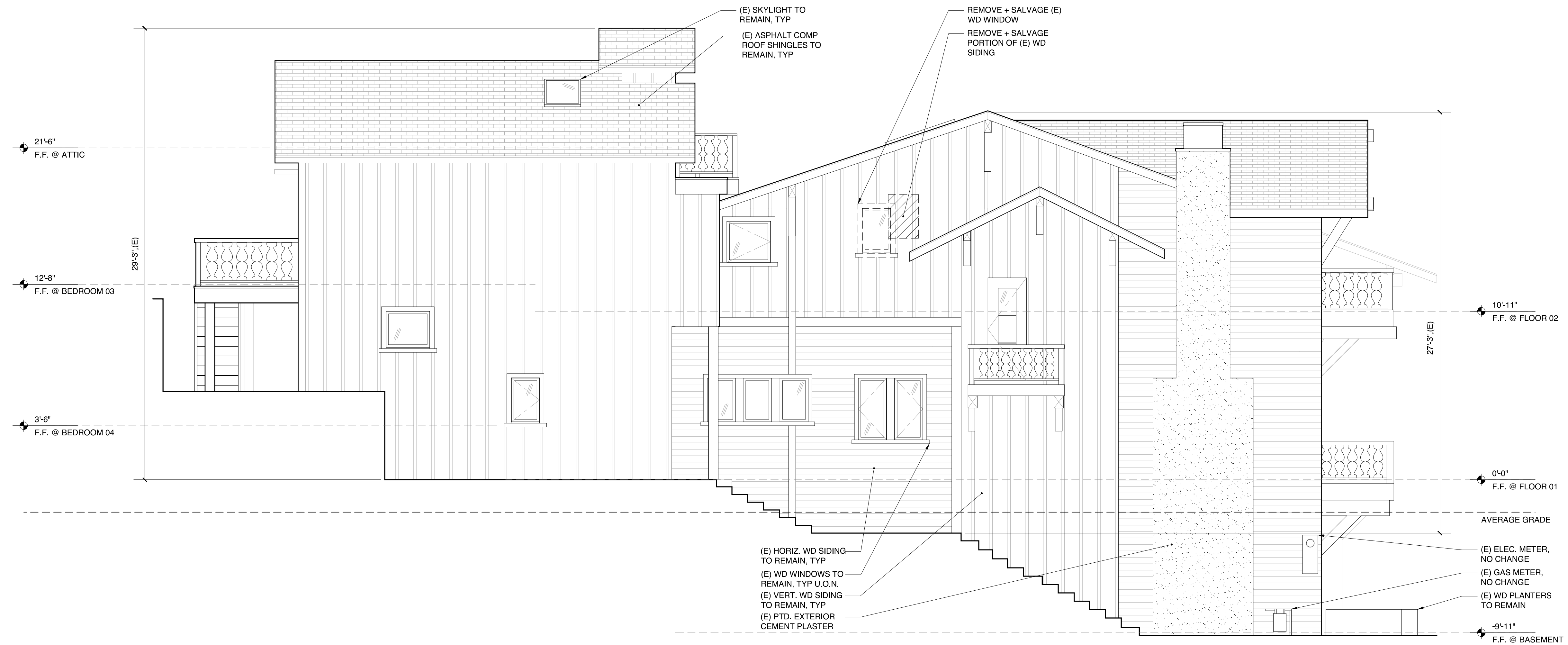


**A2.01**  
SHEET NO.  
382

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|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**(E) ELEVATIONS**

1. (E) NORTH ELEVATION  
0 1' 2' 4'  
1/4" = 1'-0"

**A2.02**

SHEET NO.  
383

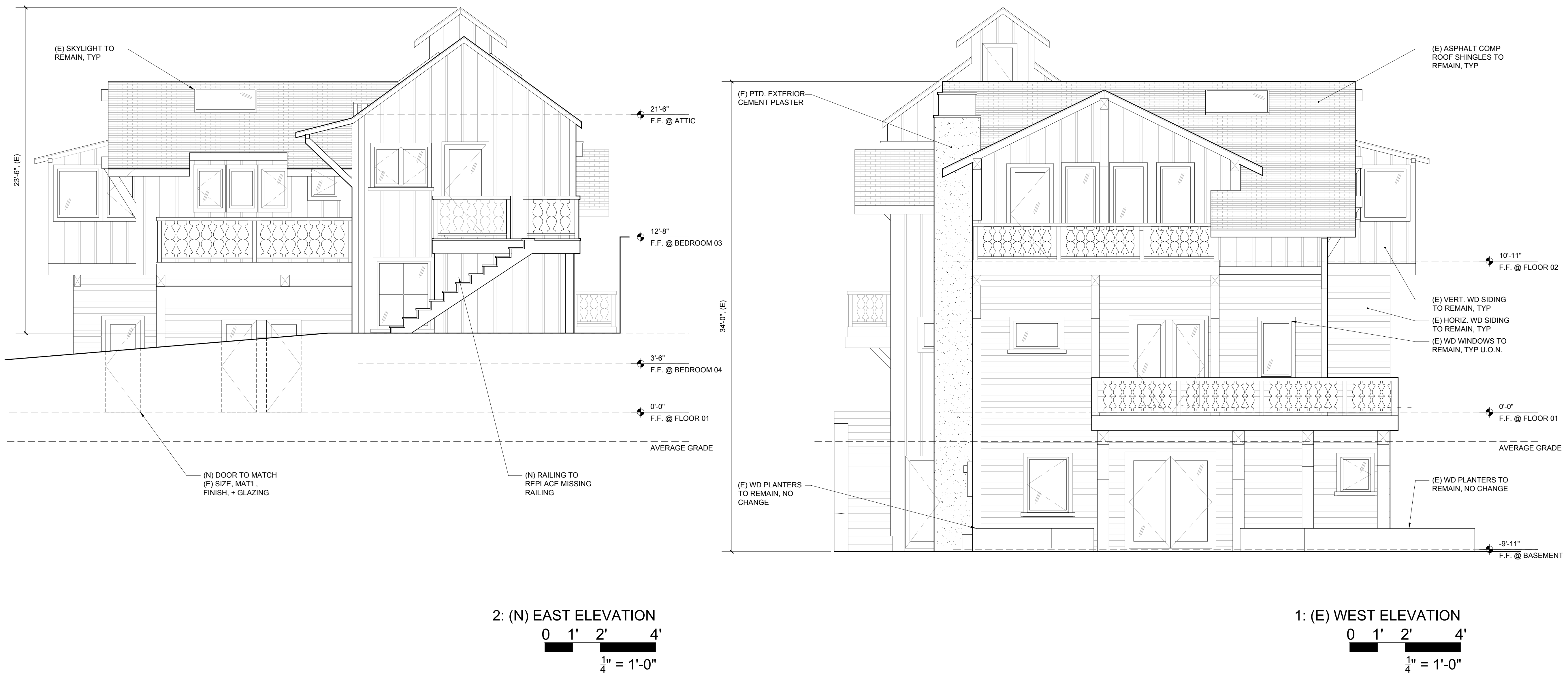
NOTES

1. NO CHANGES TO WEST ELEVATION
2. NO CHANGES TO EAST ELEVATION

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PROJECT NO. 21020    DRAWN EVK    CHECKED KMS

**ARCH ST**

1325 ARCH STREET  
BERKELEY, CA, 94708

SHEET TITLE  
**(N) ELEVATIONS**

**A2.03**

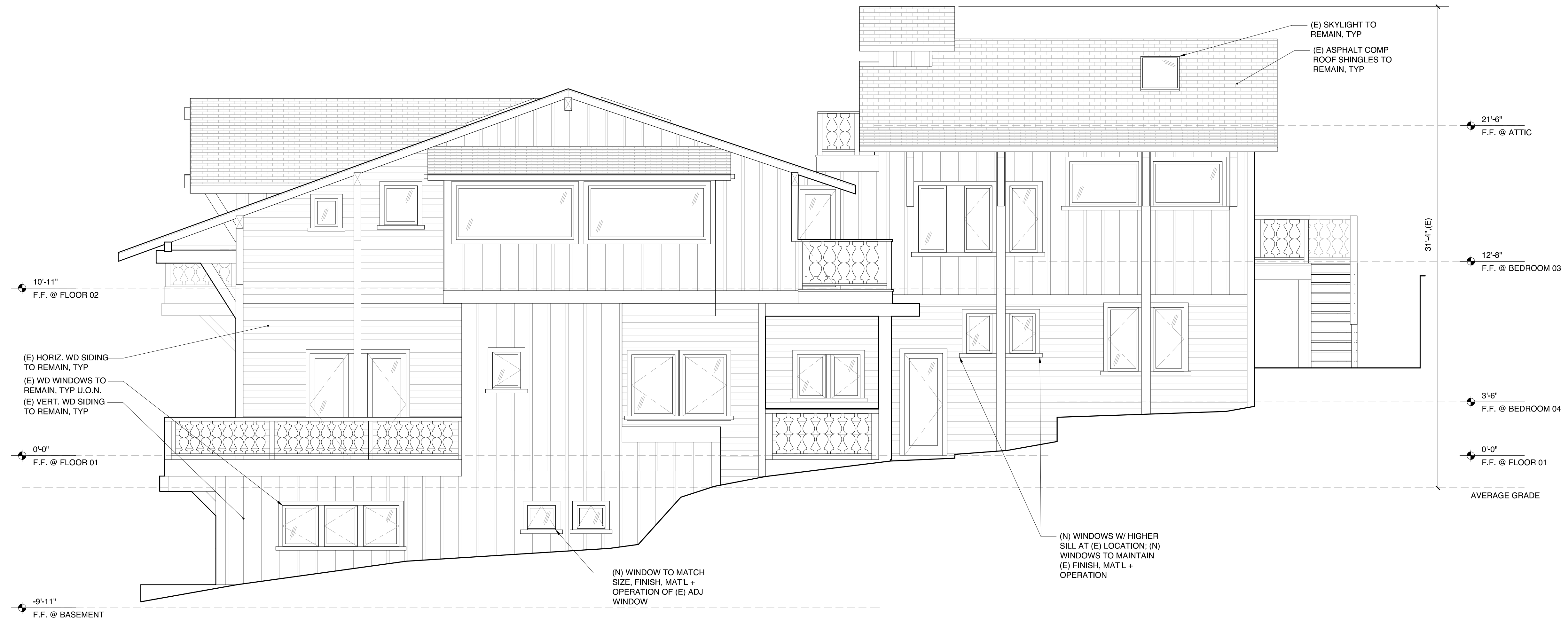
SHEET NO. 384



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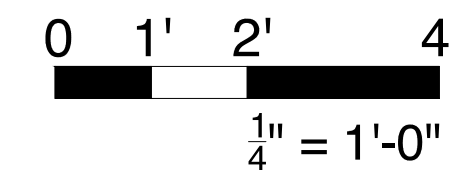
| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

1325 ARCH STREET  
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SHEET TITLE  
**(N) ELEVATIONS**

1. (N) SOUTH ELEVATION



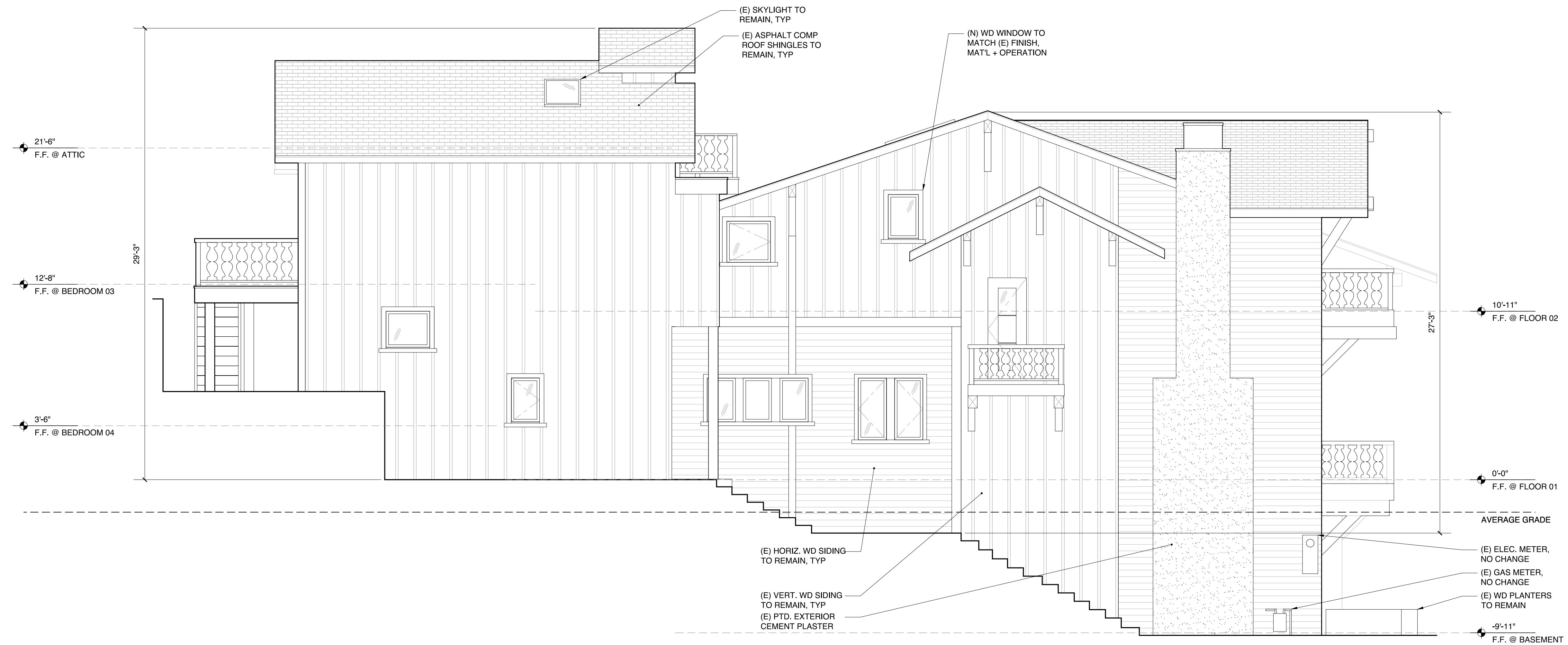
**A2.04**

SHEET NO.  
385

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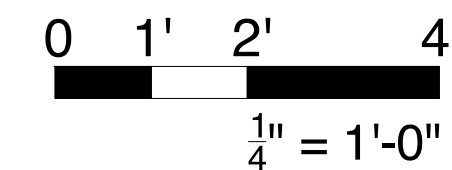
| PROJECT NO. | DRAWN | CHECKED |
|-------------|-------|---------|
| 21020       | EVK   | KMS     |

**ARCH ST**

1325 ARCH STREET  
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SHEET TITLE  
**(N) ELEVATIONS**

1. (N) NORTH ELEVATION



**A2.05**

SHEET NO.  
386







Office of the City Manager

INFORMATION CALENDAR

February 22, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police

Subject: Update on the Implementation of Fair and Impartial Policing Task Force Recommendations

INTRODUCTION

On February 23<sup>rd</sup>, 2021 during a City Council Special Meeting, Council referred the recommendations from the Mayor's Fair and Impartial Policing (FIP) Task Force to the Berkeley Police Department for implementation. Quarterly updates were requested by Council and the last quarterly update was provided on October 19, 2021.

CURRENT SITUATION AND ITS EFFECTS

This report provides a quarterly update on the implementation of the Task Force recommendations, and is one year after the original referral. The Police Department was asked to implement the recommendations provided by the FIP Task Force. Implementation of the FIP Task Force recommendations remains a priority of the Berkeley Police Department. The Professional Standards Division Sergeants Ledoux and Lee are responsible for managing the project of implementing the recommendations.

Implementation of the recommendations has necessitated the amendment of departmental policies and establishment of new protocols. As part of the process, members of BPD have met on several occasions with Council and Mayor representatives, a Police Review Commission and now Police Accountability Board member, FIP Task Force members, and the Police Accountability Board Subcommittee on FIP recommendation implementation. During these meetings, the substance and progress on the implementation of the recommendations were discussed and BPD has been provided feedback and background on the various intentions with each respective recommendation.

The following outlines the specific Task Force recommendations and the respective progress:

### **Implement a New Evidence-Based Traffic Enforcement Model**

#### **Task Force Recommendations:**

- **Focusing the basis for traffic stops on safety and not just low-level offenses &**
- **Minimize or de-emphasize as a lowest priority, stops for low-level offenses**

#### **Implementation:**

Officers have been provided data regarding primary collision factors and have been directed to enforce those violations wherever they are observed. In addition to focusing on enforcement of primary collision factor violations, sworn personnel are also expected to make investigative stops related to criminal intelligence and information brought forth by the community or our investigations. BPD's working group, which is comprised of employees working in every division of the Berkeley Police Department and the City of Berkeley Transportation Division Manager, viewed the primary collision factors and built upon that information by looking further into Berkeley specific collision data as well as the National Highway Traffic Safety Administration data concerning vehicle collisions. The working group has identified a focused set of violations that should be an officer's focus while conducting traffic enforcement to promote a safe environment for pedestrians, bicyclists and vehicles in Berkeley. The Working Group developed a three-prong approach that focuses on primary collision factors, community member reports/observations reported to the Berkeley Police Department and community caretaking. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions. The Berkeley Police Department will be trained on this three-prong approach to approaching traffic stops based on traffic safety.

#### **Status:**

Implementation in progress. Training for all sworn personnel has commenced on this approach to enforcement on traffic safety violations. The Traffic Division and the National Highway Traffic Safety Administration continuously collect and provide the Berkeley Police Department with data on primary collision factors and statistics on violations that impact public safety. These data provide officers with current information on what to educate the community on and what violations to focus enforcement on.

**Task Force Recommendation:**

- **Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects.**

**Implementation:**

The Police Department is establishing a precision based policing model that considers data and public safety. This model aims to reduce the number of stops that studies have shown had minimal impact on public safety.

Data driven-tools that enable close to real-time dashboard tracking of calls for service demands have been provided to the Community Services Bureau and Patrol Watch Commanders. The Police Department is working on providing these tools to every officer to incorporate into their daily briefings

The Police department is also exploring the feasibility of a system that employs a feedback loop with information flowing both ways. The current system provides the tracking of calls for service with the goal of call analysis for patrol deployment strategies; the feedback loop would provide information back to the Community Services Bureau and provide an accountability measure so strategies can be evaluated.

**Status:**

Implementation in Progress – The goal is to have data-driven approaches to violence prevention programs and real time crime and call analysis for patrol deployment strategies. The Police Department continues to develop and deploy data-driven tools to enhance a precision-based policing model and approach to enforcement stops. Ensuring that we implement approaches that identify and work to reduce racial disparities will be a cornerstone to our evidence-based approaches. Berkeley Police Department will continue to only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria. During this quarter we successfully filled one of the two Council approved data analyst positions. This will allow continued development of the evidence-based approaches.

**Task Force Recommendation:**

- **Reaffirming and clarifying that the Berkeley Police Department will only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.**

**Implementation:**

Penal code 13519.4 is existing California law that prohibits racial profiling. BPD Policy 401 (Fair and Impartial Policing) also prohibits racial profiling. Section 401.2 explicitly states, “Officers shall not consider race, ethnicity, national origin,

gender, age, religion, sexual orientation/identity or socio-economic status in establishing either reasonable suspicion or probable cause, or when carrying out other law enforcement activities...”

The above policies were reviewed in light of the task force recommendations and found to affirm and clarify police officer responsibilities in stops.

**Status:**

Recommendation implemented. Ongoing efforts include: BPD will continue to conduct ongoing training in topics such as implicit bias, racial profiling, and procedural justice concepts. BPD will hold all members to Departmental Policies, especially those strictly and clearly prohibiting racial profiling. Further, stops will be information and evidence based. BPD Traffic Bureau will regularly provide data on those primary collision factors that most often result in collisions. BPD data analyst team will continue to analyze these statistics along with crime and location-based information. BPD will work closely and regularly with our Vision Zero partners to use this information to focus enforcement efforts.

**Implement Procedural Justice Reforms**

**Task Force Recommendation:**

- **Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops.**

**Implementation:**

The current Early Warning System was originally issued in 2004 and revised in 2008. The system mandates the monitoring of officer’s behavior and performance to include, but not limited to attendance, complaints, use of force incidents, and other factors. The Early Warning System serves as a program that identifies and address behavior or training issues before they become a disciplinary matter. Amendments are being made to our existing policy to specifically identify additional activity that should be considered when applying this policy.

**Status:**

Implementation in progress. Pursuant to the FIP recommendation and after meeting with the FIP task Force stakeholders, language was added to the current Early Warning System policy to include data around traffic, bicycle, and pedestrian stops as a category that supervisors will consider for early intervention if merited. The new Early Warning System policy is being reviewed by the police union and is in the meet and confer process to ensure that the policy can be properly applied to train, redirect and recognize performance issues and not conflict with disciplinary processes.



**Task Force Recommendation:**

- **Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback.**

**Implementation:**

A revised written consent form has been created and amendments are being made to our existing search and seizure policy to require written consent for all consent searches. Consultation with the Alameda County District Attorney was conducted to ensure that policy changes did not have a detrimental effect on charging or prosecution.

**Status:**

Implementation in progress. The new search and seizure policy is being reviewed by the police union and is in the meet and confer process to consider relevant officer safety concerns. Language in the policy is being drafted to address citizen rights, exigent circumstances as well as officer safety concerns.

**Task Force Recommendation:**

- **Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole.**

**Implementation:**

On February 10, 2021, updates were completed on Policy 311. Sections 311.5 and 311.6 were modified to reflect the above limitations to warrantless searches. The above policies were reviewed and modified in line with the task force recommendations and departmental goals to build trust and collaborate with the community to address crime and safety concerns.

**Status:**

Recommendation implemented. The update to Policy 311 limits the searches conducted on individuals on supervised release status.

**Task Force Recommendation:**

- **Address Profiling by Proxy (PAB Policy Development, Dispatcher Training).**

**Implementation:**

The Communications Center Operation Manual has been amended to address handling cases involving profiling by proxy. All dispatchers have reviewed the

amended manual and are instructed to be cognizant and screen for profiling by proxy calls.

**Status:**

Recommendation implemented. Berkeley Police Department will continue to educate and train dispatchers on how to identify and address biased based reporting. Officers and supervisors are also expected to screen profiling by proxy calls. The Department as a whole will continue to seek out and train on anti-bias, implicit bias, and profiling by proxy topics to strengthen our ability to identify and address biased based reporting.

**Task Force Recommendation:**

- **Fire racist police officers identified through social media and other media screens.**

**Implementation:**

The following existing policies dictate procedures for investigating employees in this area; these policies adhere to due process and Government Section 3300:

*Policy 1029 (Employee Speech, Expression and Social Networking) provides accountability to employee personal social media posts. Section 1029.4(b) states "Speech or expression that, while not made pursuant to an official duty, is significantly link to, or related to, the Berkeley Police Department and tends to compromise or damage the mission, function, or reputation of professionalism of the Berkeley police Department or its employee.*

*PR 232 (Controversial Discussion), PR 235 (Acts –Statements-By employees), PR 238 (Organizational Membership), and PR 250 (enforcement of Law, Impartiality) are also policies that provide accountability for any racist behaviors.*

The above policies were reviewed in light of the task force recommendations found to provide necessary authority to investigate allegations of racism. Departmental policy clearly identifies discrimination based upon a person's race as misconduct, and requires reporting and prompt investigating of any allegation of racism. Any employee who becomes aware of or observes any discrimination on the basis of a protected class is required to notify a supervisor by the end of their shift or within 24 hours if they are off duty.

**Status:**

Recommendation implemented, however the Berkeley Police Department is committed to continuing to explore additional lawful methods to identify and

address potentially racist behaviors or actions by our members. If at any time the police department becomes aware of any issues related to these concerns, the matter would be thoroughly investigated and employees will be held accountable.

**Task Force Recommendation:**

- **Require regular analysis of BPD stop, search, and use of force data;**

**Implementation:**

The Open Data Portal (ODP) is a public facing website that gives the public access to police data and is accessible through the City's website. This allows for open and independent analysis and review to foster police accountability and transparency.

ODP is operational and the data is updated approximately every 60 days. BPD is in the process of eliminating the 180-day time range that currently exist to allow for searches several years into the past. BPD is also in the process of expanding the call for service dataset to include all types of calls and creating a user-friendly interface for the system.

A vendor, Global Technologies Group, has been contracted to update the open data portal and work has begun.

**Status:**

Implementation in progress. BPD is committed to transparency and is continuously exploring different ways to provide the public with access to more police data. The anticipated completion date is prior to the summer of 2022, but is dependent on the technological needs and data analyst staffing levels.

**Task Force Recommendations:**

- **Make resources on police-civilian encounters more publicly available such as through RAHEEM.org;**
- **For any individual detained, BPD officers shall provide a business card with information on the commendation and complaint process with the Police Accountability Board and the Berkeley Police Department, Internal Affairs Bureau.**

**Implementation:**

In May of 2021, labels were printed for officers to place on the backside of their business cards containing the phone numbers to Internal Affairs and the Police Accountability Board. The label also contains a QR code to the Berkeley Police Department's website containing information on how to file a complaint. Officers were instructed to provide business cards with the labels to all detained

individuals pending new business cards. In addition to the information on how to make a complaint, a link to the ACLU webpage containing information on police-civilian encounters has been added to the Berkeley Police webpage.

**Status:**

Recommendation implemented. All business cards now printed for BPD have the same information as the labels. The QR code and BPD website provide community members with resources on police-civilian encounters. These resources ensure police accountability as well as ways the community can comment on the service BPD has provided.

**Refer the following recommendations summarized below to the Reimagine Public Safety process**

**Task Force Recommendations:**

- **Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins; Conduct a baseline community survey**

**Implementation:**

BPD's participation in work on the Reimagine Public Safety Task Force is ongoing and while no formalized feedback systems are in place at this time, BPD remains responsive to answering questions, providing hands-on experience and discussing opportunities, impacts and effects of recommendations.

A community survey from the Reimagine Public Safety Task Force and National Institute for Criminal Justice Reform (NICJR) has been completed. This survey gauges the community's initial assessment on public safety in Berkeley to include what they thought was top priority, and where city resources were needed for better public safety. The results of this survey have been published. The final report is pending NICJR and Reimagine Task Force review.

**Status:**

Implementation in progress. The Berkeley Police Department is committed to working collaboratively with the Reimagine Public Safety Task Force in accomplishing both recommendations.

**Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway**

**Task Force Recommendation:**

- **BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;**

**Implementation:**

The police department released the requested historical data in December of 2020. Approximately every 60 days BPD stop, arrest, and calls for service data are updated in the Open Data Portal.

**Status:**

Recommendation implemented. The police department is currently working with IT and a vendor to provide the public with access to more police data through the Open Data Portal. Building trust through transparency and allowing for individual analysis of police data is the cornerstone of the police department's work in building community trust and engaging in collaborative problem solving.

**Task Force Recommendation:**

- **Fund and implement a specialized care unit for mental health crises;**

**Implementation:**

The City has contracted with a consulting firm, RDA Consulting, to conduct a feasibility study for a specialized care unit. The study has concluded; refer to below supporting materials for link to the final report from RDA Consulting.

**Status:**

Implementation in progress. The police department will continue to collaborate with the city towards the development of a Specialized Care Unit. While the work to create a Specialized Care Unit continues, three community based contracts managed by the Health, Housing and Community Services Department have been initiated to provide interim services.

**Task Force Recommendation:**

- **Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.**

**Implementation:**

The City's Auditor's report was released which analyzed Computer Aided Dispatch data. Recommendations from this analysis were provided to the Police

Department and findings were referred to the Reimagine Public Safety Task Force.

As part of our continued efforts to collect more complete and comprehensive data, we have added additional disposition codes to our CAD program. Since July 1<sup>st</sup>, 2021, we have begun collecting data on our police contacts with individuals experiencing homelessness and/or mental health crisis. This both addresses the recommendation by the City's Auditors report as well as the ongoing discussions around the need to better harness alternative and sometimes more appropriate resources to address incidents. In response to another recommendation by the City's Auditors report, we are expanding our data sets on the Open Data Portal to encompass more call types and eliminate the 180-day time range that currently exist to allow for searches several years into the past. This allows for the public to access more police data and for the Police Department to be more transparent in order to foster trust with our community.

**Status:**

Implementation in progress. During this quarter we successfully filled one of the two Council approved data analyst positions. One of the analyst tasks will be to conduct an ongoing analysis of police calls and responses. The work that the analyst will conduct will contribute to the police department's precision-based policing model as well as our personnel deployment strategies.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**POSSIBLE FUTURE ACTION**

The Police Department will continue to work toward the full implementation of the Task Force recommendations.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Staff time and additional training time to be determined at a later date.

**CONTACT PERSON**

Jennifer Louis, Interim Chief of Police, (510) 981-5700

Supporting Materials:

1: Berkeley Police Policy 401

[https://www.cityofberkeley.info/uploadedFiles/Police/Level\\_3\\_-\\_General/401%20Fair\\_and\\_Impartial\\_Policing\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/401%20Fair_and_Impartial_Policing(1).pdf)

2: Berkeley Police Policy 311

[https://www.cityofberkeley.info/uploadedFiles/Police/Level\\_3\\_-\\_General/Search\\_and\\_Seizure.pdf](https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/Search_and_Seizure.pdf)

3: California Legislative Information

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=13519.4.&nodeTreePath=7.5.1.2&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13519.4.&nodeTreePath=7.5.1.2&lawCode=PEN)

4. Berkeley Police Policy 1029

[https://www.cityofberkeley.info/uploadedFiles/Police/Level\\_3\\_-\\_General/1029%20Employee\\_Speech\\_Expression\\_and\\_Social\\_Networking.pdf](https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/1029%20Employee_Speech_Expression_and_Social_Networking.pdf)

5. Berkeley Police Regulation Chapter 2

[https://www.cityofberkeley.info/uploadedFiles/Police/Level\\_3\\_-\\_General/PR%20Ch2\\_08Mar17.pdf](https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/PR%20Ch2_08Mar17.pdf)

6. Reimagine Task Force and National Institute for Criminal Justice Reform (NICJR) Survey

<https://berkeley-rps.org/wp-content/uploads/2021/10/Berkeley-Community-Engagement-Report-v7.pdf>

7. RDA Consulting Final Report on Specialize Care Unit

[https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_Commissions/Berkeley-MH-SCU\\_Final-Recommendations\\_FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/Berkeley-MH-SCU_Final-Recommendations_FINAL.pdf)







Office of the City Manager

INFORMATION CALENDAR  
February 22, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jennifer Louis, Interim Chief of Police  
Subject: 2021 Year End Crime and Collision Data

**INTRODUCTION**

At the request of City Council, the City Manager provides regular reports on crime in Berkeley. This report includes year end crime data for 2021. Also included is 2021 collision data. This information is provided to supplement the October 19<sup>th</sup>, 2021 annual crime report presentation, which only provided data through October 1, 2021.

**CURRENT SITUATION AND ITS EFFECTS**

**CALLS FOR SERVICE**

In 2021 Berkeley Police Department received a total of 60,393 calls for service (CFS). This closely mirrors the call volume for 2020 (60,799), as calls for service have not returned to pre-pandemic levels to date. The seven-year average total CFS number is 71,443.

**CRIME DATA**

**Part One Crimes:**

In 2021, total Part One crime in Berkeley increased by 1.9% overall from the year prior. There were four fewer Part One Violent Crimes and 122 more Part One Property Crimes in 2021. The largest percentage increases in Part One Crimes were seen in

Arson (38.5%), Auto Theft (36.4%), and Sexual Assault (21.3%). Decreases were seen in Homicide, as there were no cases in 2021, as well as Petty Theft.

### Part One Crimes Comparison

|                              | 2020        | 2021        | Change     | Percent Change |
|------------------------------|-------------|-------------|------------|----------------|
| Homicide                     | 5           | 0           | -5         | 100.0%         |
| Sexual Assault               | 47          | 57          | 10         | 21.3%          |
| Robbery                      | 274         | 265         | -9         | -3.3%          |
| Aggravated Assault           | 210         | 210         | 0          | 0.0%           |
| <b>Total Violent Crimes</b>  | <b>536</b>  | <b>532</b>  | <b>-4</b>  | <b>-0.7%</b>   |
| Burglary                     | 797         | 803         | 6          | 0.8%           |
| Theft                        | 3933        | 3736        | -197       | -5.0%          |
| Auto Theft                   | 805         | 1098        | 293        | 36.4%          |
| Arson                        | 52          | 72          | 20         | 38.5%          |
| <b>Total Property Crimes</b> | <b>5587</b> | <b>5709</b> | <b>122</b> | <b>2.2%</b>    |
| <b>Total Part One Crimes</b> | <b>6123</b> | <b>6241</b> | <b>118</b> | <b>1.9%</b>    |

The following chart provides historical crime data for Part One Crimes from 2015 through 2021.

| Year | Homicide | Rape | Robbery | Agg Assault | Burglary | Larceny | Auto Theft | Arson |
|------|----------|------|---------|-------------|----------|---------|------------|-------|
| 2015 | 1        | 44   | 330     | 155         | 1090     | 4099    | 717        | 22    |
| 2016 | 2        | 54   | 361     | 185         | 805      | 3965    | 650        | 24    |
| 2017 | 1        | 83   | 364     | 218         | 843      | 4556    | 621        | 30    |
| 2018 | 1        | 65   | 353     | 167         | 829      | 4004    | 548        | 31    |
| 2019 | 0        | 74   | 369     | 175         | 771      | 4993    | 492        | 17    |
| 2020 | 5        | 47   | 274     | 210         | 797      | 3933    | 805        | 52    |
| 2021 | 0        | 57   | 265     | 210         | 803      | 3736    | 1098       | 72    |

### Gun Violence and Firearm Seizure:

Total numbers of shootings continue to rise in the City of Berkeley. In 2021, there were 52 confirmed shooting incidents versus 40 in 2020. Confirmed shooting incidents include witnessed events as well as loud report calls where shell casings or other

evidence of gunfire is found. In 2021, BPD's closure rate for shootings was 38% despite the fact that many incidents are heard only or have few witnesses or leads. Forensic and electronic evidence, diligent and detailed investigative efforts, as well as community support sharing information are critical to developing leads and chargeable cases.

| <b>SHOOTINGS</b>     | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> |
|----------------------|-------------|-------------|-------------|-------------|
| <b>TOTAL</b>         | <b>20</b>   | <b>28</b>   | <b>40</b>   | <b>52</b>   |
| <b>Cases Closed</b>  | 11          | 9           | 23          | 20          |
| <b>Cases Charged</b> | 6           | 6           | 15          | 15          |

In 2021 there were a total of 118 firearms recovered by BPD, which was an increase of 38.8%. In 2021, 33 of the firearms seized were ghost guns compared to 6 in 2020 and 8 in 2019.

| <b>FIREARM RECOVERY METHODS</b>      | <b>2019</b> | <b>2020</b> | <b>2021</b> |
|--------------------------------------|-------------|-------------|-------------|
| Patrol response to calls for service | 33          | 36          | 51          |
| Patrol proactive traffic stops       | 25          | 17          | 24          |
| Detective follow-up investigations   | 29          | 32          | 43          |
| <b>TOTAL firearms recovered</b>      | <b>87</b>   | <b>85</b>   | <b>118</b>  |

Robbery:

Total robbery cases remained below pre-pandemic levels. The most notable change during the pandemic was the closing gap between pedestrian and commercial robberies.

| <b>ROBBERY CASES</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> |
|----------------------|-------------|-------------|-------------|-------------|
| Pedestrian           | 229         | 247         | 131         | 119         |
| Commercial           | 108         | 97          | 117         | 118         |
| Home Invasion        | 5           | 4           | 8           | 8           |
| Bank                 | 3           | 2           | 5           | 6           |
| Carjacking           | 10          | 14          | 13          | 14          |
| <b>TOTAL</b>         | <b>355</b>  | <b>364</b>  | <b>274</b>  | <b>265</b>  |

Hate Crimes:

In 2021, there were 42 incidents of hate crimes, up from 12 in 2020. Hate Crime reports continue to be primarily reported as crimes of intimidation (either by using slurs or by leaving graffiti) rather than crimes of violence.

| <b>HATE CRIMES</b>              | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> |
|---------------------------------|-------------|-------------|-------------|-------------|
| Race/Ethnicity/ National Origin | 11          | 5           | 7           | 28          |
| Religion                        | 3           | 1           | 2           | 11          |
| Sexual Orientation              | 3           | 2           | 1           | 3           |
| Gender                          | 1           | 0           | 2           | 0           |
| Disability                      | 0           | 0           | 0           | 0           |
| <b>TOTAL</b>                    | <b>18</b>   | <b>8</b>    | <b>12</b>   | <b>42</b>   |

Property Crimes:

In addition to the Part One Property Crimes data provided above, additional property crime totals were as follows:

|                                   | <b>2019</b> | <b>2020</b> | <b>2021</b> |
|-----------------------------------|-------------|-------------|-------------|
| <b>Catalytic Convertor Thefts</b> | 150         | 523         | 477         |
| <b>Auto Burglary</b>              | 2473        | 1042        | 1021        |

**COLLISION DATA**

In 2021, total collisions increased by 199, or 33.8%, from the year prior. Fatal collisions increased significantly and there were also increases overall in both injury and non-injury collisions.

| <b>COLLISIONS</b>                             | <b>2019</b> | <b>2020</b> | <b>2021</b> |
|-----------------------------------------------|-------------|-------------|-------------|
| Fatal collisions                              | 4           | 2           | 7           |
| Injury collisions (includes fatal collisions) | 521         | 316         | 433         |
| Non-injury collisions                         | 408         | 273         | 355         |
| <b>TOTAL collisions</b>                       | <b>929</b>  | <b>589</b>  | <b>788</b>  |

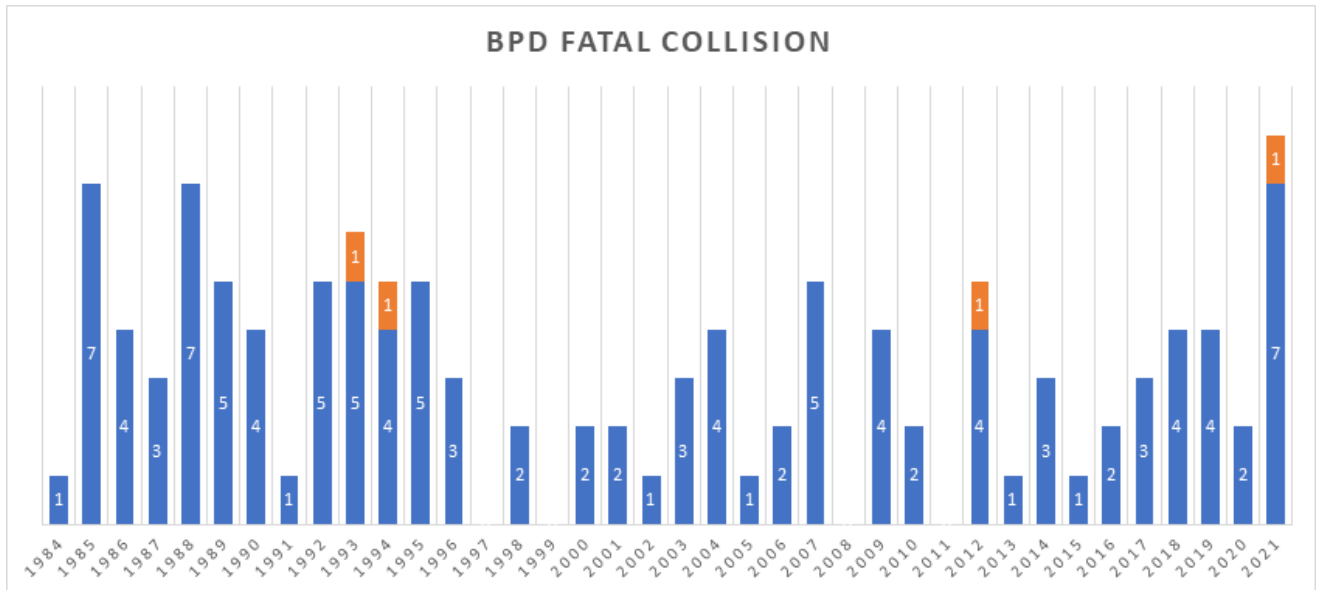
In 2021, the most common cause of collisions (primary collision factor or PCF) were unsafe speed, unsafe turn and right of way violations. In 2021, bicycles were involved in 93 of the injury collisions and pedestrians were involved in 62. The at fault party was found to be the bicyclist in 58 collisions and the pedestrian in 5 collisions. Of the 7 collision fatalities in the City of Berkeley in 2021, 5 of the fatalities were pedestrians. In

2021, 39 collisions were DUI involved compared to 46 in 2020. Of these 39 DUI collisions, 16 caused serious injuries.

Ashby Avenue and San Pablo Avenue had the largest number of collisions in 2021 followed by Ashby and Shattuck Avenue, and Ashby Avenue and Martin Luther King Jr Way. The top ten intersections where collisions occurred were:

| <b>COLLISION INTERSECTIONS</b> | <b>Collisions</b> |
|--------------------------------|-------------------|
| Ashby Ave / San Pablo Ave      | 14                |
| Ashby Ave / Shattuck Ave       | 12                |
| Ashby Ave / MLK Jr Way         | 9                 |
| University Ave / 6th St        | 9                 |
| University Ave / Sacramento St | 7                 |
| University Ave / MLK Jr Way    | 7                 |
| Sacramento Ave / Cedar St      | 7                 |
| Sacramento St / Dwight Way     | 6                 |
| Eastshore Hwy / Gilman St      | 6                 |
| Cedar St / Shattuck Ave        | 5                 |

The following provides historical data on fatal collisions in the City of Berkeley:



| Total fatal | Number of | Year(s) |
|-------------|-----------|---------|
|-------------|-----------|---------|

| collisions | fatalities |                                            |
|------------|------------|--------------------------------------------|
| 7          | <u>8</u>   | 2021                                       |
| 7          | 7          | 1985 1988                                  |
| 6          | 6          | none                                       |
| 5          | <u>6</u>   | 1993                                       |
| 5          | 5          | 1989, 1992, 1995, 2007                     |
| 4          | <u>5</u>   | 1994, 2012                                 |
| 4          | 4          | 1986, 1990, 2004, 2009, 2018, 2019         |
| 3          | 3          | 1987, 1996, 2003, 2014, 2017               |
| 2          | 2          | 1998,2000, 2001, 2006, 2010, 2016,<br>2020 |
| 1          | 1          | 1984, 1991, 2002, 2005, 2013, 2015         |
| 0          | 0          | 1997,1999, 2008, 2011                      |

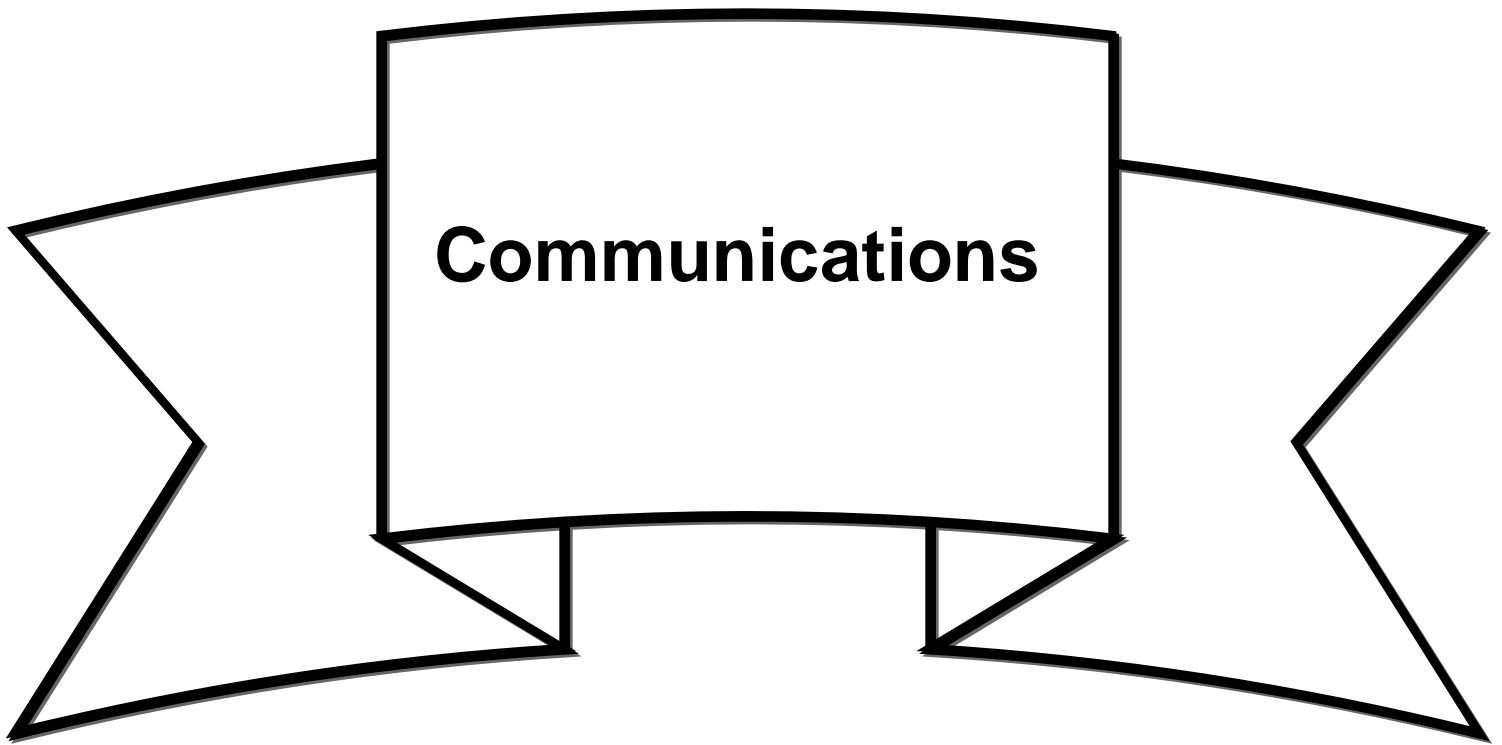
The BPD will continue to collect, analyze and report on crime and collision data to understand and guide needs, the effectiveness of enforcement strategies and shape future deployment and resource allocation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Jen Louis, Interim Chief of Police, 510-981-5900



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**

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF