



AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, February 13, 2024
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

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

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1617862221> To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 786 2221**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council’s consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call:

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

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

1. *Presentation: Bay Area Housing Finance Authority*

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

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

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

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

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

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

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

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

Consent Calendar

1. Amending the Miscellaneous CalPERS Contract to (a) Eliminate PEPRA Cost Sharing for Unrepresented Employees (b) Add Paramedic and Limited Term EMT to Safety Category

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,895-N.S. amending the contract between the Board of Administration, California Public Employees' Retirement System, and the City Council for the City of Berkeley (a) pursuant to California Government Code Section 20516 to eliminate the cost share contributions made on behalf of the City by PEPRA members of the Unrepresented Employees group, and (b) pursuant to California Government Code Section 20434 to add the Paramedic and Limited Term Emergency Medical Technician (EMT) classifications under the Safety category.

First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Wengraf.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

2. At-Will Designations: Employee Relations Manager and Assistant to the City Attorney

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,896-N.S. amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classifications of Employee Relations Manager and Assistant to the City Attorney as at-will.

First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Consent Calendar

- 3. Lease Agreement: We Wield The Hammer at 2440 Durant Avenue in the Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,897-N.S. authorizing the City Manager to execute a lease agreement with We Wield The Hammer (WWTH), a 501c3 nonprofit organization to use and occupy 2440 Durant Avenue inside the Telegraph-Channing Mall and Garage for a five (5) year lease term with an option to extend for one additional five (5) year term. The initial lease term is anticipated to begin March 1, 2024.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.
Financial Implications: See report.
Contact: Andrew Murray, Public Works, (510) 981-6300
- 4. City of Berkeley’s 2024 State and Federal Legislative Platform**
From: City Manager
Recommendation: Adopt a Resolution approving the City of Berkeley’s 2024 State and Federal Legislative Platform.
Financial Implications: See report.
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- 5. Amendments to the Regulations for Alternate Commissioners**
From: City Manager
Recommendation: Adopt a resolution removing the now dissolved Police Review Commission from the list of designated commissions on which Alternate Commissioners may serve; expanding the list of designated commissions by adding the following five commissions: Community Health Commission, Environment and Climate Commission, Parks, Recreation, and Waterfront Commission, Transportation and Infrastructure Commission, and Zero Waste Commission; adding a new requirement for temporary appointments made to any quasi-judicial commissions to two business days prior to the meeting; and rescinding Resolution No. 67,205-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 6. Modifying the 2024 City Council Meeting Schedule**
From: City Manager
Recommendation: Adopt a Resolution modifying the City Council regular meeting schedule for 2024, revising the start time for regular meetings, and rescheduling the April 16, 2024 regular meeting to April 2, 2024.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

- 7. Grant Application: National Endowment for the Arts Grant for up to \$150,000**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the National Endowment for the Arts (NEA) to receive up to \$150,000 for a Civic Arts grant program totaling \$300,000 to be regranted to nonprofit organizations for arts and cultural programming in the City of Berkeley in Fiscal Year 2026; to accept the grant if awarded; and to execute any resulting grant agreements and any amendments.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 8. Contract: Masako Miki Public Artwork Commission for Aquatic Park Pathway Wall**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with artist Masako Miki for an amount not to exceed \$69,000 for a public art commission of a ceramic tile mural on the 42'-long curved wall located along the San Francisco Bay Trail west of the intersection of Addison Street and Bolivar Drive in Aquatic Park.
Financial Implications: Cultural Trust Fund - \$69,000
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 13, 2024**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$90,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 10. Contract: Traditions Behavioral Health for Psychiatry Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with vendor Traditions Behavioral Health to provide psychiatry services through June 30, 2027 in an amount not to exceed \$1,379,400.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Contract: CompuCom Systems, Inc. for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with CompuCom Systems, Inc. for professional services for an amount not to exceed \$300,000 through December 31, 2024.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

12. Recommendation on Public Safety/Crime Prevention for Women

From: Commission on the Status of Women

Recommendation: That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the Council Public Safety Policy Committee should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The Council Public Safety Committee should also identify if a RFP need be issued for this purpose;
2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving; Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.
4. Develop a City-wide community forum targeted towards women with a special emphasis on safety and crime prevention for older, vulnerable women. This meeting should be led by the Berkeley Police Department with participation by other safety-related community resources and moderated by an official proposed by the Council Public Safety Committee. The Committee shall recommend that the forum be hybrid, both Zoom and in person. The Committee shall also discuss how City-wide promotion of this public safety crime prevention forum shall be conducted.
5. Consult with the Berkeley Police Department to provide data and other information identifying geographic locations which are high priority for safety escorts. Consult with Berkeley Police Department to secure other information as to where women are most at safety risk and what hours safety escorts, and other recommendations as stated above, be best utilized. The Berkeley Police Department shall provide this information at a Council Public Safety Committee meeting.

Financial Implications: See report

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Council Consent Items

13. **RFP for Development of West Berkeley Service Center** (*Continued from January 16, 2024*)
From: Mayor Arreguin (Author), Councilmember Kesarwani (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer to the City Manager to issue a Request for Proposal (RFP) for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features: -Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City; -Maximizing the number of units under the existing zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019); - A mix of unit sizes, including studios, one-bedroom, and two-bedroom units; -Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve; -A preference for serving seniors and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding.
The City Manager should also consider the feasibility of the following elements in the program design: -Universally designed housing for older adults with a portion of the units for assisted living and memory care; -A board and care facility with a minimum of 20 beds including space for staff and services; -Explore available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations.
The issuance of an RFP should be timed to happen soon after funding for the development has been identified.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
14. **Establishing a Black Arts and Culture District in the Adeline Corridor**
From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a resolution designating the Adeline Corridor as the Black Arts and Culture District. Include members of Healthy Black Families and Equitable Black Berkeley in the Planning Committee to emphasize community involvement and focus on arts, culture, and well-being for South Berkeley residents. Establish a Black Arts and Culture Center.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action Calendar

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

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

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

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

15. **Appeal of Landmarks Preservation Commission Decision – Approval of Structural Alteration Permit #LMSAP22022-0005 for 1960 San Antonio Avenue/645 Arlington Avenue- Spring Estate**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to approve a Structural Alteration Permit (SAP) to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house; excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood, contingent upon rehabilitation of the historic gymnasium building, and dismiss the appeal.

Financial Implications: None

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

Action Calendar – New Business

16. **Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley Community Action Agency Commission**

From: City Manager

Recommendation: Adopt first reading of an Ordinance to: 1. Repeal Chapter 3.68, Peace and Justice Commission; and, 2. Repeal Chapter 3.78, Human Welfare and Community Action Commission; and, 3. Establish the Berkeley Community Action Agency Commission with Chapter 3.70

Financial Implications: See report

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

Information Reports

17. **Small Sites Program Update**

From: City Manager

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

18. **Bay Area Housing Finance Authority and 2024 Regional Affordable Housing Bond**

From: City Manager

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

Public Comment – Items Not Listed on the Agenda

Adjournment

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

Archived indexed video streams are available at:

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

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

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

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

~~~~~  
***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 1, 2024.***



Mark Numainville, City Clerk

## **Communications**

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

## **Communications – February 13, 2024**

*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 #16: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley**

1. Human Welfare Community Action Commission (HWCAC)
2. Peace and Justice Commission (2)
3. Janice Schroeder

### **Center Street Greenway & Strawberry Creek**

4. Kirstin Miller on behalf of Ecocity Builders

### **Panoramic Hill Emergency Access/Egress**

5. Michael Kelly, on behalf of the Panoramic Hill Association

### **Southside Rezoning**

6. Corey Smith

### **Chess Club**

7. Carol Denney

### **AC Transit**

8. Sandhya Hermon
9. Morry Hermon
10. Kabir Hermon
11. Arjun Hermon

12. Anne-Lise Francois

**United Artist Theater**

- 13. Laura Fujii
- 14. Robert Wilkinson
- 15. Melanie Lawrence
- 16. Lori Pottinger
- 17. Oakland Heritage Alliance

**Israel Military Aid**

- 18. Stephen Slauson

**Homelessness**

- 19. Tom Wolfman
- 20. Karima Cammell

**Tree Removal**

- 21. Carol Denney

**Scooter Safety**

- 22. Virginia Browning
- 23. Sean
- 24. Cindi Goldberg

**EBMUD Repaving**

- 25. Greg Couch
- 26. East Bay Municipal Utility District

**People's Park**

- 27. Sophia Faaland
- 28. Samuel Baker
- 29. 10 similarly-worded form letters

**Natural Gas Alternatives**

- 30. G. Richard Raab

**Ohlone Bikeway**

- 31. Carol Hirth

**Mayor Arreguin**

- 32. Elana Auerbach
- 33. Kira Findling

**Councilmember Robinson**

- 34. Barbara Gilbert

**Waterfront Specific Plan**

35. Cal Sailing Club

**Berkeley Mayoral Candidates**

36. Downtown Berkeley Association

**Fulton-Woolsey Bike Boulevard**

37. Walk Bike Berkeley

38. David Hoffman (2)

39. Valerie Young

**No Subject**

40. Michele Shipp

**Student Project**

41. Akshat Pant

**Street Paving**

42. Kathleen Davis

**Downtown Affordable Housing**

43. Berkeley Chamber of Commerce

**URL's Only**

44. Vivian Warkentin (2)

**Hamas/Israel**

45. Jennifer Fechner

46. Kim Friedman

47. Aaron Katler

48. Eleanor Wang

49. Hillary Kilimnik

50. Anna Henry

51. Moni Law (3)

52. Daniel Frydman

53. Aliza Craimer Elias

54. Rachel

55. Susanne DeWitt

56. Summer Brenner

57. Hillary Kllimnik

58. Anna Henry

59. Rosie Grady

60. Daniel Zilberman

61. Diana Bohn

62. Candice Schott

63. Jon Jackson

64. Monika Mann

- 65. Jacob Pincus
- 66. Dorothea Dorenz (3)
- 67. Imtiaz Ghori
- 68. Aaron Katler
- 69. 14 similarly-worded form letters

### **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.

ORDINANCE NO. 7,895 N.S.

AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF BERKELEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

Section 1.

That an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration, California Public Employees' Retirement System, is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the City of Berkeley City Council is hereby authorized, empowered, and directed to execute said amendment for, and on behalf of, said Agency.

Section 3.

This Ordinance shall take effect thirty (30) days after the date of its adoption. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 16, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Taplin, and Arreguin.

Noes: None.

Absent: Bartlett and Wengraf.







**EXHIBIT**

California  
Public Employees' Retirement System

---

**AMENDMENT TO CONTRACT**

**Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Berkeley**

---

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, December 31, 2017, April 17, 2022, July 24, 2022, and July 23, 2023, 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 July 23, 2023, 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 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 April 17, 2022, 8% 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 Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after January 1, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

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 April 17, 2022, 8% 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 April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Public Employees Union Local 1.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Unrepresented Employees group.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after July 24, 2022, and until July 23, 2023, 1% for new local miscellaneous members in the Public Employees Union Local 1.

From and after July 24, 2022, and until July 23, 2023, 1% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after July 24, 2022, and until July 23, 2023, 6% for new local miscellaneous members in the Unrepresented Employees group.

From and after July 24, 2022, and until July 23, 2023, 6% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after July 23, 2023, and until the effective date of this amendment to contract, 5% for new local miscellaneous members in the Unrepresented Employees group.

From and after July 23, 2023, 5% 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.

- o. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
- 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. 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.
  - b. 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

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"



## ORDINANCE NO. 7,896-N.S.

## AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.04 TO UPDATE SECTION 4.04.120 EXEMPTIONS FROM CAREER SERVICE (AT-WILL EMPLOYEES)

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

Section 1. That Section 4.04.120 of the Berkeley Municipal Code is amended to read as follows:

**4.04.120 Exemption from career service (At-will employees).**

The provisions of this chapter shall apply to all positions in the service of the City except:

A. The City Manager, Assistant City Manager, Deputy City Manager, Assistant to the City Manager, Assistant to the City Attorney, Police Review Commission Officer, Police Review Commission Investigator, Budget Manager, Assistant to the Mayor, Capital Improvement Programs Manager, Economic Development Manager, Legislative Assistant, and Employee Relations Manager;

B. Assistant, Associate and Senior Management Analyst when appointed to the City Manager's Department or to the budget unit of the Management and Administrative Services Agency; and Secretary to the Mayor, Administrative Secretary and Secretary when appointed to the Mayor's office;

C. All department heads, health officer, and supervising psychiatrist;

D. Persons employed seasonally in the summer camps;

E. Persons employed as reserve or emergency employees during the period of national emergency as provided in the ordinance creating such employment;

F. All persons who are paid at an hourly rate with the exception of library aides. Persons appointed as hourly library aides shall be part of the career service with the exception of those hired to fill temporary positions of six months or less. Persons appointed to these positions which are exempt from the career service shall serve at the pleasure of the appointing authority and may be demoted, suspended, or otherwise rejected at any time without cause and without right of appeal or hearing in any manner. Except that, any employee in the career service promoted or transferred to a position not included in the career service and made exempt from the career service shall be reinstated to their career appointment from which they were promoted or transferred if within six months of appointment to a position not included in the career service, action is taken to dismiss them, unless charges are filed and the employee is discharged in accordance with this chapter and the rules established hereunder for positions in the career service. All employments designated in this section shall be entitled to only those benefits provided for at-will employees in the personnel rules and regulations or in applicable memoranda agreements.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 30, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Taplin, and Arreguin.

Noes: None.

Absent: Wengraf.

## ORDINANCE NO. 7,897-N.S.

LEASE AGREEMENT: WE WIELD THE HAMMER AT TELEGRAPH-CHANNING MALL  
AND GARAGE, 2440 DURANT AVENUE

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

Section 1. FINDINGS:

The City owns the Telegraph-Channing Mall and Garage, and We Wield The Hammer, a 501c3 nonprofit organization, seeks to lease 2440 Durant Avenue at the premises for purpose of operating a retail business offering specialized classes and related materials to the public.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO LEASE AT 2440 Durant Avenue, Berkeley CA:

The City Manager is hereby authorized to enter into a five-year lease agreement with the option for a five-year extension with We Wield The Hammer for real property located at 2440 Durant Avenue, a ground floor retail space in the City of Berkeley Telegraph-Channing Mall and Garage. Such lease shall be on substantially the terms set forth in Exhibit A.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 30, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Taplin, and Arreguin.

Noes: None.

Absent: Wengraf.

**TELEGRAPH-CHANNING MALL LEASE**

This lease is made on \_\_\_\_\_, 2023, between the CITY OF BERKELEY ("Landlord"), a Charter City organized and existing under the laws of the State of California and We Wield The Hammer ("Tenant"), a 501c3 nonprofit organization, who agree as follows:

*This Lease is made with reference to the following facts and objectives:*

A. Landlord is the owner of the real property at 2440 Durant Avenue located inside Telegraph-Channing Mall & Garage, 2431 Channing Way, Berkeley, California 94704, ("Premises") as further described in Exhibit A, attached to and made a part of this Lease.

B. Tenant is willing to lease the Premises from Landlord pursuant to the provisions stated in this lease.

C. Tenant wishes to lease the Premises for the purpose of operating a metalsmithing training program and retail store.

D. Tenant has examined the Premises and is fully informed of the condition thereof and agrees to accept it in "as-is" condition.

**1. DESCRIPTION OF PREMISES**

Landlord leases to Tenant and Tenant leases from Landlord the Premises described above.

**2. TERM**

The term of this lease shall commence on the effective date of the Ordinance which authorizes this lease unless the Ordinance provides otherwise and shall be for a period of five (5) years plus the partial month, if any, immediately preceding the first full calendar month of this lease. Tenant shall have an option to extend the term of this Lease for an additional period of five (5) years, pursuant to Section 35 of this Lease. The effective date of the Ordinance shall be no less than thirty (30) days after the second reading of the Ordinance and its approval by City Council. The Term is further described in Exhibit B, attached to and made a part of this Lease.

**3. RENT**

Tenant shall pay to Landlord as monthly rent, without deduction, setoff, prior notice, or demand, the sum of \$1,085.00 per month in advance on the first day of each month, commencing on the date the Term commences, and continuing during the Term. Monthly rent for the first month or portion of it shall be paid on the day the Term commences. Monthly rent

for any partial month shall be prorated at the rate of 1/30th of the monthly rent per day. All rent shall be paid to Landlord at the address to which notices to Landlord are given.

The City agrees to abate the rent for the six months following the lease commencement date. Tenant will be responsible for all PG&E payments associated with 2440 Durant from the commencement date of the lease.

**4. PERIODIC RENT INCREASES**

The monthly rent shall be increased at the commencement of the second year of the Term and each year thereafter ("the adjustment date"). The adjusted monthly rent will be calculated by adding three percent (3%). Monthly rent increases based on the annual 3% adjustment have been calculated and are further described in Exhibit C, attached to and made a part of this Lease.

**5. SECURITY DEPOSIT**

a. As security for the full and faithful performance by Tenant of each and every term, provision, covenant, and condition of this lease, Tenant shall deposit with Landlord cash in an amount equal to one month's payment of rent. Such security shall be deposited on or before the effective date of the ordinance authorizing this lease.

b. Tenant waives the provisions of California Civil Code section 1950.7, and all laws in force or that become in force after the date of execution of this Lease, that provide that Landlord may claim from a security deposit only those sums reasonably necessary to remedy defaults in the payment of rent, to repair damage caused by Tenant, or to clean the Premises.

c. If Tenant defaults in respect to any of the terms, provisions, covenants and conditions of this lease, including but not limited to the payment of rent, Landlord may use the security deposit or any portion of it to cure the default or compensate the Landlord for all damage sustained by Landlord resulting from Tenant's default. If Landlord so uses any portion of the security deposit, Tenant will restore the security deposit to its original amount within ten (10) days after written demand from Landlord.

d. Landlord will not be required to keep the security deposit separate from its own funds and Tenant shall not be entitled to interest on the security deposit. The security deposit will not be a limitation on Landlord's damages or other rights under this lease, or a payment of liquidated damages, or an advance payment of the rent. If Tenant pays the rent and performs all of its other obligations under this lease, Landlord shall return the unused portion of the security deposit to Tenant within sixty (60) days after the end of the term; however, if Landlord has evidence that the security deposit has been assigned to an assignee of the Tenant, Landlord shall return the security deposit to the assignee. Landlord may deliver the security deposit to a purchaser of the Premises and be discharged from further liability with respect to it. Tenant

waives the provisions of California Civil Code section 1950.7, and all laws in force or that become in force after the date of execution of this Lease, that provide that Landlord shall return the security deposit no later than thirty (30) days after the Landlord receives possession of the Premises.

**6. LATE CHARGES**

Tenant acknowledges that late payment by Tenant to Landlord of rent and other sums due hereunder will cause Landlord to incur costs not contemplated by this lease, the exact amount of which will be extremely difficult to ascertain. Therefore, if any installment of rent or any other sum due from Tenant is not received by Landlord within ten (10) days after such amount is due, then, without any requirement for notice to Tenant, Tenant shall pay to Landlord a late charge equal to ten percent (10%) of such overdue amount. The parties agree that this late charge represents a fair and reasonable estimate of the costs that Landlord will incur by reason of late payment by Tenant. Acceptance of such late charge by Landlord shall in no event constitute a waiver of Tenant's default with respect to such overdue amount, nor prevent Landlord from exercising any of the other rights and remedies available to it.

**7. USE OF PREMISES; OPERATION**

a. Tenant will use the Premises for the purpose of providing metalsmith training, jewelry making and metalsmith workshops, and selling related tools, supplies, branded gear, and other related items and agrees to continuously and uninterruptedly occupy and use the entire leased Premises for said purpose and to maintain adequate personnel for the efficient service of clients or customers. Tenant shall not use nor permit the use of the whole or any part of the Premises for any other purpose without the Landlord's prior written consent.

b. Business may be conducted with the public on the leased Premises at any time on any day, provided that, 1) to do business after 10:00 p.m. on any day Tenant shall have obtained any permit required by federal, state or local law; and 2) Tenant hours of operation have been approved by the Landlord, including vacation, holiday, and seasonal schedule changes and/or closures (if any).

c. Tenant agrees to abide by all facility "Rules and Regulations" and are further described in Exhibit D, attached to and made a part of this Lease. Amendments to Exhibit D may be made from time to time and do not require approval by City Council.

d. In addition to Tenant's agreement to abide by all other restrictions on Tenant's use, Tenant hereby covenants that it shall not use the demised premises to engage in either the primary business of a flower shop, which shall include engaging in the primary business of selling flowers, plants, or related supplies nor the primary business of a deli/sandwich shop, which shall include engaging in the primary business of selling made to order sandwiches. Tenant agrees that any violation of these use restrictions shall constitute a default by Tenant



under this Lease, and that Landlord's notice to Lessee of this specific use restriction shall not be deemed a waiver by Landlord of any other use restriction imposed on the Tenant for the use of the demised Premises.

**8. TAXES AND ASSESSMENTS**

a. Tenant recognizes and understands that this lease may create a possessory interest subject to property taxation and assessment and utility taxation, and that the Tenant will be responsible for the payment of any property taxes and assessments, and utility taxes levied on such interest.

b. Tenant shall pay all taxes on its personal property, fixtures and on its leasehold or possessory interest in the leased Premises and any other assessment that may be lawfully levied.

**9. UTILITIES**

Tenant agrees to pay any and all charges for electricity, gas, heat, cooling, telephone, internet services, sewer use, water, refuse collection and other utilities used in the Premises. Tenant is responsible for directly paying any and all charges associated with the dedicated Pacific Gas and Electric meter for the Premises.

**10. MAINTENANCE AND REPAIR**

a. Tenant is responsible for ensuring that the Premise meet all applicable City of Berkeley codes prior to occupancy under this lease.

b. Tenant shall keep and maintain in good order, condition and repair (except for reasonable wear and tear) all portions of the Premises including without limitation, all fixtures, interior walls, floors, ceilings, plumbing, glass, roof, heating, ventilating and sewage facilities serving the leased Premises, landscaping, and the sidewalk adjacent to the Premises.

c. Tenant shall make all required repairs upon demand by Landlord. Failure to make such repairs within thirty (30) days of the Landlord's demand shall constitute a default by Tenant.

**11. IMPROVEMENTS**

a. Tenant shall not erect additions or structures nor make nor cause to be made any alterations, improvements, additions, or fixtures that affect the exterior or interior of the Premises, nor shall Tenant mark, paint, drill or in any way deface any floors, walls, ceilings, or partitions of the Premises without 1) first providing thirty (30) days' written notice to Landlord and 2) obtaining City of Berkeley Building Permits as required by the Berkeley Municipal Code

as it exists at the time of such improvements. Failure to notify the Landlord or failure to obtain Building Permits or meet other regulatory requirements shall constitute a default by Tenant.

b. Tenant shall require all contractors to provide a labor and materials bond for the full amount of the contract. Tenant shall pay, when due, all sums of money that may be due or become due for any labor, services, materials, supplies or equipment furnished to or for Tenant, in, at, upon or about the leased Premises and which may be secured by any mechanic's, materialmen's or other lien against the Premises or Landlord's interest therein.

c. All alterations, improvements or additions that are now or in the future attached permanently to the Premises shall be the property of Landlord and remain with the Premises at the termination of this lease, except that Landlord can elect within thirty (30) days of the termination of the lease to require Tenant, at its cost, to remove any alterations, improvements or additions Tenant has made to the Premises.

## **12. INDEMNIFICATION**

Tenant shall indemnify, defend and hold Landlord, its officers, agents, volunteers and employees harmless from: 1) all claims of liability for any damage to property or injury or death to any person occurring in, on, or about the Premises; 2) all claims of liability arising out of Tenant's failure to perform any provision of this lease, or any act or omission by Tenant, its agents, contractors, invitees or employees; and 3) all damages, liability, fines, penalties, and any other consequences arising from any noncompliance or violation of any laws, ordinances, codes, or regulations, including but not limited to the Occupational Safety and Health Act of 1979 and the Americans with Disabilities Act of 1990. Except, however, that Landlord shall hold Tenant harmless from all claims of liability for damage resulting from the acts or omissions of Landlord or its authorized representatives.

## **13. INSURANCE**

a. Tenant at its cost shall maintain public liability insurance with a single combined liability limit of \$2,000,000 and property insurance against all risks of loss to any Tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision insuring against all liability of Tenant and its authorized representatives arising out of and in connection with Tenant's use or occupancy of the Premises. All such insurance shall insure performance by Tenant of the preceding indemnity provisions. All insurance shall name the City of Berkeley, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City.

b. If the insurance referred to above is written on a Claims Made Form, then following termination of this lease, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this lease.

c. Tenant at its cost shall maintain on all its personal property, Tenant's improvements, and alterations, in on, or about the Premises, a policy of standard fire and extended coverage insurance, with vandalism and malicious mischief endorsements. This coverage shall be considered primary, and the proceeds from any such policy shall be used by Tenant for the replacement of personal property or the restoration of Tenant's improvements or alterations.

d. If Tenant employs any person, it shall carry workers' compensation and employer's liability insurance and shall provide a certificate of insurance to the Landlord. The workers' compensation insurance shall: provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the Landlord; provide for a waiver of any right of subrogation against Landlord to the extent permitted by law; and be approved as to form and sufficiency by the Landlord's Risk Manager.

e. Tenant shall forward all insurance documents to: Real Property Administrator, Department of Public Works, Property Management 1947 Center Street, Fifth Floor, Suite 521 Berkeley, California, 94704.

#### **14. COMPLIANCE WITH LAW AND SAFETY**

a. Tenant shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal and local governing bodies having jurisdiction over any or all of the Tenant's activities, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations.

b. If a death, serious personal injury, or substantial property damage occurs in, on, or about the Premises, Tenant shall immediately notify the Landlord's Risk Management Office by telephone. If any accident occurs on the Premises, Tenant shall promptly submit a written report to Landlord, in such form as Landlord may require. This report shall include the following information: 1) name and address of the injured or deceased person(s), (2) name and address of Tenant's contractor, if any, (3) name and address of Tenant's liability insurance carrier, and (4) a detailed description of the accident.

c. Tenant shall report all existing hazardous materials handled at the site and any hazardous wastes generated at the site to the Toxics Management Division (TMD) on an annual basis and abide by all requirements of the TMD and other state and local environmental agencies. Upon release of hazardous materials or hazardous waste at the property or adjacent to the property, Tenant shall immediately notify the City of Berkeley Toxics Management Division.

If the release is significant, the Tenant must report it to the 911 and the Office of Emergency Services.

**15. NON-DISCRIMINATION AGAINST PERSONS WITH DISABILITIES**

a. If Tenant provides any aid, service or benefit to others on the City's behalf, Tenant shall, in the provision of such aid, service or benefit, observe and comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Tenant shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination against individuals with disabilities or ensuring that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.

b. If Tenant is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Tenant shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Tenant. All Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations, and Tenant shall be solely responsible for complying therewith.

**16. REQUIRED ACCESSIBILITY DISCLOSURE**

a. Landlord hereby advises Tenant that the Premises and Improvements have not undergone an inspection by a certified access specialist, and except to the extent expressly set forth in this Ground Lease, Landlord shall have no liability or responsibility to make any repairs or modifications to the Premises or the Project in order to comply with accessibility standards. The following disclosure is hereby made pursuant to applicable California law:

b. "A Certified Access Specialist (CASp) can inspect the subject Premises and determine whether the subject Premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject Premises, the commercial property owner or Landlord may not prohibit the lessee or Tenant from obtaining a CASp inspection of the subject Premises for the occupancy or potential occupancy of the lessee or Tenant, if requested by the lessee or Tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the Premises." [Cal. Civ. Code Section 1938(e)]. Any CASp inspection shall be conducted in compliance with reasonable rules in effect at the Premises with regard to such inspections and shall be subject to Landlord's prior written consent.

**17. CITY NON-DISCRIMINATION ORDINANCE**

Tenant agrees to comply with the provisions of Berkeley Municipal Code Chapter 13.26 as amended from time to time. In the performance of this lease, the Tenant agrees as follows:

a. The Tenant shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

b. The Tenant shall permit the Landlord access to records of employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the opinion of the Landlord, are necessary to monitor compliance with this non-discrimination provision, and will, in addition, fill-out in a timely fashion, forms supplied by the Landlord to monitor these non-discrimination provisions.

**18. NUCLEAR FREE BERKELEY**

Tenant agrees to comply with Berkeley Municipal Code Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

**19. OPPRESSIVE STATES**

a. In accordance with Resolution No. 59,853-N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease to forego contractual relations to provide personal services to or to purchase, sell, lease or distribute commodities in the conduct of business with, the following entities:

- (1) The governing regime in any Oppressive State.
- (2) Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- (3) Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of its contract with the City), for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

b. For purposes of this lease, the Tibet Autonomous Region and the provinces of Abo, Kham, and U-Tsang shall be deemed oppressive states.

c. Tenant's failure to comply with this section shall constitute a default of this lease and Landlord may terminate this lease pursuant to Section 29. In the event that the City terminates this lease due to a default under this provision, City may deem Tenant a non-

responsible bidder for five (5) years from the date this lease is terminated.

**20. BERKELEY LIVING WAGE ORDINANCE**

a. Tenant agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Tenant employs six (6) or more part-time, full-time or stipend employees, and generates \$350,000 or more in annual gross receipts, Tenant will be required to provide all eligible employees with City mandated minimum compensation during the term of this lease, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.

b. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley's Living Wage Ordinance (LWO). If Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased Premises. These records shall include the total number of hours worked, the number of hours spent providing service on the leased property, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this Section shall be made available upon the City's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in sections 28 and 29 herein.

c. If Tenant is subject to the LWO, Tenant shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Tenant enters with regard to the subject Premises. Sub-Tenants shall be required to comply with this ordinance with regard to any employees who spend 25% or more of their compensated time on the leased property.

d. If Tenant fails to comply with the requirements of this the LWO and this lease, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 29.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Tenant's failure to pay any of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Tenant's breach.

**21. BERKELEY EQUAL BENEFITS ORDINANCE**

a. Tenant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Tenant is currently subject to the Berkeley Equal Benefits Ordinance, Tenant will be required to provide all eligible employees with City mandated equal benefits during the term of this lease, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

b. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be considered a default, subject to the provisions of Sections 28 and 29 of this lease.

c. If Tenant fails to comply with the requirements of this Section, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 29.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50.00 per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Tenant's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Tenant's breach.

**22. SANCTUARY CITY CONTRACTING ORDINANCE**

Tenant hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Tenant agrees not to provide the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security with any Data Broker or Extreme Vetting Services as defined herein:

- a. "Data Broker" means either of the following: (1) The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies; (2) the aggregation of data that was collected for another purpose from that for which it is ultimately used.

- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include: (1) The City's computer-network health and performance tools; (2) Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer-based activity.

**23. CONFLICT OF INTEREST PROHIBITED**

a. In accordance with California Government Code Section 1090, Berkeley City Charter Section 36 and B.M.C. Chapter 3.64, neither Tenant nor any employee, officer, director, partner or member of Tenant, or immediate family member of any of the preceding, shall have served as an elected officer, an employee, or a committee or commission member of Landlord, who has directly or indirectly influenced the making of this Lease.

b. In accordance with California Government Code Section 1090 and the Political Reform Act, (Government Code Section 87100 et seq.,) no person who is a director, officer, partner, trustee, employee or consultant of Tenant, or immediate family member of any of the preceding, shall make or participate in a decision made by Landlord or any of its boards, commissions or committees, if it is reasonable foreseeable that the decision will have a material effect on any source of income, investment or interest in real property of that person or Tenant, except to the extent permitted by 2 California Code of Regulations, Section 18700(c)(2).

c. Interpretation of this paragraph shall be governed by the definitions and provisions use in the Political Reform Act, Government Code section 87100 et seq., its implementing regulations, manuals and codes, Government Code section 1090, Berkeley City Charter section 36 and B.M.C. Chapter 3.64, as amended from time to time.

**24. PESTICIDES**

All use of pesticides on the Premises shall be in compliance with the City of Berkeley's Pesticide Use Policy as it exists at the time of such use.

**25. SIGNS**

Tenant shall not install or letter any signs on the Premises without the prior written consent of Landlord. All signs on the Premises shall conform to the provisions of Berkeley Municipal Code Chapter 20.04.

**26. DAMAGE OR DESTRUCTION**



If the Premises are totally or partially destroyed from any cause, rendering the Premises totally or partially inaccessible or unusable, Landlord may elect to terminate this lease or continue this lease in effect by giving notice to Tenant within thirty (30) days of the date of destruction. If Landlord elects to continue this lease in full force and effect, then Landlord shall restore the Premises and the rent shall be abated, from the date of destruction until the date restoration is completed, in an amount proportionate to the extent to which the destruction interferes with Tenant's use of the Premises. If Landlord fails to give notice of its decision to terminate or continue this lease within the period stated, Tenant may elect to terminate this lease. Tenant waives the provisions of Civil Code sections 1932(2) and 1933(4) with respect to any destruction of the Premises.

**27. EMINENT DOMAIN**

If the whole or any portion of the Premises is taken by any paramount public authority under the power of eminent domain, then the rights and obligations of the parties shall be determined as follows: If the Premises are totally taken by condemnation, this lease shall terminate on the date of taking. If any portion of the Premises is taken by condemnation, Tenant shall have the right to either terminate this lease or to continue in possession of the remainder of the Premises under the terms of this lease. Such right to terminate must be exercised by notifying Landlord within thirty (30) days after possession of the part taken by eminent domain. If Tenant does not terminate this lease within the thirty (30) day period, this lease shall remain in full force and effect except that the fixed rent shall be reduced in the same proportion that the square footage of the Premises taken bears to the square footage of the Premises immediately before the taking. All damages awarded for such taking shall belong to and be the property of Landlord; provided, however, that Landlord shall not be entitled to any portion of the award made for loss of business and of business installations or improvements made by Tenant in accordance with this lease.

**28. DEFAULT BY TENANT**

a. The occurrence of any of the following shall constitute a default by Tenant:

1. Failure to pay rent when due, if the failure continues for 10 days after notice has been given to Tenant.
2. Abandonment and vacation of the Premises (failure to occupy and operate the Premises for 14 consecutive days shall be deemed an abandonment and vacation).
3. Failure to perform any other provision of this lease if the failure to perform is not cured within 30 days after notice has been given to Tenant. If the default cannot reasonably be cured within 30 days, Tenant shall not be in default of this lease if Tenant commences to cure the default within the 30-day period and diligently and in good faith continues to cure the default.

b. Notices given under this paragraph shall specify the alleged default and the applicable lease provisions, and shall demand that Tenant perform the provisions of this lease or pay the rent that is in arrears, as the case may be, within the applicable period of time, or quit the Premises. No such notice shall be deemed a forfeiture or a termination of this lease unless Landlord so elects in the notice. The purpose of the notice requirements set forth in this section is to extend the notice requirements of the unlawful detainer statutes of California.

**29. LANDLORD'S REMEDIES**

Landlord shall have the following remedies if Tenant commits a default. These remedies are not exclusive; they are cumulative in addition to any remedies now or later allowed by law.

a. Tenant's Right to Possession Not Terminated. Landlord can continue this lease in full force and effect, and the lease will continue in effect as long as Landlord does not terminate Tenant's right to possession, and Landlord shall have the right to collect rent when due. During the period Tenant is in default, Landlord can enter the Premises and relet them, or any part of them, to third parties for Tenant's account. Tenant shall be liable immediately to Landlord for all costs Landlord incurs in reletting the Premises. Reletting can be for a period shorter or longer than the remaining term of this lease. Tenant shall pay to Landlord the rent due under this lease on the dates the rent is due, less the rent Landlord receives from any reletting. No act by Landlord allowed by this paragraph shall terminate this lease unless Landlord notifies Tenant that Landlord elects to terminate this lease. After Tenant's default and for as long as Landlord does not terminate Tenant's right to possession of the Premises, Tenant shall have the right to assign or sublet its interest in this lease if Tenant obtains Landlord's consent, but Tenant shall not be released from liability.

If Landlord elects to relet the Premises as provided in this paragraph, rent that Landlord receives from reletting shall be applied to the payment of: first, any indebtedness from Tenant to Landlord other than rent due from Tenant; second, all costs, including for maintenance, incurred by Landlord in reletting; third, rent due and unpaid under this lease. After deducting the payments referred to in this paragraph, any sum remaining from the rent Landlord receives from reletting shall be held by Landlord and applied in payment of future rent as rent becomes due under this lease. In no event shall Tenant be entitled to any excess rent received by Landlord. If, on the date rent is due under this lease, the rent received from the reletting is less than the rent due on that date, Tenant shall pay to Landlord, in addition to the remaining rent due, all costs, including for maintenance, Landlord incurred in reletting that remain after applying the rent received from the reletting as provided in this paragraph.

b. Termination of Tenant's Right to Possession. Landlord can terminate Tenant's right to possession of the Premises at any time. No act by Landlord other than giving notice to Tenant shall terminate this lease. Acts of maintenance, efforts to relet the Premises, or the

appointment of a receiver on Landlord's initiative to protect Landlord's interest under this lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant:

i. The worth, at the time of award, of the unpaid rent that had been earned at the time of termination of this lease;

ii. The worth, at the time of award, of the amount by which the unpaid rent that would have been earned after the date of termination of this lease until the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably avoided;

iii. The worth, at the time of award, of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably avoided; and

iv. Any other amount, and court costs, necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

"The worth, at the time of award," as used in i and ii of this section, is to be computed by allowing interest at the maximum rate an individual is permitted by law to charge. "The worth, at the time of award," as referred to in iii of this section, is to be computed by discounting the amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of the award, plus 1%.

c. Appointment of Receiver. If Tenant is in default of this lease Landlord shall have the right to have a receiver appointed to collect rent and conduct Tenant's business. Neither the filing of a petition for the appointment of a receiver nor the appointment itself shall constitute an election by Landlord to terminate this lease.

d. Landlord's Right to Cure. Landlord, at any time after Tenant commits a default, can cure the default at Tenant's cost. If Landlord at any time, by reason of Tenant's default, pays any sum or does any act that requires the payment of any sum, the sum paid by Landlord shall be due immediately from Tenant to Landlord at the time the sum is paid, and if paid at a later date shall bear interest at the maximum rate an individual is permitted by law to charge from the date the sum is paid by Landlord until Landlord is reimbursed by Tenant. The sum, together with interest on it, shall be additional rent.

### **30. ASSIGNMENT AND SUBLETTING**

Tenant shall not voluntarily assign or encumber its interest in this lease or in the Premises, or sublease all or any part of the Premises, or allow any other person or entity (except Tenant's authorized representative) to occupy or use all or any part of the Premises, without first

obtaining Landlord's consent. Any assignments, encumbrance, or sublease without Landlord's consent shall be voidable and, at Landlord's election, shall constitute a default. No consent to any assignment, encumbrance, or sublease shall constitute a further waiver of the provisions of this paragraph.

**31. ENTRY**

Landlord and its authorized representatives shall have the right to enter the Premises at all reasonable times for any of the following purposes: to determine whether the Premises are in good condition and whether Tenant is complying with its obligations under the lease; to do any acts that may be necessary to protect Landlord's interest in the Premises; or to perform Landlord's duties under this lease. Landlord shall not be liable in any manner for any inconvenience, disturbance, loss of business, nuisance, or other damage arising out of Landlord's entry on the Premises as provided in this section, except damage resulting from the acts or omissions of Landlord or its authorized representatives.

**32. NOTICES**

A written notice is deemed served when a party sends the notice in an envelope addressed to the other party to this lease and deposits it with the U.S. Postal Service, registered mail, postage prepaid. For purposes of this lease, notices shall be addressed as follows, as appropriate:

To the Landlord:      Real Property  
                             Department of Public Works  
                             1947 Center Street, Fifth Floor, Suite 521  
                             Berkeley, CA 94704

Additionally, please email a PDF of the document to  
[real\\_property@berkeleyca.gov](mailto:real_property@berkeleyca.gov)

To the Tenant:        *Prior to Lease Approval:*  
                             We Wield The Hammer  
                             PO BOX 16088  
                             Oakland, CA 94610

*After Lease Approval:*  
                             We Wield The Hammer  
                             2440 Durant Avenue  
                             Berkeley, CA 94704

**33. WAIVER**

No delay or omission in the exercise of any right or remedy of Landlord on any default by Tenant shall impair such a right or remedy or be construed as a waiver. The receipt and acceptance by Landlord of delinquent rent shall not constitute a waiver of any other default; it shall constitute only a waiver of timely payment for the particular rent payment involved. Any waiver by Landlord of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of the lease.

No act or conduct of Landlord, including, without limitation, the acceptance of the keys to the Premises, shall constitute an acceptance of the surrender of the Premises by Tenant before the expiration of the term. Only a notice from Landlord to Tenant shall constitute acceptance of the surrender of the Premises and accomplish a termination of the lease.

Landlord's consent to or approval of any act by Tenant requiring Landlord's consent or approval shall not be deemed to waive or render unnecessary Landlord's consent to or approval of any subsequent act by Tenant.

**34. EXCUSABLE DELAYS**

If the performance of any act required of Landlord or Tenant is prevented or delayed by reason of strikes, lockouts, labor disputes, act of God, acts of the public enemy, fire, floods, epidemics, freight embargoes or other cause beyond the control of the party required to perform an act, the performance of such act shall be excused for the period of the delay and the period for the performance of such act shall be extended for thirty (30) days.

**35. OPTION TO RENEW**

a. Option Period. So long as Tenant is not in default under this lease, either at the time of exercise or at the time the extended term commences, Tenant will have the option to extend the initial term of this lease for an additional period of five (5) years (the "option period") on the same terms, covenants, and conditions of this lease, except that the initial monthly rent and yearly rent increases during the option period will be determined as described below. In order to exercise this option, Tenant must give written notice of its election to do so to Landlord at least 180 days, but not more than one year, prior to the expiration date of the initial lease term. Tenant shall have no other right to extend the term beyond the option period.

b. Option Period Monthly Rent. For the purposes of this section, the "then-fair market rental value of the Premises" means what a Landlord under no compulsion to lease the Premises and a Tenant under no compulsion to lease the Premises would determine as rents (including initial monthly rent and rental increases) for the option period, as of its commencement, taking into consideration the uses permitted under this lease, the quality, size, design and location of the Premises, and the rent for comparable buildings located in the vicinity of the Premises. Except, however, that the initial monthly rent and yearly rent increases for the

option period shall not be less than that provided during the initial lease term.

**36. HOLDING OVER**

If Tenant remains in possession of the Premises with Landlord's consent after the expiration of the term of this lease without having exercised any option to renew this lease, or after the termination of any such option period, such possession by Tenant shall be construed to be a tenancy from month-to-month, terminable on thirty (30) days' notice given at any time by either party. All provisions of this lease, except those pertaining to term, shall apply to the month-to-month tenancy.

**37. SURRENDER OF PREMISES, REMOVAL OF PERSONAL PROPERTY**

At the termination of this lease, Tenant shall: 1) give up and surrender the Premises, in as good state and condition as reasonable use and wear and tear thereof will permit, damage by fire and the elements excepted; and 2) remove all property which is not a fixture or permanent attachment to the Premises and which is owned and was installed by Tenant during the term of this lease.

**38. TERMS BINDING ON SUCCESSORS**

All the terms, covenants and conditions of this lease shall inure to the benefit of and be binding upon the successors and assigns of the parties to this lease. The provisions of this section shall not be deemed as a waiver of any of the conditions against assignment set forth above.

**39. TIME OF ESSENCE**

Time shall be of the essence of each provision of this lease.

**40. COVENANTS AND CONDITIONS**

Each term and each provision of this lease performable by Tenant shall be construed to be both a covenant and condition.

**41. GOVERNING LAW**

The laws of the State of California shall govern this lease.

**42. ENTIRE AGREEMENT, AMENDMENTS**

This lease and all exhibits attached and any documents expressly incorporated by reference contain the entire agreement between the parties regarding the lease of the Premises

described herein and shall supersede any and all prior agreements, oral or written, between the parties regarding the lease of these Premises. This lease cannot be altered or otherwise modified except by a written amendment.

**43. CONSENT OF PARTIES**

Whenever consent or approval of either party is required, that party shall not unreasonably withhold such consent or approval.

**44. BUSINESS LICENSE**

Tenant certifies that it has obtained or applied for a City of Berkeley business license number as required by Berkeley Municipal Code Chapter 9.04; or Tenant claims that it is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt.

/// ///

IN WITNESS WHEREOF, Landlord and Tenant have executed this lease as of the date written on the first paragraph of this lease.

LANDLORD  
CITY OF BERKELEY

By:

\_\_\_\_\_  
City Manager

THIS CONTRACT HAS BEEN  
APPROVED AS TO FORM BY  
THE CITY ATTORNEY FOR  
THE CITY OF BERKELEY  
09/2022

Registered on behalf  
of the City Auditor by:

\_\_\_\_\_  
Finance Department

Attest by:

\_\_\_\_\_  
City Clerk

TENANT

By:

\_\_\_\_\_

Printed Name:

\_\_\_\_\_  
Karen Smith

\_\_\_\_\_  
Executive Director, We Wield

Title:

\_\_\_\_\_  
The Hammer

Berkeley Business

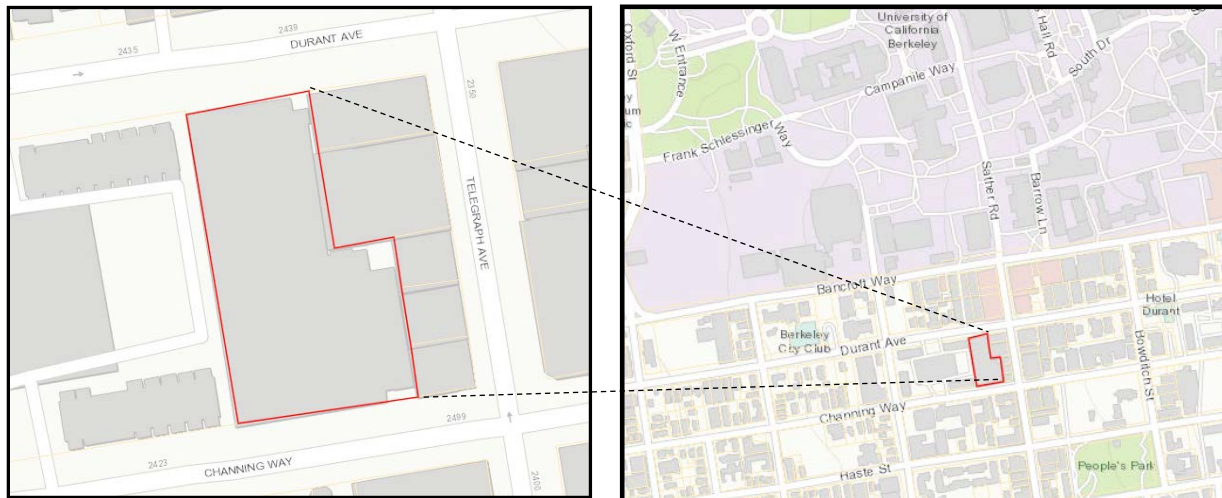
License No.:

\_\_\_\_\_



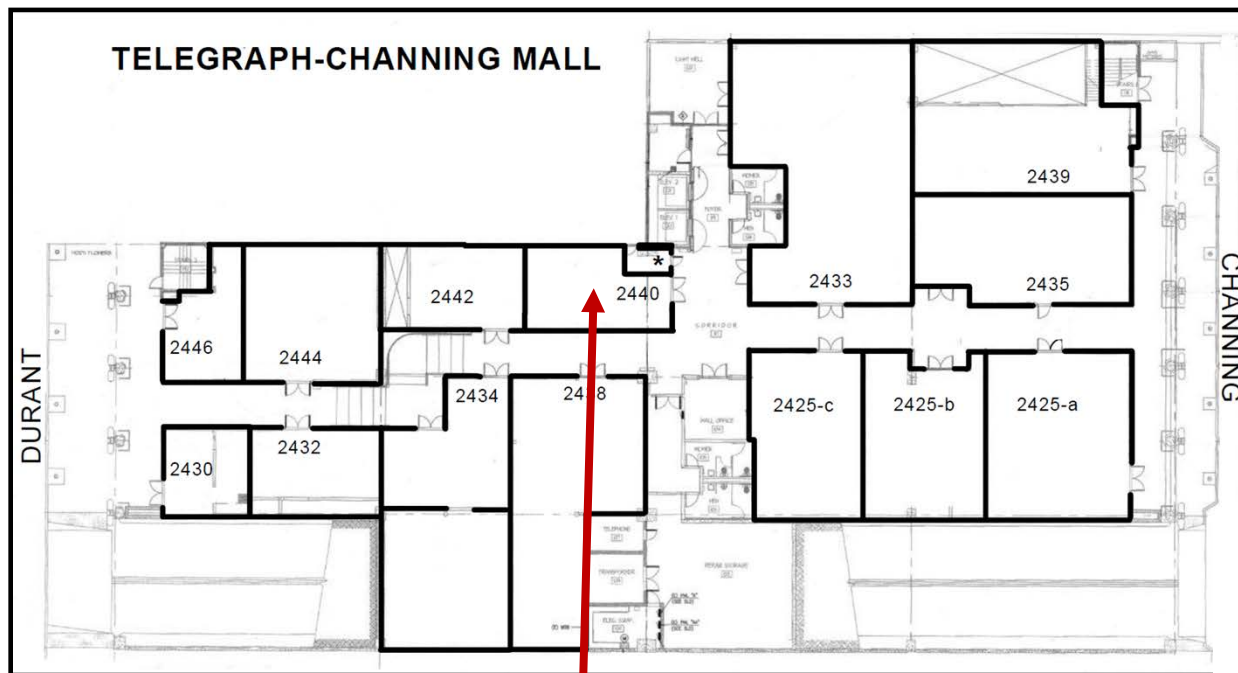
Exhibit A

PREMISES



**Physical (Legal) Address:** 2431 Channing Way, Berkeley, CA 94704

**Garage (and Commonly Used) Address:** 2450 Durant Avenue, Berkeley, CA 94704



**We Wield The Hammer**  
2440 Durant Avenue

**Exhibit B**

**AGREEMENT SPECIFYING TERM OF LEASE**

Attached to and made part of the Lease dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF BERKELEY, a municipal corporation, as Landlord, and WE WIELD THE HAMMER, A 501c3 NONPROFIT ORGANIZATION as Tenant ("**Tenant**").

Landlord and Tenant do hereby confirm and acknowledge the following dates:

- a. Lease Commencement Date is \_\_\_\_\_ [DATE MUST BE AT LEAST 30 DAYS AFTER APPROVAL OF ORDINANCE]
- b. Rent Commencement Date is \_\_\_\_\_ [DATE]
- c. Expiration Date of the initial term of the Lease is \_\_\_\_\_ [DATE], subject to extension as provided in the Lease.

This Agreement shall be binding on the parties hereto, their successor and assigns and all subtenants of Tenant and any other party claiming under or through Tenant. The Lease is in full force and effect as of the date hereof in accordance with its terms, and Tenant is in possession of the Premises. Landlord has fulfilled all of its obligations under the Lease that were required to be fulfilled by Landlord on or prior to the Rent Commencement Date and Tenant has no claim or right of set-off against any Rent (as defined in the Lease) under the Lease.

This Agreement was entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**ATTEST/WITNESS:**

**LANDLORD:**

CITY OF BERKELEY, a municipal corporation

By: \_\_\_\_\_

Its: City Manager

By: \_\_\_\_\_

Its: City Attorney

By: \_\_\_\_\_

Its: City Auditor

**ATTEST/WITNESS:**

**TENANT:**

WE WIELD THE HAMMER  
a 501c3 NON-PROFIT ORGANIZATION

By: \_\_\_\_\_

KAREN SMITH

Exhibit C

## PAYMENTS

| <b>RENT PAYMENT SCHEDULE: We Weld the Hammer 2440 Durant@TCM</b> |             |                     |                          |                     |                                |                      |
|------------------------------------------------------------------|-------------|---------------------|--------------------------|---------------------|--------------------------------|----------------------|
|                                                                  | <b>YEAR</b> | <b>1</b>            | <b>2</b>                 | <b>3</b>            | <b>4</b>                       | <b>5</b>             |
| <b>MARCH</b>                                                     | <b>1</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>APRIL</b>                                                     | <b>2</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>MAY</b>                                                       | <b>3</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>JUNE</b>                                                      | <b>4</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>JULY</b>                                                      | <b>5</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>AUGUST</b>                                                    | <b>6</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>SEPTEMBER</b>                                                 | <b>7</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>OCTOBER</b>                                                   | <b>8</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>NOVEMBER</b>                                                  | <b>9</b>    | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>DECEMBER</b>                                                  | <b>10</b>   | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>JANUARY</b>                                                   | <b>11</b>   | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>FEBRUARY</b>                                                  | <b>12</b>   | \$ 1,085.00         | \$ 1,117.55              | \$ 1,151.08         | \$ 1,185.61                    | \$ 1,221.18          |
| <b>ANNUAL TOTAL:</b>                                             |             | <b>\$ 13,020.00</b> | <b>\$ 13,410.60</b>      | <b>\$ 13,812.92</b> | <b>\$ 14,227.31</b>            | <b>\$ 14,654.12</b>  |
|                                                                  |             |                     |                          |                     | <b>6 MONTH RENT ABATEMENT:</b> | <b>\$ (6,510.00)</b> |
|                                                                  |             |                     |                          |                     | <b>INITIAL TERM TOTAL:</b>     | <b>\$ 62,614.95</b>  |
| <b>PREMISES AREA (SQFT):</b>                                     |             |                     | 620                      |                     |                                |                      |
| <b>MONTHLY RATE PER SQFT:</b>                                    |             |                     | \$ 1.75                  |                     |                                |                      |
| <b>INITIAL MONTHLY RENT:</b>                                     |             |                     | \$ 1,085.00              |                     |                                |                      |
| <b>ANNUAL INCREASE:</b>                                          |             |                     | 3.00%                    |                     |                                |                      |
| <b>LEASE START DATE:</b>                                         |             |                     | <b>March 1, 2024</b>     |                     |                                |                      |
| <b>INITIAL TERM:</b>                                             |             |                     | 60 MONTHS                |                     |                                |                      |
| <b>INITIAL TERM TERMINATION DATE:</b>                            |             |                     | <b>February 28, 2029</b> |                     |                                |                      |
| <b>NOTIFY LANDLORD FOR OPTION BY:</b>                            |             |                     | <b>September 1, 2028</b> |                     |                                |                      |
| <b>OPTION START DATE:</b>                                        |             |                     | December 1, 2028         |                     |                                |                      |
| <b>OPTION TERM:</b>                                              |             |                     | 60 MONTHS                |                     |                                |                      |
| <b>OPTION TERMINATION DATE:</b>                                  |             |                     | November 30, 2033        |                     |                                |                      |

Exhibit D

RULES, RESTRICTIONS AND PROHIBITED USES

Tenant shall not use or permit the use of the Premises for any other business or purpose, except as set forth in this Lease and in strict accordance with the Rules and Regulations. No part of the Premises shall be used in a way that endangers the health or safety of any user of the Premises. **THESE PROHIBITIONS AND RESTRICTIONS SHALL NOT BE DEEMED TO APPLY TO LANDLORD, BUT ONLY TO TENANT UNDER THIS LEASE.** Landlord shall have the right, in Landlord's sole and absolute discretion, to waive all or any of the prohibitions set forth herein upon such matters, terms and conditions as Landlord, in its sole discretion, may determine.

RULES AND REGULATIONS FOR TELEGRAPH-CHANNING MALL

All Tenants of Telegraph-Channing Mall ("TCM") shall comply with the following Rules and Regulations. Landlord shall not be responsible to Tenant for the failure of any other tenant or occupant of the building to comply with any of these Rules and Regulations:

1. Smoking is prohibited at TCM and Garage in accordance with Berkeley Municipal Code ("BMC") 12.70.030, *Locations Where Smoking Is Prohibited*. Tenant, Tenant's employees/volunteers, invitees, clients, guests, and other occupants shall abide by this Code. "No Smoking" signs are posted by Landlord. Tenant shall abide by and support the enforcement of this regulation prohibiting smoking in all public places, including but not limited to restaurants, public restrooms, business establishments, and parking garages.
2. No pets are allowed on the premises, Building, or Property unless such animal is designated as a "service animal" and licensed with the City of Berkeley. Every dog over the age of six months must be licensed and must wear the license (BMC 10.04.030). Special tags for service animals may be obtained from Alameda County Animal Control at (925) 803-7046.
3. Tenant restrooms are exclusively for the use of Tenants, their employees/volunteers, and customers. Public restrooms, located directly across from the elevators, are available for use by all other visitors, parking garage customers, and the general public.
4. No sign, placard, picture, name, advertisement, or notice visible from the exterior of the premises will be inscribed, painted, affixed, or otherwise displayed by Tenant on any part of the mall or parking structure without the prior written consent of Landlord. The Landlord will adopt and furnish to the tenant general guidelines relating to signs inside TCM. The tenant agrees to comply with those guidelines. All approved signs or lettering on doors will be printed, painted, affixed, or inscribed at the expense of the tenant by a person approved in writing by the Landlord. Material visible outside TCM will not be permitted.
5. The Directory of TCM (if any) will be provided for the display of the name and location of Tenants, and Landlord reserves the right to exclude any other names from the directory. Any additional name that the tenant desires to place upon the directory must be first approved by

Landlord, and, if so approved, a charge will be made for the additional name or name change.

6. Tenant shall display the days and hours of operation for their business. The days and hours of operation posted must match those shown in their Lease and/or approved by the Landlord. Tenant shall notify the Landlord in writing stating the reason (vacation, holiday or other observances, etc.,) and the start and end date of any and all closures or deviations from the posted hours of operation exceeding two (2) calendar days.
7. Tenant shall assume all responsibility for protecting the premises from theft, robbery, pilferage, vandalism, damage, or waste, including keeping doors locked and keep other means of entry to the premises closed, and turning off all water faucets, water apparatus, and utilities when needed or necessary. Tenant shall be responsible for any waste in or damage to the premises or any injuries sustained by other Tenants or occupants of TCM or Landlord for Tenant's negligent or willful acts or omissions in protecting the premises as set forth herein.
8. Landlord may waive any one or more of these Rules and Regulations for the benefit of any particular Tenant or Tenants, but no waiver by Landlord shall be construed as a waiver of those Rules and Regulations in favor of any other Tenant or Tenants, nor prevent Landlord from enforcing any of those Rules and Regulations against any or all of the Tenants of TCM. Any waiver of these Rules and Regulations by the Landlord shall be done in writing.
9. Landlord reserves the right at any time to change or rescind any one or more of these Rules and Regulations or to make any additional reasonable Rules and Regulations that, in Landlord's judgment, may be necessary for:
  - A. The management, safety, care, and cleanliness of the Premises, Building, and Real Property;
  - B. The preservation of good order; and
  - C. The convenience of other occupants and Tenants in the Premises, Building, and Real Property.
10. No store merchandise and/or displays shall be placed in TCM's main corridor/paseo, arcade, or light well, nor block the path of travel within any part of TCM at any time. No events, classes, conferences, demonstrations, celebrations, or other gatherings shall occur in TCM's corridor, porticos, trash room, or light well.

The following are optional coversheets for Exhibits that may be included in a lease or license agreement:

**Exhibit E**

**TENANT IMPROVEMENTS**

**[THIS CAN BE A LIST OF IMPROVEMENTS REQUIRED IN THE LEASE THAT MUST BE COMPLETED BY THE TENANT AT THE TENANT'S EXPENSE.]**



Office of the City Manager

CONSENT CALENDAR  
February 13, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Sharon Friedrichsen, Budget Manager  
 Subject: City of Berkeley's 2024 State and Federal Legislative Platform

RECOMMENDATION

Adopt a Resolution approving the City of Berkeley's 2024 State and Federal Legislative Platform.

FISCAL IMPACTS OF RECOMMENDATION

Formal adoption and use of a legislative platform, by clearly indicating the City of Berkeley's priorities, may increase the City's effectiveness when competing for federal or state funding opportunities.

CURRENT SITUATION AND ITS EFFECTS

The proposed 2024 State and Federal Legislative Platform outlines the City's legislative priority areas related to homelessness, housing, economic development, infrastructure, public safety, sustainability and the environment, and health. In addition, the platform supports the City's efforts to seek federal and state funding assistance in the areas of affordable housing and homelessness, infrastructure improvements and climate resiliency. These legislative priorities support the City's long-term Strategic Plan goals, including providing state-of-the-art, well-maintained infrastructure; creating affordable housing and housing support services; creating a resilient and safe city, and continuing to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

The City Manager and City Department Directors provided input regarding the priority areas and projects to include within the 2024 legislative platform. In addition, the Budget and Finance Policy Committee reviewed the draft platform during its meeting on January 25, 2024, proposed amendments to the draft platform related to funding for affordable housing programs and recommended to forward the item as revised to the City Council with a positive recommendation (Vote: Ayes – Mayor Arreguin and Councilmember Kesarwani; Noes – None; Abstain – None; Absent – Councilmember Harrison).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

While adopting the legislative platform will not directly impact climate or improve environmental sustainability, these items will be supported by the platform through related policy and funding priorities.

RATIONALE FOR RECOMMENDATION

A formally adopted legislative platform clearly indicates the City's policy and funding priorities, allowing for more effective, targeted advocacy for the City's needs at the state and federal level.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to formally adopt a legislative platform. This could result in missing funding opportunities and a less clear position, voice or impact during state and federal level policy discussions and decisions.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, (510) 981-7000

Attachments:

1: Resolution

Exhibit A: City of Berkeley's 2024 State and Federal Legislative Platform



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

CITY OF BERKELEY 2024 STATE AND FEDERAL LEGISLATIVE PLATFORM

WHEREAS, the City of Berkeley has an interest in indicating to state and federal government the City's own legislative platform; and

WHEREAS, said platform can improve the City's ability to influence state and federal policy; and

WHEREAS, said platform can improve the City's effectiveness when competing for state and federal funding opportunities; and

WHEREAS, the City of Berkeley 2024 State and Federal Legislative Platform clearly outlines the City's policy and funding priorities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves Exhibit A, the City of Berkeley's 2024 State and Federal Legislative Platform.

Exhibits

A: City of Berkeley 2024 State and Federal Legislative Platform



---

**M E M O R A N D U M**

---

**To:** The Honorable Jesse Arreguin and Members of the Berkeley City Council  
**CC:** Dee Williams-Ridley, City Manager

**From:** Christopher Townsend, President, Townsend Public Affairs, Inc.  
Niccolo De Luca, Vice President  
Joseph Mello, Federal Senior Associate  
Andres Ramirez, Senior Associate  
Carly Shelby, Legislative Associate  
Sammi Maciel, Federal Associate

**Date:** January 25, 2024  
**Subject:** Amended Draft 2024 State and Federal Legislative Agenda

---

Townsend Public Affairs, Inc. (TPA) has prepared a draft 2024 Legislative Platform for the City of Berkeley. The City’s legislative platform for 2024 will reflect the priorities of the Mayor, the City Council, and the people of Berkeley. The platform will include advocating for legislation, regulations, and funding that is consistent with the City’s adopted goals.

Once adopted, this blueprint will be shared with key stakeholders in the State Legislature and Governor’s Administration as well as Congress and the Biden Administration. However, it will be necessary to remain nimble and responsive as we move through the legislative year. Our legislative agenda will be fluid as some issues will be addressed with introduced legislation.

**Proposed Legislative Priorities for 2024**

It is expected that the State Legislature in 2024 will maintain its focus on its recent priorities including; Climate Resiliency, Governance and Transparency, Homelessness and Behavioral Health, Housing and Greater Access, Public Safety, and Transportation and Infrastructure.

The State Legislature is currently in interim recess and will reconvene on January 3rd to resume legislative activities. Legislators may begin introducing new pieces of legislation, many of which may be like bills that did not advance in 2023, the second year of the two-year legislative cycle.

In Washington, DC a politically fraught Congress and new Speaker of the House will aim to legislate on several key priorities while balancing elections for the Presidency, House, and Senate. Major legislative action will center on the Fiscal Year (FY) 25 National Defense Authorization Act, 2024 Water Resources Development Act, the Farm Bill, and Energy Permitting Reform. Border security, foreign conflicts, artificial intelligence, and continued implementation of the Inflation Reduction Act and Bipartisan Infrastructure Law will also garner much attention.

Before Congress can focus on policy, both chambers must reconcile FY24 appropriations differences to fund the government and avoid a shutdown. Although this will likely drag into next year, Congress will begin accepting earmark requests for FY25 appropriations process as soon as February 2024.

**Federal and State Legislative Monitoring and Potential Action**

The following legislative priorities are being recommended for monitoring, analysis, and potential action. The City Council may choose to take a position on a piece of legislation, continue to monitor without a position, or determine if any further response is required.

TPA maintains a constantly updated matrix of state legislation and in years past have presented recommendations after session has started then providing rolling updates. TPA will monitor legislative activity in the following areas.

| <b>Homelessness</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Policy Priorities:</u></p> <ol style="list-style-type: none"> <li>1) Prevent displacement of tenants and residents</li> <li>2) Expand emergency, transitional, and permanent housing opportunities</li> <li>3) Expand resources and housing alternatives for those unhoused persons who suffer with severe mental illness and require conservatorship</li> <li>4) Support legislative efforts that require counties to partner with cities when receiving direct allocation of homeless funds and have a regional focus in the expenditure of state funds</li> <li>5) Support legislative efforts that will allocate State homeless dollars such as the HHAP program and others, based off city point-in-time count numbers</li> <li>6) Support legislative changes to Coordinated Entry requirements that allow local governments to prioritize based on local unsheltered needs and encampment resolution for housing placements</li> <li>7) Support legislative efforts that have a focus on keeping people in housing, once placed, for many years which could include legislative changes to emergency shelter crisis declarations</li> <li>8) Support legislative efforts that address racial disparities in homelessness</li> <li>9) Support legislative efforts that provide minimum basic income for those who are unhouse or at risk of becoming unhoused</li> </ol>                                                                                                                                                                                                                                                                                                                                                           |
| <p><u>Funding Priorities:</u></p> <ol style="list-style-type: none"> <li>1) Continue the state-funded emergency rent and utility assistance program for those at-risk of becoming homeless</li> <li>2) Expand funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing), non-congregate shelters and emergency shelters, as well as operating costs for permanent supportive housing</li> <li>3) Funding for permanent housing interventions that reduce and prevent homelessness</li> <li>4) Support for more mental health and behavioral health outreach services; incentivize County provision of In-Lieu of Services in the CalAIM system change</li> <li>5) Funding for targeted homeless prevention programs that provide financial assistance, legal and housing navigation services</li> <li>6) Funding for employment, wage-earning programs for homeless people</li> <li>7) Funding for substance abuse services</li> <li>8) Support funding efforts for non-congregate shelter such as Safe Parking programs and allow existing rent subsidies sources to be used to subsidize the rent at these programs</li> <li>9) Support funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing) and emergency shelters, as well as operating costs for permanent housing</li> <li>10) Investment in extremely low income housing for those experiencing homelessness</li> <li>11) Investment in mental health treatment across the continuum of care, including efforts to support or encourage creation of additional board and care beds as well as subacute treatment and psychiatric skilled nursing facilities</li> </ol> |

## Housing

### Policy Priorities:

- 1) Help promote and support housing legislation to enable the construction of more housing at various income levels; fight to repeal Article 34
- 2) Support legislation that advances the creation or funding of affordable housing projects
- 3) Pursue updates to the State building code, if necessary, and to promote innovative forms of housing construction
- 4) Reasonable reform to CEQA to streamline development and housing opportunities
- 5) Support legislative and funding efforts relating to housing preservation and acquisition and operation
- 6) Support legislative efforts to protect tenants and small property owners impacted by the COVID-19 pandemic which includes residential lease terminations
- 7) Support legislative efforts to extend the State rent relief program and to bring back the eviction moratorium/eviction protections
- 8) Support legislative efforts to reduce the voter threshold for passage of affordable housing bonds
- 9) Support legislative efforts to repeal or reform the Ellis Act and the Costa–Hawkins Rental Housing Act
- 10) Work with UC Regents to help support more opportunities for student housing
- 11) Support legislative efforts that clarify recent ADU related legislation and count ADUs towards RHNA goals
- 12) Support efforts that also encourage other forms of housing such as co-ops, land trusts, social housing, public housing, and other efforts
- 13) Seek amendments to ADU legislation to establish additional conditions/protections on ADU construction in high fire hazard zones
- 14) Strongly support efforts to restore any proposed reductions in funding to affordable housing programs including the Multifamily Housing Program, Transit Oriented Development Program, Infill and Infrastructure Grant Program, and others

### Funding Priorities:

- 1) Support for soft-story seismic retrofits
- 2) Funding for housing programs that advance racial equity
- 3) Funding for innovative programs to prevent displacement and address hazardous housing conditions
- 4) Enhance funding of state programs for operating costs that support permanent affordable housing for individuals with area median income up to 120 percent (which includes extremely low-income up to moderate incomes, i.e., workforce housing)
- 5) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing
- 6) Develop a state funding program that can support small sites acquisition and rehab (like San Francisco)
- 7) Expand funding for affordable housing on transit agency sites
- 8) Support funding for remediation of hazardous sites (to make viable for housing)
- 9) Support efforts to create more student housing funding opportunities

**Economic Development**

Policy Priorities:

- 1) Support and funding for arts and cultural spaces, arts education, and outdoor commerce
- 2) Measures providing for new tax increment financing opportunities (i.e., business district establishment or Enhanced Infrastructure Financing Districts) to support commercial districts as well as infrastructure and affordable housing
- 3) Efforts to encourage the development of sectors (and real estate sites) that align with quality job opportunities in local manufacturing, light industrial, bioscience, research and development, and other priority industry sectors. This includes environmental remediation of large industrial sites for redevelopment into research and development and/or life sciences use
- 4) Cannabis Tax reform which includes lowering taxes and tax simplification
- 5) Support efforts to address the digital divide
- 6) Support legislation relating to Online Sales Tax Distribution Formula reform
- 7) HARD HATS + funding for apprentice programs
- 8) Support legislative and other efforts for programs that create pathways out of poverty, including guaranteed income programs
- 9) Support legislative efforts to create and expand public banking

Funding Priorities:

- 1) Support for small business recovery, tourism/visitor recovery and other business sectors deeply impacted by the COVID-19 pandemic
- 2) Support funding for environmental remediation at the Pacific Steel site and other toxic sites throughout the City
- 3) Support funding for the seismic retrofit and renovation public landmark buildings (Civic Center, Veterans Building and Civic Center Plaza revitalization)
- 4) Loan access for minority- and women-owned businesses who experience difficulties in accessing loans from private banks

### Infrastructure

#### Policy Priorities:

- 1) Support developing climate smart, resilient infrastructure to address growing climate threats and address deferred maintenance
- 2) Funding for programmatic implementation of hardware and software to ensure security
- 3) Funding for programmatic initiatives to advance use of technology in partnership with delivering cutting edge and strategic programs
- 4) Funding for upgrading and updating outdated technological infrastructure
- 5) Measures affecting funding for roads, transit, “last mile” projects and goods movement as well as alternative modes of transportation (bikes, ebikes, scooters, etc.), and support the needs of the disabled community
- 6) Support efforts to help commuters and increase public transportation and last mile expansion
- 7) Measures that tax ride sharing networks and help reduce vehicle congestion
- 8) Measures that support data sharing of TNCs with local government
- 9) Support regional transportation projects that would provide a benefit to the City and surrounding communities
- 10) Support for public infrastructure projects including the Ashby/North Berkeley BART Development, Berkeley Pier/Ferry Terminal Project, Maudelle Shirek (Old City Hall), Veterans Building, Civic Center Park, Santa Fe Right of Way, and San Pablo Park and Pool
- 11) Increasing resiliency of public infrastructure from threats of climate change
- 12) Support for public infrastructure that supports ADA access to all City facilities including buildings, Right of Way, and Parks
- 13) Support equity in infrastructure by improving City facilities and amenities in South and West Berkeley
- 14) Expand EIFD resources to include services for underserved communities

#### Funding Priorities:

- 1) Increased funding for bicycle and pedestrian safety improvements
- 2) Increased funding for utility undergrounding
- 3) Increased funding to address the wildland urban interface and fire safety
- 4) Funding to electrify and add e-charging in public facilities and for the public fleet and to provide public e-charging stations
- 5) Funding for the Safe Routes to School program
- 6) Funding for improving, restoring, and enhancing public infrastructure including landmark sites (e.g., Maudelle Shirek)
- 7) Funding for lifting equity through an African American Holistic Resource Center
- 8) Funding to enhance and build recreation facilities to address neighborhood youth engagement and enrichment. (i.e., San Pablo Park and Pool)
- 9) Funding for cyber security and necessary, related technological improvements
- 10) Funding for riding transit especially when linked to housing

**Public Safety**

Policy Priorities:

- 1) Support automated speed enforcement legislation and to seek alternatives to sworn traffic/parking enforcement
- 2) Support efforts to have non-sworn staff to investigate and report taking
- 3) Support disaster preparedness, training, response, and resilience efforts
- 4) Criminal justice reform
- 5) Support additional efforts to help prevent violence such as mental health services, supporting street outreach teams, focusing on other individuals before they are at risk
- 6) Support efforts that reimagine public safety and incorporate community-based organizations to help address problems
- 7) Support efforts to increase peace officer accountability and provide a means of decertifying police officers who engage in serious misconduct
- 8) Support legislative efforts that seek to legalize safe crossings for pedestrian's aka 'jaywalking', allows cyclists to treat stop signs as yield signs, red lights as stop signs and yield at traffic light intersections if they're making a right-hand turn, and other related efforts
- 9) Support legislative modifications to the CalVIP program to help cities such as Berkeley
- 10) Support legislation and funding to improve fire safety, including undergrounding utilities

Funding Priorities:

- 1) Support funding opportunities for alternative traffic enforcement efforts
- 2) Support funding opportunities for violence prevention services
- 3) Support funding opportunities for dispatch and service redesign or expansion
- 4) Support wildland fire mitigation grants to support home hardening, vegetation management and suppression and response such as low or no-interest loan/grant programs to assist homeowners in clearing hazardous vegetation and hardening homes in high fire hazard zones
- 5) Support funding opportunities for community paramedicine and alternative destination protocols
- 6) Support funding/resources for analysis, development and implementation of road network for wildfire evacuation programs
- 7) Support funding for park access and ADA amenities
- 8) Support funding for law enforcement engagement and community-centered collaborative approaches in support of reimagining public safety efforts (Specialized Care Unit)

**Sustainability and the Environment**

Policy Priorities:

- 1) Support legislative efforts to incentivize Low-Carbon Construction: ability to and tools for incentivizing lower-carbon construction with fees from higher-carbon construction projects.
- 2) Support legislative efforts relating to electric bicycles: legislation to subsidize electric bicycle purchase, in coordination with electric vehicle subsidies.
- 3) Support legislation efforts to expand transportation alternatives by water (ferry)
- 4) Support legislative efforts to expand funding for electric vehicle charging in the public right of way
- 5) Measures that provide new tools and potential revenue opportunities to address illegal dumping
- 6) Measures that support regional planning for a climate change strategy, including sea level rise
- 7) Support efforts that enhance data sharing for utility companies
- 8) Support efforts for gray water capture
- 9) Remediation of open space to expand public green/open space
- 10) Support efforts to improve research on making desalination more cost effective and environmentally friendly

Funding Priorities:

- 1) Support technological advancements that reduce our draw on paper and nonrenewable resources
- 2) Support development of software infrastructure to support current and emerging initiatives in the most sustainable way possible
- 3) Funding for enhancing capacity in Information Department to support ongoing movement towards sustainable systems that require forward thinking processes and modern technological systems
- 4) Support funding to address sea level rise along waterfront and Aquatic Park (inclusive of state lands)
- 5) Support funding for electrification and seismic retrofitting of care and shelter facilities
- 6) Support funding for low-income solar and battery installation
- 7) Support for reaching Climate Action Plan, Clean Water, and Resilience Plan goals
- 8) Support funding for Zero Waste efforts
- 9) Support funding for more EV charging stations at apartments and elsewhere



### Health

#### Policy Priorities:

- 1) Support legislative efforts to enhance greater access to hospitals and health care.
- 2) Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds
- 3) Support legislative and other efforts to keep Alta Bates Hospital open and operating as an emergency and acute care hospital
- 4) Support legislative efforts that support and increase psychiatric care facilities and acute care facilities
- 5) Support legislative efforts to protect the rights of women and reproductive health
- 6) Support legislative efforts that increase services such as mental health, substance abuse, treatment beds and other services for people living in encampments and in unsheltered settings
- 7) Support legislative efforts that existing mental health and substance programming prioritize people who are referred by the homeless system
- 8) Support legislative efforts that soften data sharing constraints at the Federal level: HIPAA contains broad information-sharing allowances among “treatment providers” for the purposes of “care coordination”—issue guidance defining homeless encampment or homeless-serving teams as “treatment providers” and making it clear that information can be shared on a need-to-know basis
- 9) Support legislative efforts related to oversight of guardians, receivership, conservatorship and other forms of care

#### Funding Priorities:

- 1) Support funding and regulatory changes to advance for emergency readiness, particularly in relation to public health
- 2) Support funding efforts relating to mental health treatment, substance abuse treatment, and other related services
- 3) Focus on funding health services for underserved communities

### Miscellaneous

#### Policy Priorities:

- 1) Support legislative efforts to make changes to the Brown Act to help encourage greater public participation and further encourage online meetings and make changes to posting requirements and public access in private residences
- 2) Support legislative efforts to address the way ballot measures are formulated, worded, and advertised
- 3) Support funding for emergency readiness, particularly in relation to public health

### **One Time State and Federal Funding Priorities for “Member Request” Consideration**

As we have seen at both the Federal and State level, new initiatives and various funding opportunities have taken form over the last year. This also includes both legislative provisions that direct approved funds to be spent on specific projects, sometimes referred to as “Member Requests” or “Congressionally Directed Spending”.

As it relates to state and federal “Member Requests”/ “Congressionally Directed Spending”, our recommended strategy is for the adopted Legislative Platform to include a handful of funding buckets that capture various project themes. This provides the City with the highest amount of flexibility as it is important to not only reflect the priorities of the state and federal lawmakers who sponsor these requests, but also to ensure that the City’s projects fit the eligibility requirements of the various state and federal funding sources.

These buckets include:

- *Affordable Housing/Homelessness* which could include funding to reduce unsheltered homelessness including outreach and mental health services, non-congregate shelter, housing subsidies and gap funding for affordable housing projects including new construction and acquisition and rehabilitation of housing.
- *Infrastructure Improvements* which could include funding for enhancements to public infrastructure including landmark sites, active transportation enhancements which includes bicycle and pedestrian upgrades at various city locations such as the Telegraph Shared Street project.
- *Climate Resiliency* which could include funding for urban forestry interface, wildfire prevention, cooling centers, HVAC upgrades, and other related items.

**Process for Reporting/Next Steps**

In addition to weekly legislative updates and other communications we send to the City Team, TPA suggests verbal reports to the City Council when the State Legislature is on recess. For example, we would report out in April while they are on Spring Recess, during July while they are on Summer Recess, and in November or December when Session has concluded.

Due to the ever-changing nature of legislation in Sacramento and Washington, TPA will provide monthly updates which can be shared with the City Council.



Office of the City Manager

CONSENT CALENDAR

February 13, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Amendments to the Regulations for Alternate Commissioners

RECOMMENDATION

Adopt a resolution removing the now dissolved Police Review Commission from the list of designated commissions on which Alternate Commissioners may serve; expanding the list of designated commissions by adding the following five commissions: Community Health Commission, Environment and Climate Commission, Parks, Recreation, and Waterfront Commission, Transportation and Infrastructure Commission, and Zero Waste Commission; adding a new requirement for temporary appointments made to any quasi-judicial commissions to two business days prior to the meeting; and rescinding Resolution No. 67,205-N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

In 2015, Council amended Berkeley Municipal Code Chapter 3.02 to allow each Councilmember and the Mayor to appoint a pool of five Alternate Commissioners to serve on designated commissions when their regular appointee is on an approved leave of absence. Section 3.02.035 provides that the designated commissions on which alternate commissioners may serve is determined by Council resolution. The purpose of Alternate Commissioners is to facilitate the filling of commission seats by reducing the amount of forms and paperwork required for these temporary appointments.

Per Resolution No. 67,205–N.S., the designated commissions on which Alternate Commissioners may serve are the Housing Advisory Commission, Landmarks Preservation Commission, Planning Commission, Police Review Commission, Sugar-Sweetened Beverage Product Panel of Experts, and the Zoning Adjustments Board. With the sunset of the Police Review Commission, it is necessary to remove that commission from the list.

Staff conducted a review of the Alternate Commissioner program to determine if any other commissions should be added or removed from the list. A review of the number of approved leaves of absence for the year 2022 and year 2023 indicates an increase in leave of absence requests. The following five commissions were at or near the top of the list for the number of approved leaves of absence.

Community Health Commission  
Environment and Climate Commission  
Parks, Recreation, and Waterfront Commission  
Transportation and Infrastructure Commission  
Zero Waste Commission

Adding the five commissions listed above to the list of commissions for alternate commissioners will further increase efficiencies for Councilmembers, commissioners, and the City Clerk Department in the filling of commission seats when there are absences.

Furthermore, for the quasi-judicial commissions on the list, there was a need to allow for more time for staff to review potential conflicts of interest for alternate commissioners. For these commissions, it is important to review any potential conflicts that can affect due process requirements in their proceedings. Conflicts are fact specific and require careful consideration before making a determination. To ensure proper review of any potential conflicts of interest, the amended resolution requires the temporary appointment of an Alternate Commissioner to be made at least two business days prior to the meeting for quasi-judicial commissions.

### BACKGROUND

All regulations and requirements of the BMC that apply to a Commissioner as defined in 3.02.010.A also apply to Alternate Commissioners except BMC Section 3.02.040 (term maximum).

For any commission with specific requirements for membership, the Alternate Commissioner must meet the same special category requirements in order to serve. Alternate Commissioners are subject to the December 1 term minimum.

Alternate Commissioners must complete the Oath of Office and file a Form 700 at the time of their appointment as an Alternate Commissioner and not for each temporary appointment to one of the designated Commissions. The appointment of an Alternate Commissioner to serve as a temporary appointee must be filed by the appointing Councilmember or Mayor with the City Clerk prior to the meeting at which the Alternate Commissioner is to serve. For meetings held after business hours, the temporary appointment must be received by the City Clerk before 5:00 p.m. on the day of the commission meeting in order to be effective for that meeting.

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

The Police Review Commission was dissolved with the establishment of the Police Accountability Board. This amendment removes the dissolved commission. The increase in leave of absence requests from commissioners over the past two years indicates a need to help facilitate filling of commission seats when there are absences, and this amendment expands the list of designated commissions on which Alternate Commissioners may serve.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

## RESOLUTION NO. XX,XXX–N.S.

SPECIFYING THE COMMISSIONS TO WHICH AN ALTERNATE COMMISSIONER MAY BE APPOINTED AND SPECIFYING THE APPLICABILITY OF CERTAIN REGULATIONS REGARDING ALTERNATE COMMISSIONERS

WHEREAS, the Berkeley Municipal Code provides for the use of Alternate Commissioners to serve as a temporary appointee on specified commissions; and

WHEREAS, Berkeley Municipal Code Section 3.02.010.B. states that the commissions to which Alternate Commissioners may be appointed shall be set by resolution; and

WHEREAS, it is necessary to establish the applicability of certain City policies with regards to Alternate Commissioners.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Alternate Commissioners may be appointed to the following Commissions: Zoning Adjustments Board, Planning Commission, Housing Advisory Commission, Landmarks Preservation Commission, , Sugar-Sweetened Beverage Panel of Experts, Community Health Commission, Environment and Climate Commission, Parks, Recreation and Waterfront, Zero Waste Commission, and Transportation and Infrastructure Commission  
BE IT FURTHER RESOLVED that Alternate Commissioners must adhere to all regulations contained in the Commissioners' Manual as adopted by resolution, except as provided herein and in the Municipal Code.

BE IT FURTHER RESOLVED that Alternate Commissioners may participate as members of the public at any commission meeting provided that they are not currently serving as an Alternate Commissioner or appointed to serve as a Commissioner on another commission, in which case the regulations contained in the Commissioners' Manual would apply.

BE IT FURTHER RESOLVED that Alternate Commissioners may serve on more than one quasi-judicial commission, provided that they adhere to all Conflict of Interest, Due Process, and all other applicable laws, rules, and regulations. Alternate Commissioners are prohibited from voting on the same project as members of both the Zoning Adjustments Board and the Landmarks Preservation Commission.

BE IT FURTHER RESOLVED that Alternate Commissioners shall be required to take the Oath of Office only at the time of their appointment as an Alternate Commissioner and not for each temporary appointment to one of the Commissions listed in this resolution.

BE IT FURTHER RESOLVED that an individual may be designated as an Alternate Commissioner by the Mayor and any number of Councilmembers concurrently, but may not serve on a single commission for more than one appointing elected official concurrently.

BE IT FURTHER RESOLVED that the dismissal of an Alternate Commissioner is deemed effective the date it is received by the City Clerk unless a later date is specified.

BE IT FURTHER RESOLVED that the appointment of an Alternate Commissioner to serve as a temporary appointee must be filed by the appointing Councilmember or Mayor with the City Clerk prior to the meeting at which the Alternate Commissioner is to serve. For meetings held after business hours, the temporary appointment must be received by the City Clerk before 5pm on the day of the commission meeting in order to be effective for that meeting.

BE IT FURTHER RESOLVED that for quasi-judicial commissions, a temporary appointment of an Alternate Commissioner must be made at least two business days prior to the meeting to ensure adequate opportunity for proper review of any potential conflicts of interest.

BE IT FURTHER RESOLVED that Resolution No. 67,205-N.S. is hereby rescinded.







Office of the City Manager

CONSENT CALENDAR  
February 13, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Modifying the 2024 City Council Meeting Schedule

RECOMMENDATION

Adopt a Resolution modifying the City Council regular meeting schedule for 2024, revising the start time for regular meetings, and rescheduling the April 16, 2024 regular meeting to April 2, 2024.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

With the resignation of Councilmember Robinson on January 12, 2024, a vacancy was created in the office of City Councilmember for District 7. The District 7 seat is on the regular rotation to be filled at the 2026 municipal election. According to the City Charter (Article V, Section 12) if there is more than one year remaining on the term of the vacant seat, the City Council must call a special election to fill the vacancy.

In response to Councilmember Robinson's resignation, and subsequent need to hold a Special Election, the City Council on January 22, 2024 adopted Resolution No. 71,173-N.S. calling for a Special Municipal Election to be held in Berkeley on April 16, 2024 to fill the City Council District 7 vacancy, and satisfying the requirements in the Charter.

Currently, there is a City Council meeting scheduled for April 16. Given that the election is called for that date, this item is being submitted to allow Council to reschedule the April 16 meeting as the Council does not meet on the day of a City election. Both April 9 and April 23 are unavailable due to religious holidays (Eid-al-Fitr and Passover). As such, rescheduling to April 2 is proposed, and will result in the spring recess starting on April 3.

The Mayor or a majority of the Council may call special meetings as needed. The Council may also amend the regular meeting schedule when necessary. This resolution will also change the start time for regular meetings from 6:00 p.m. to 10:00 a.m.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

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

ADOPTING THE CITY COUNCIL 2024 REGULAR MEETING SCHEDULE

WHEREAS, pursuant to the Open Government Ordinance, the Council must adopt an annual meeting schedule with at least 24 regular meetings; and

WHEREAS, the proposed schedule provides for regular meetings to occur with starting times of 10:00 a.m. (beginning with the February 27, 2024 regular meeting); and

WHEREAS, the proposed schedule provides for regular meetings to occur on specified Tuesdays of each month with exceptions provided for recess periods or when a meeting would fall on a City, religious or cultural holiday or Election Day; and

WHEREAS, the Council desires to establish as part of their schedule a Winter, Spring and Summer recess period for 2024; and

WHEREAS, the Mayor or a majority of the Council may call special meetings or revise the regular meeting schedule when necessary.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the modified 2024 regular meeting schedule on specified Tuesdays of each month with exceptions provided for when a meeting would fall on a City, religious or cultural holiday or Election Day, at 10:00 a.m. as indicated:

Winter Recess – December 13, 2023 – January 15, 2024  
January 16 and January 30, 2024  
February 13 and February 27, 2024  
March 12 and March 19, 2024  
April 2, 2024  
Spring Recess – April 3 – May 6, 2024  
May 7, May 14, and May 21, 2024  
June 4 and June 25, 2024  
July 9, July 23 and July 30, 2024  
Summer Recess – July 31 – September 9, 2024  
September 10, September 24, 2024  
October 1, October 15, and October 29, 2024  
November 12, and November 19, 2024  
December 3 and December 10, 2024  
Winter Recess – December 11, 2024 – January 14, 2025





Office of the City Manager

CONSENT CALENDAR  
February 13, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Grant Application: National Endowment for the Arts Grant for up to \$150,000

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the National Endowment for the Arts (NEA) to receive up to \$150,000 for a Civic Arts grant program totaling \$300,000 to be regranted to nonprofit organizations for arts and cultural programming in the City of Berkeley in Fiscal Year 2026; to accept the grant if awarded; and to execute any resulting grant agreements and any amendments.

FISCAL IMPACTS OF RECOMMENDATION

The NEA requires a one-to-one match for this grant request of up to \$150,000 if awarded, which would be funded by the General Fund (Fund 011) in Fiscal Year 2026. Therefore, if awarded the full amount requested from the NEA, the City would receive \$150,000 in federal funds to combine with the required City match of \$150,000 to support a Civic Arts grant program totaling \$300,000 to be expended in FY26; and appropriated in FY25. These federal grant funds would enable the City of Berkeley to leverage local funds to provide increased support for arts and cultural activities to benefit Berkeley residents.

CURRENT SITUATION AND ITS EFFECTS

In November 2023, the City of Berkeley was awarded a \$30,000 grant from the NEA to launch a new Civic Arts grant program (the *Arts Program Grants*) totaling \$60,000 for Fiscal Year 2025, designed to support the following types of arts and cultural programming in the City of Berkeley:

- Nonprofit (not-art specific) organizations located in the City of Berkeley wishing to produce arts/cultural programming in the City of Berkeley led by a partnering arts organization or teaching artist; or
- Arts nonprofit organizations located in the Greater Bay Area (outside of Berkeley) wishing to produce arts/cultural programming taking place in the City of Berkeley.

The *Arts Program Grants* category aims to (1) foster cross-sector collaborations and opportunities for non-arts organizations to hire arts and cultural workers or partner with Berkeley-based arts organizations for programming, and (2) offer the Berkeley community the opportunity to engage in Greater Bay Area programming offered by non-Berkeley arts organizations taking place in Berkeley. Awards will be up to \$5,000 each for eligible program-related expenses. The review criteria for this new grant category are: Program Narrative and Timeline (25%), Artistic Merit and Artistic Excellence (25%), Community Engagement and Impact (25%), and Cultural Equity (25%).

The NEA grant application for \$150,000 aims to continue the new Civic Arts Grants funding category – the *Arts Program Grants* – for a second year, and to increase the amount of federal funding leveraged to bolster arts investment in Berkeley. If funded by the NEA, this second year of the *Arts Program Grants* would be administered in conjunction with the FY26 Civic Arts Grants process.

### BACKGROUND

Currently, the Civic Arts program administers an annual grants budget of approximately \$700,000 from the City's General Fund (011) to provide grants in three distinct categories: 1) Individual Artist Projects; 2) Community Festivals, and 3) General Operating Support. In Fiscal Year 2024, the City allocated additional funding to establish a fourth category – *Capital Project Grants* – with \$300,000 from the General Fund, which is currently being administered.

In order to better support a wide range of arts and cultural activities in Berkeley and to increase equitable access to artistic expression and creativity, Civic Arts staff analyzed data from previous Civic Arts grant cycles and identified a gap in the current grant opportunities. Based upon this analysis, Staff sought funding from the NEA to pilot an *Arts Program Grants* category aimed at addressing the two types of arts programming that have historically not been eligible for Civic Arts Grants funding:

1. Berkeley-based non-arts nonprofit organizations seeking funding for their current arts programming, or wishing to start arts programming.
2. Arts organizations in the Greater Bay Area wishing to do programming in Berkeley, especially those organizations in neighboring communities who already have strong partnerships with Berkeley-based arts facilities.

Approval for the first NEA grant application in accordance with the city's administrative regulation (AR 1.17) was granted February 7, 2023. The City was notified of the award from the NEA on November 9, 2023 and is administering the new category in conjunction with FY25 Civic Arts Grants process. A decision of this current application for \$150,000 (to be submitted in late February 2024) is anticipated by November of 2024.

### 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

Accepting federal funding from the National Endowment for the Arts would help the City accomplish one of the five high-level goals articulated in The City of Berkeley's Arts and Culture Plan (2018-2027): "**Increase Investment in a Vibrant Arts Community, Strengthen and support Berkeley's inclusive and culturally rich arts sector by expanding funding and marketing opportunities for a broader array of arts organizations.**"

Additionally, applying for these funds aligns with the City of Berkeley's fiscal policy to leverage City funds to secure matching State and Federal resources for the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives were considered.

CONTACT PERSON

Hilary Amnah, Civic Arts, Office of Economic Development, 510-981-7539

Attachment:

1: Resolution

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

GRANT APPLICATION: REQUESTING \$150,000 FROM THE NATIONAL ENDOWMENT FOR THE ARTS (NEA) TO SUPPORT ACCESS TO ARTS AND CULTURAL PROGRAMMING IN THE CITY OF BERKELEY BY CONTINUING THE CIVIC ARTS GRANTS PROGRAM FUNDING CATEGORY KNOWN AS THE *ARTS PROGRAM GRANTS*.

WHEREAS, the *Arts and Culture Plan for the City of Berkeley (2017-18)* includes the goal of increasing investment in a vibrant arts community by expanding funding and marketing opportunities for a broader array of arts organizations; and

WHEREAS, the Civic Arts Program has identified a gap in its current grant program offerings through data analysis, and community feedback on program-based funding; and

WHEREAS, an *Arts Program Grant* category supports the City's ability to create increased access to arts and cultural programming taking place in Berkeley; and

WHEREAS, federal funding from the National Endowment for the Arts is available to local arts agencies for sub-granting purposes; and

WHEREAS, the City is implementing a pilot of the *Arts Program Grant* in Fiscal Year 2025 with \$30,000 in matching funds from the NEA for a total grant program amount of \$60,000; and

WHEREAS, to continue a second year of the *Arts Program Grant* category in Fiscal Year 2026 with an increased total grant program amount of \$300,000 to be supported with \$150,000 in matching funds from the NEA; and

WHEREAS, the City has identified the required match of \$150,000 in the General Fund (Fund 011) for Fiscal Year 2026 to be appropriated in FY25; and

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 to the National Endowment for the Arts to receive up to \$150,000 for the above purpose; accept the grant if awarded; and execute any resultant agreements and amendments.





Office of City Manager

CONSENT CALENDAR  
February 13, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Contract: Masako Miki Public Artwork Commission for Aquatic Park Pathway Wall

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with artist Masako Miki for an amount not to exceed \$69,000 for a public art commission of a ceramic tile mural on the 42'-long curved wall located along the San Francisco Bay Trail west of the intersection of Addison Street and Bolivar Drive in Aquatic Park.

FISCAL IMPACTS OF RECOMMENDATION

The \$69,000 contract will be funded through the Cultural Trust Fund (Fund Code 148-21-208-252-0000-000-446-612990) in Fiscal Year 2024.

CURRENT SITUATION AND ITS EFFECTS

Artist Masako Miki was selected through a competitive process to create a permanent artwork for the curved cement wall situated along the San Francisco Bay Trail on the north side of the Aquatic Park lagoon. The goal of the project is to enhance a visitor's experience of the park by beautifying its context, reflecting the multi-layered history of the site, and highlighting the ecological importance of the park.

Masako Miki's proposal *Contemplating the Universe* was inspired by Berkeley's tidal lagoon habitat, the history of the land and the local Ohlone people, as well as Japanese animistic folklore. The proposal's imagery features a parade of shapeshifting characters, including shorebirds, fish, acorns, a coyote, eagle, fox, and hummingbird, and meaningful objects including lanterns and bowls. *Contemplating the Universe* reflects the history and ecological importance of the land while celebrating the local diversities of cultures to offer a new context for meaningful connections in our community (Figure 1).



Figure 1: Artwork proposal by Masako Miki, *Contemplating the Universe*, tile mural for Aquatic Park (2023).

## BACKGROUND

On July 27, 2022, the Civic Arts Commission approved the *Aquatic Park Public Art Project Plan*, which called for the commissioning of a tile mural artwork for the 42'-long curved wall located along the San Francisco Bay Trail in Aquatic Park, as follows: M/S/C (Passmore/Anno) to approve the Aquatic Park Public Art Project Plan.

Vote: Ayes — Anno, Blecher, Covarrubias, Dhesi, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — Bullwinkel.

A Request for Qualifications for this artwork commission was released on October 11, 2022 and was open through November 15, 2022. A selection panel, comprised of two arts professionals, a community representative, and one representative each from the Civic Arts Commission and the Parks, Recreation, and Waterfront Commission, reviewed the qualifications of the 53 applicants and recommended three finalists to develop detailed conceptual site-specific proposals. Once the proposals were received, staff conducted extensive community outreach to elicit the public's responses to the three detailed proposals. A "Berkeley Considers" survey that invited respondents to provide feedback on each of the proposals was hosted on the City's website from July 21 to August 4, 2023 and was widely distributed through a citywide community message (July 2023). In addition to the "Berkeley Considers" survey, staff also provided organizations that have a unique connection to Aquatic Park the opportunity to provide additional written input.

In August and September of 2023, the selection panel was reconvened to consider the finalists' proposals in an interview format and Masako Miki's proposal was selected and submitted to Civic Art Commission for final approval. At the September 27, 2023 Civic Arts Commission meeting, the commission unanimously approved the panel's recommendations with the following vote: M/S/C (Ibarra/Covarrubias) *Motion: to approve the Aquatic Park Public Art Selection Panel's Recommendation to implement the Aquatic Park Public Art Proposal by Masako Miki for the wall project.* Vote: Ayes — Anno, Blecher, Covarrubias, Dhesi, Ibarra, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — Bullwinkel.

The contract with the artist will be for design development and fabrication of the mural's ceramic tiles. The final design must be approved by the Civic Arts Commission before fabrication commences. Installation of the artwork will be handled through a separate contract with a California-licensed contractor.

#### 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

The proposal by Masako Miki was selected based upon the following criteria: aesthetic quality; appropriateness of the proposed artwork for the site and project goals; demonstrated feasibility of the preliminary proposal and the proposal budget; and demonstrated maintainability and durability of the artworks design, materials, fabrication and proposed installation methods.

#### ALTERNATIVE ACTIONS CONSIDERED

The selection panel considered two other artistic proposals for the wall, but ultimately selected Masako Miki's proposal *Contemplating the Universe* for advancement.

#### CONTACT PERSON

Mark Salinas, Civic Arts, Office of Economic Development, (510) 981-7538

Attachments:  
1: Resolution

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

CONTRACT WITH MASAKO MIKI TO CREATE A PUBLIC ARTWORK ON THE  
AQUATIC PARK PATHWAY WALL

WHEREAS, the City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, the Civic Arts Commission approved the Aquatic Park Public Art Project Plan on July 27, 2022, which called for the commissioning of a tile mural artwork for the 42'-long curved wall located along the San Francisco Bay Trail in Aquatic Park; and

WHEREAS, funding for the tile mural at Aquatic Park was set aside in the Cultural Trust Fund (Fund 148) for Fiscal Year 2024; and

WHEREAS, a Request for Qualifications from professional practicing artists was released on October 11, 2022 and 53 applicants were reviewed by a selection panel comprised of two arts professionals, a community representative and one representative each from the Civic Arts Commission and the Parks, Recreation, and Waterfront Commission; and

WHEREAS, three finalists were selected by the panel and invited to develop site-specific public art project proposals; and

WHEREAS, the selection panel reconvened to evaluate the three proposals and selected the proposal by Masako Miki for recommendation to the Civic Arts Commission; and

WHEREAS, the Civic Arts Commission approved Masako Miki for a public art commission of a ceramic tile mural for the Aquatic Park pathway wall at its regularly scheduled commission meeting on September 27, 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Masako Miki for a public art commission of a ceramic tile mural on the Aquatic Park pathway wall for an amount not to exceed \$69,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR  
February 13, 2024

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 13, 2024

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$90,000**

| <u>PROJECT</u>                               | <u>Fund</u> | <u>Source</u>                     | <u>Amount</u>   |
|----------------------------------------------|-------------|-----------------------------------|-----------------|
| Printing and Mail Services for RevCo billing | 011<br>601  | General Fund<br>Prof Svcs – Misc. | \$90,000        |
| <b>Total:</b>                                |             |                                   | <b>\$90,000</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 upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on February 13, 2024

CONSENT CALENDAR  
February 13, 2024

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 goods and/or 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 13, 2024
  - a. Printing and Mail Services for RevCo billing

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

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                                                                                                                                                                                                                                             | ESTIMATED COST      | BUDGET CODE TO BE CHARGED                                                      | DEPT. / DIVISION | CONTACT NAME & PHONE         |
|--------------------|-------------------------------------------------|----------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------|------------------|------------------------------|
| 24-11657-C         | Printing and Mail Services for RevCo billing    | 2.14.2024            | 3.14.2024                | Printing and mailing from billing software to bill:<br><br>refuse accounts (quarterly billing, staggered over three months of each quarter)<br><br>business license renewal mailing (annual)<br><br>additional business license courtesy mailing (annual)<br><br>business license delinquent mailing (annual)<br><br>Residential Housing Safety Program (annual with two delinquent notices)<br><br>Marina (monthly)<br><br>Environmental Health permits | \$90,000.00         | 011-33-324-341-0000-000-412-612990-<br><br>601-33-324-341-0000-000-472-612990- | Finance / RevCo  | Emily Teruya<br><br>981-7261 |
| <b>DEPT. TOTAL</b> |                                                 |                      |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>\$ 90,000.00</b> |                                                                                |                  |                              |
| <b>TOTAL</b>       |                                                 |                      |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>\$ 90,000.00</b> |                                                                                |                  |                              |







Office of the City Manager

CONSENT CALENDAR  
February 13, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services  
Subject: Contract: Traditions Behavioral Health for Psychiatry Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract with vendor Traditions Behavioral Health to provide psychiatry services through June 30, 2027 in an amount not to exceed \$1,379,400.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of \$1,379,400 will be provided from the Medi-Cal Systemwide Fund #316.

CURRENT SITUATION AND ITS EFFECTS

Contracting with a psychiatry services provider will allow the Department of Health, Housing, and Community Services' Mental Health Division (HHCS/MH) to provide uninterrupted services, and in particular, medication. The City has experienced great difficulty in filling vacant positions for qualified staff who can prescribe psychiatric medications. Due to a variety of factors, including the Medi-Cal expansion through the Affordable Care Act, an existing shortage of psychiatrists in the region has been greatly exacerbated. HHCS/MH would greatly prefer to have career staff working in the clinic, and at this time there are multiple vacancies for psychiatrists in the Mental Health Division.

BACKGROUND

HHCS/MH has contracted for psychiatry services in the past. Traditions Behavioral Health is also a vendor under contract with Napa County. HHCS/MH was able to draw on the competitive procurement process that Napa County did in order to develop this proposal, expediting the process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Traditions Behavioral Health offers locums tenens that provide psychiatry services to Med-Cal, uninsured, disenfranchised, and under-served populations. These services are necessary for the provision of mental health treatment provided by the City, and cannot currently be provided at a sufficient level by career staff due to ongoing vacancies in the Psychiatrist classification. These services will ensure the continued availability of medication prescription and monitoring. These services will only be utilized during staff shortages and are not a replacement of permanent staffing.

ALTERNATIVE ACTIONS CONSIDERED

Instead of drawing on Napa County's RFP for contracted services, the City could issue its own RFP to identify a vendor. Staff are not recommending this because of the urgent need to provide services. Staff did not identify another action which is consistent with the HHCS/MH's need to ensure continued availability of medication prescription and monitoring services.

CONTACT PERSON

Jeffrey Buell, Manager of Mental Health Services, (510) 981-7682  
Conor Murphy, Associate Management Analyst, HHCS, (510) 981-7611

Attachments:  
1: Resolution

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

CONTRACT WITH TRADITIONS BEHAVIORAL HEALTH FOR PSYCHIATRY SERVICES

WHEREAS, Traditions Behavioral Health has become an essential provider to multiple California municipalities for psychiatry services for mental health clients; and

WHEREAS, Traditions Behavioral Health offers psychiatry services, provided by licensed psychiatrists, to Medi-Cal, uninsured, disenfranchised, and under-served populations; and

WHEREAS, Traditions Behavioral Health's services support mental health goals of improving the health and well-being of the community during periods of staff shortages; and

WHEREAS, on September 21, 2022, Traditions Behavioral Health submitted a proposal in response to a Request for Proposals from Napa County, outlining psychiatry services they could provide in a cost efficient manner; and

WHEREAS, funds are available in the current budget year in ERMA GL Code 316-51-503-520-0000-000-451-612410-.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments with Traditions Behavioral Health for psychiatry services through June 30, 2027 in an amount not to exceed \$1,379,400. A record signature copy of said contract and any amendments to be on file with the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
February 13, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Kevin Fong, Director, Information Technology  
Subject: Contract: CompuCom Systems, Inc. for Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with CompuCom Systems, Inc. for professional services for an amount not to exceed \$300,000 through December 31, 2024.

FISCAL IMPACTS OF RECOMMENDATION

One-time funding for these resources is available in the Department of Information Technology’s Fiscal Year 2024 Cost Allocation Fund allocation. Spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

\$300,000 FY 2024: Professional Services  
(IT Cost Allocation, IT Department, Professional Services)

---

**\$300,000 Total FY 2024 Professional Services**

CURRENT SITUATION AND ITS EFFECTS

The Service Desk is the centralized support center that provides help and assistance to COB employees for IT-related products and services. The impact of the pandemic, running understaffed, and current staff departures has created a backlog of work and impacted the Service Desk’s ability to provide effective and timely support. CompuCom Systems Inc. provides professional services that will assist IT in working through the backlog of work and provide technical expertise where needed.

Partnering with CompuCom is aligned with the City’s strategic goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to our staff and the community.

BACKGROUND

At the beginning of the pandemic, the majority of employees were required to work from home. While this change was necessary, it increased the complexity of City's computer environment by introducing a hybrid working model. The hybrid model resulted in an increased number of personal computers and mobile phones needing support by over 60%. During this period, PC replacement was halted until employees returned to the office. Now that employees are back in the office, a backlog of over 400 PCs need to be replaced. It is critical that these PCs are replaced to address both performance and security related issues associated with these older PCs. Furthermore, the city's fluctuating workforce has increased the Service Desk's workload; directly related to the hiring, movement, and termination of city employees and has steadily stayed at an increased level. With current staff departures, it is getting tougher to meet acceptable customer service level expectations resulting in loss of productivity for City employees.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

CompuCom resources will conduct their work onsite using City facilities and equipment.

RATIONALE FOR RECOMMENDATION

Temporary staff can bridge the gap until PC replacements, the backlog of tickets, and technical documentation is up to date. The City has previously partnered with CompuCom Systems Inc. who has provided excellent service.

ALTERNATIVE ACTIONS CONSIDERED

Information Technology has considered performing work in house; however, fulfillment of services will be delayed and will impact city employee's productivity.

CONTACT PERSON

Kevin Fong, IT Director, Information Technology, 510-981-6541

Attachments:

1: Resolution

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

COMPUCOM SYSTEMS, INC.: PROFESSIONAL SERVICES

WHEREAS, in February 2022, the City engaged a staffing consultant to supply a headcount to assist with PC replacement and other Service Desk tasks, which the headcount has aptly done so far; and

WHEREAS, CompuCom has the expertise in supplying IT staffing, and provides well qualified Technicians; and

WHEREAS, the Service Desk requires assistance on a significant backlog of operational business that directly impacts the productivity of City staff; and

WHEREAS, one-time funding for this is available in the Department of Information Technology's Fiscal Year (FY) 2024 Cost allocation Fund, and spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized execute a contract with CompuCom for professional services for an amount not to exceed \$300,000 through December 30, 2024.







Commission on the Status of Women

CONSENT CALENDAR  
February 13, 2024

To: Mayor and Members of the Berkeley City Council  
From: Commission on the Status of Women  
Submitted by: Carole Marasovic, Chair, Commission on the Status of Women  
Subject: Recommendation on Public Safety/Crime Prevention for Women

RECOMMENDATION:

That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address the current rising crime against women, particularly older women. These plans should include a budget referral to the Council Budget and Finance Committee for consideration in the June budget process.

These plans should include:

1. Developing a plan of safety escorts modeled on the Respect-BART Escorts Program passed by Council in 2003 to address the rash of muggings on Berkeley BART paths (North Berkeley and Ashby). As in that plan, where \$40,500 was approved by Council, the Council Public Safety Policy Committee should identify the current amount of monies needed for funding for this newly developed 2024 plan and Council refer to the June budget process. These safety escorts should be available throughout the entire community of Berkeley upon request. The Council Public Safety Committee should also identify if a RFP need be issued for this purpose;
2. Develop a plan to engage Berkeley community ambassadors working under the Downtown Berkeley Association, Telegraph Business Improvement District and any similar ambassador programs to provide safety escort services upon request through the business districts they serve and nearby residences that can be reached by foot;
3. Explore if the City ride-share funded program, Go-Go Grandparent, should be expanded and in what form to provide ride shares for women concerned about their safety. Consider cost share, if necessary, for some women and working with the ride-share companies to ensure that they watch for the woman to safely reach her door before leaving; Consider the feasibility of lifting age or disability requirements. Identify a budgetary recommendation to be directed to the Council Budget and Finance Committee.

4. Develop a City-wide community forum targeted towards women with a special emphasis on safety and crime prevention for older, vulnerable women. This meeting should be led by the Berkeley Police Department with participation by other safety-related community resources and moderated by an official proposed by the Council Public Safety Committee. The Committee shall recommend that the forum be hybrid, both Zoom and in person. The Committee shall also discuss how City-wide promotion of this public safety crime prevention forum shall be conducted.

5. Consult with the Berkeley Police Department to provide data and other information identifying geographic locations which are high priority for safety escorts. Consult with Berkeley Police Department to secure other information as to where women are most at safety risk and what hours safety escorts, and other recommendations as stated above, be best utilized. The Berkeley Police Department shall provide this information at a Council Public Safety Committee meeting.

**CURRENT SITUATION AND ITS EFFECTS:**

In recent years, crime has risen including crime during broad daylight. Women have been frequently targeted, many of which have been older women. Women need to feel safe in our community. Safety escorts will reduce crime. The Commission Chair has consulted with former Councilmember Linda Maio, who sponsored the 2003 item, who confirmed that muggings greatly diminished under the 2003 BART Escorts Program following implementation.

A City-wide community forum will make Berkeley residents more aware of the crime and precautions that need to be taken.

**FISCAL IMPACTS OF RECOMMENDATION**

Fiscal impacts shall be identified by the Council Public Safety Committee. The figure of \$40,500 earlier budgeted is obviously outdated as it is a figure from 20 years ago. In addition, that \$40,500 exclusively covered safety escorts down BART paths and during limited hours. This recommendation broadens safety escorts coverage to a City-wide basis. Substantial funding is needed to fully implement these plans. However, the safety of our Berkeley residents is critical.

**ENVIRONMENTAL SUSTAINABILITY**

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

**BACKGROUND**

On November 15, 2023, the Commission on the Status of Women voted as follows:

That Council refer to the Council Public Safety Policy Committee to develop plans to implement public safety crime prevention programs to address rising crime against women, particularly older women as stated in this recommendation in the

aforementioned 5 points. That Council refer plans developed based on the proposed recommendations for the safety of women, particularly older women, to the June budget process.

M/S/C: Marasovic, Arora

Ayes: Marasovic, Simon, Posey, Ortiz-Cedeno, Arora, Oliver

Noes: None.

Abstain:

Absent: Boyd

LOA: Seshagiri, Goodwin

#### RATIONALE FOR RECOMMENDATION

Safety is critical to our community. The crime landscape has changed where crime victims are targeted in broad daylight more commonly than in the past. Women have been frequently targeted with many victims older and more vulnerable. These safety issues require awareness, education and implementation of crime prevention models beyond police response after the fact.

#### ALTERNATIVE ACTIONS CONSIDERED

To leave the situation as is and not provide needed crime prevention protections for women.

#### CITY MANAGER

The City Manager takes no position on this recommendation.

#### CONTACT PERSON

Okeya Vance-Dozier, Community Services Specialist II, Office of the City Manager  
(510) 981-7239

Carole Marasovic, Chair, Commission on the Status of Women, (510) 225-5060

#### Attachments:

1. BART RESPECT Escorts program contract (2003)
2. BART RESPECT Escorts program contract (2006)
3. Resolution No. 57,737-N.S.
4. City Council Meeting Minutes, November 1, 1994
5. Resolution No. 57,832-N.S.
6. Resolution No. 58,160-N.S.

7. Resolution No. 58,636-N.S.
8. Resolution No. 59,012-N.S.
9. Resolution No. 62,124-N.S.
10. Resolution No. 63,166-N.S.

|                                     |                                                                                                                                        |                                 |                                                                             |                 |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------|-----------------|
| <b>CONTRACT<br/>STATUS<br/>FORM</b> | <b>CONTRACT NUMBER:</b>                                                                                                                |                                 | 6085                                                                        |                 |
|                                     | <b>CMS ID CODE:</b>                                                                                                                    |                                 | CZTTS                                                                       |                 |
|                                     | <b>CONTRACT TYPE:</b>                                                                                                                  |                                 | Community Agency                                                            |                 |
|                                     | <b>CONTRACT AMOUNT:</b>                                                                                                                |                                 | \$40,500                                                                    |                 |
| <b>VENDOR:</b>                      | Berkeley Boosters Association                                                                                                          |                                 |                                                                             |                 |
| <b>ADDRESS:</b>                     | 1642 University Avenue                                                                                                                 |                                 |                                                                             |                 |
|                                     | Berkeley, CA 94703                                                                                                                     |                                 |                                                                             |                 |
| <b>PROJECT MANAGER:</b>             | Douglas Hambleton                                                                                                                      | <b>DEPT:</b>                    | POLICE                                                                      |                 |
| <b>KEYWORDS:</b>                    | BART Safety Escort, winter months, commute hours, Ashby station, North Berkeley station, RESPECT Team, 10/27/2003, 03/05/2004, FY03-04 |                                 |                                                                             |                 |
| <b>COUNCIL AUTHORIZATION:</b>       | Resolution No:                                                                                                                         | Ordinance No:                   | Check One:                                                                  |                 |
|                                     | 62,124                                                                                                                                 |                                 | <input type="checkbox"/> A.R. 3.14<br><input type="checkbox"/> BMC 7.12.030 |                 |
| <b>DATES:</b>                       | 06/24/03                                                                                                                               | Council Authorization           |                                                                             |                 |
|                                     | 07/01/03                                                                                                                               | Contract Start                  |                                                                             |                 |
|                                     | 06/30/04                                                                                                                               | Contract Expiration             |                                                                             |                 |
|                                     | 08/19/03                                                                                                                               | Received from Auditor           |                                                                             |                 |
|                                     | 08/20/03                                                                                                                               | Vendor's Copy sealed and Mailed |                                                                             |                 |
| <b>COMMENTS:</b>                    |                                                                                                                                        |                                 |                                                                             |                 |
| <b>RETENTION</b>                    |                                                                                                                                        | <b>CHECKLIST</b>                |                                                                             |                 |
| ✓                                   | CON 1                                                                                                                                  | 8/20                            | Clerk's Index                                                               | 700 Form        |
|                                     | CON 2                                                                                                                                  | 8/20                            | CMS Log In                                                                  | Promissory Note |
| DATE                                | 6/30/09                                                                                                                                | 8/20                            | CMS Log Out                                                                 |                 |
|                                     | Indefinite                                                                                                                             |                                 |                                                                             |                 |
| <b>REVIEWED BY:</b>                 | Danielle K. Muller                                                                                                                     |                                 | <b>DATE:</b> 08/20/03                                                       |                 |

EXPENDITURE CONTRACT REVIEW FORM  
"NEW CONTRACTS"

CMS No.: CZTTS  
(To be filled in by department)

Contract No.: 6095  
(To be filled in by auditor)

CONTRACTOR NAME: BERKELEY BOOSTER ASSOCIATION - BERKELEY ESCORT

| This contract package contains:                                                                         |                                                                                      | Attached                 | Waiver Attached          | Not Required             |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Three Original (Department, Vital Record and Vendor) contracts in Folders</b>                        |                                                                                      |                          |                          |                          |
| *The Vital Record contract MUST be in a folder.                                                         |                                                                                      |                          |                          |                          |
| *Optional: In lieu of folders, the Department and Vendor copies may be assembled with an Acco-fastener. |                                                                                      |                          |                          |                          |
| 1                                                                                                       | Scope of Services                                                                    | X                        | /                        | /                        |
| 2                                                                                                       | Payment Provisions                                                                   | X                        | /                        | /                        |
| 3                                                                                                       | Evidence of Competitive Solicitation or CM Waiver                                    | <input type="checkbox"/> | <input type="checkbox"/> | X                        |
| 4                                                                                                       | Workforce Composition (businesses with 5 or more employees)                          | X                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 5                                                                                                       | Nuclear Free Berkeley Disclosure                                                     | X                        | /                        | <input type="checkbox"/> |
| 6                                                                                                       | Oppressive States Disclosure (Exception: Community-based, non-profit organizations)  | X                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 7                                                                                                       | Living Wage Certification (Exception: Construction contracts)**LWO form revised 8/02 | X                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 8                                                                                                       | Certification of Compliance with Equal Benefits Ordinance **EBO form revised 7/02    | X                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 9                                                                                                       | Certificate(s) of Insurance or Waiver (originals, not copies)                        | X                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 10                                                                                                      | Insurance Endorsement                                                                | X                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 11                                                                                                      | Council Resolution No.: 62,124 N.S.                                                  | X                        | /                        | <input type="checkbox"/> |
| 12                                                                                                      | Form 700, Statement of Economic Interests (consultant contracts only)                | <input type="checkbox"/> | /                        | <input type="checkbox"/> |

Requisition No.: 84856 80477 (Hard copy attached)

Contract amount: \$ 40,500

Was there an advance payment made? Yes  No

If so, Purchase Order No.: 47095 P

Routing and signatures:

I certify that the contract package is complete and accurate.

- 1. D. H. Witt Police 981-5800 8/11/03  
Project Manager Department Phone No. Date
- 2. Ann Thomas 981-5976 8/11/03  
Mgr. of Engineering (PW construction contracts only) Date
- 3. [Signature] 981-5700 8/11/03  
Dept. Admin. Officer/Accounting Date
- 4. [Signature] \_\_\_\_\_ 8/12/03  
Department Head Date
- 5. [Signature] \_\_\_\_\_ \_\_\_\_\_  
Employee Relations Officer Date
- 6. \_\_\_\_\_ \_\_\_\_\_  
Contract Compliance Officer (for construction contracts only) Date

Routing continues to the following persons, who sign directly on the contract:

- 7. City Manager (Will not sign the contract unless all signatures and dates appear above.)
- 8. City Auditor (Initials \_\_\_\_\_)
- 9. City Clerk (Initials \_\_\_\_\_)

RECEIVED  
AUG 15 2003  
City Auditor

COMMUNITY AGENCY CONTRACT

This contract is executed on July 1, 2003 and effective on July 1, 2003, between the CITY OF BERKELEY, a Charter City organized and existing under the laws of the State of California, ("CITY"), and Berkeley Boosters Association, a non-profit corporation under the laws of the State of California, doing business at 1642 University Ave, Berkeley, CA. ("CONTRACTOR").

WHEREAS, the City has entered into a grant contract with the United States Department of Housing and Urban Development (HUD), for a Community Development Block Grant under the Housing and Community Development Act of 1974, as amended (CDBG) and/or United States Department of Housing and Urban Development (HUD) for an Emergency Shelter Grant (ESG) under the Stewart B. McKinney Homeless Assistance Act of 1988, as amended and/or Government Code Section 12725 et. seq., as amended, and 42 United States Code (USC) 9901 et.seq., as amended, the Community Services Block Grant Act as amended (CSBG), and/or a Shelter Plus Care Grant (S+C) under the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and under said grant contract(s) and/or through the use of its General Funds including Measure O Homeless Funds, the City is undertaking certain activities; and

WHEREAS, the City desires to engage Contractor to render certain assistance for such undertaking.

NOW, THEREFORE, the City and Contractor mutually agree as follows:

ARTICLE 1, SCOPE OF SERVICES

A. Contractor agrees to perform all those services described in Exhibit A attached hereto and made a part hereof, in accordance with the terms and conditions stated therein.

B. Contractor shall provide all necessary supplies, equipment, materials, clerical and all other services required for satisfactory performance of this contract as described in Exhibit(s) A attached hereto and made a part hereof, in accordance with the terms and conditions stated therein.

ARTICLE 2, TIME PERIOD OF CONTRACT

Contractor shall begin performance under this contract on July 1, 2003, and shall continue until June 30, 2004, unless earlier terminated as provided in Article 37 below.

ARTICLE 3, PAYMENT

A. This contract is utilized in connection with programs which receive funding from any one or combination of federal and local sources, including but not limited to, CDBG, ESG, CSBG, Shelter Plus Care, and/or the City of Berkeley General Fund.

B. City agrees to pay Contractor its expenses incurred in the performance of this agreement, not to exceed \$40,500 in accordance with the Budget and Method of Payment attached hereto as Exhibit B, and made a part hereof, in accordance with the terms and conditions stated therein. Payment by City shall be subject to receipt of Contractor's invoice(s) and supporting documentation of expenditures. At the beginning of the contract period, City will inform Contractor of necessary procedures for billing and required documentation.

C. Fiscal Year 2004: Contractor acknowledges and agrees that the obligation of the City to pay the contract sum above is contingent upon the provision of funds from the State of California to the City's General Fund for the Fiscal Year 2004 which begins in July 2003 and extends through June 2004. Contractor acknowledges and agrees that if the

July 2003

State of California provides less monies to the City than was provided in Fiscal Year 2002, the City's General Funds will be adversely impacted and thus the City's ability to continue paying the above sums will be adversely impacted. In this event, the total not to exceed amount of this contract may be reduced unilaterally in the sole discretion of the City at any time during Fiscal Year 2004. The City may, but is not required to, allow the Human Welfare and Community Action Commission, the Homeless Commission, or other appropriate review body to consider the size of this reduction and make recommendations to the City Council for final approval.

D. Fiscal Year 2005: Continued payment to the eligible contractors for Fiscal Year 2005 which begins in July 2004 and extends through June 2005, the second year of the contract term, is subject to the contingencies set forth below:

- 1) Berkeley General Fund Category: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004, unless such sum is reduced pursuant to the terms provided for in subsection C. Payment of the same or reduced sum in the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from the State of California as it received in Fiscal Year 2004; b) satisfactory performance of the Contractor's duties under this contract during the prior year; and c) in the Fiscal Year 2005 budget, the City Council appropriates the same or greater amount of money from the General Fund as it did in Fiscal Year 2004 for the purpose of funding this contract. Contractor acknowledges and agrees that if the State of California provides less funds to the City in Fiscal Year 2005 than was provided in Fiscal Year 2004, the contract amount the City will pay Contractor may be reduced pursuant to the terms described in subsection C of this Article.
- 2) CDBG Public Services Category Funding: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004. Payment of the same sum under the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from HUD as it received in Fiscal Year 2004, and b) satisfactory performance of the Contractor's duties under this contract during the prior year. Contractor acknowledges and agrees that if City receives less funding from HUD in Fiscal Year 2005, the amount City will pay Contractor will be reduced accordingly in the sole discretion of the City, with the reduction being prorated across all agencies receiving contracts under this same funding category.
- 3) All Other CDBG Categories, S+C and ESG: Contract terms greater than one year are not authorized; therefore, the Contractor must reapply for funding.
- 4) CSBG and City of Berkeley General Funds: City agrees to pay contractor the same sum specified in subsection B of Article 3 for services provided in Fiscal Year 2004, unless such sum is reduced pursuant to the terms provided for in subsection C. In addition, payment of the same or reduced sum the second year of this contract is contingent upon the following conditions precedent: a) City receives the same or greater level of funding from HUD as it received in Fiscal Year 2004; b) City receives the same or greater level of funding from the State of California as it received in Fiscal Year 2004; c) in the Fiscal Year 2005 budget, the City Council appropriates the same amount of money from the General Fund as it did in Fiscal Year 2004 for the purpose of funding this contract; and D) Contractor satisfactorily performs duties under this contract during the prior year. Contractor acknowledges and agrees that if City receives less funding from the State of California and/or from HUD in Fiscal Year 2005, the amount the City will pay Contractor may be reduced. Contractor further acknowledges and agrees that if funding from the State of California or HUD to the City is reduced, the reduced contract sum for this contract will be reconsidered by the Human Welfare and Community Action Commission, the Homeless Commission, or other appropriate review body which will make recommendations to the City Council for final approval.

#### ARTICLE 4, BUDGET MODIFICATION

July 2003



A. A 10% variation among budget line item categories will be allowed, provided the total expenditure under all line items does not exceed the total contract amount.

B. A variation among budget line items exceeding 10% will be allowed at Contractor's discretion, provided written approval is granted by the Manager of Program Planning, Management and Budget (PPMB) Division or his/her designee prior to submission of Contractor's invoice, and provided that the contract total is not exceeded.

C. Expenditures covered by unauthorized budget modifications will be subject to disallowance by City and repayment by Contractor.

ARTICLE 5, METHOD OF PAYMENT MODIFICATION

A. Modifications in the Method of Payment requested by Contractor will be allowed provided the total contract amount is not exceeded and provided prior written approval is granted by the Manager of PPMB or his/her designee.

B. Modifications in the Method of Payment that exceed the total contract amount will require City Council approval.

ARTICLE 6, RECORDS

A. Contractor agrees to keep all necessary books and records, including property, personnel, and financial records, in connection with the operations and services performed under this agreement, in accordance with 24 CFR Part 570 and OMB Circular A-110.

- 1) Records of nonexpendable property shall be maintained in accordance with the procedures set forth in Attachment N of Office of Management and Budget Circular A-102, and shall contain any additional information which may be required by City.
- 2) Financial records of contract funds shall be kept separately and not co-mingled with records of other funds.
- 3) Solely for the purpose of verifying compliance with the terms of this Contract, Contractor shall maintain the following types of records:
  - a) job description, minimum qualifications, and compensation for all positions funded under this contract;
  - b) time sheets or comparable documentation for all personnel compensated with contract funds (such records shall clearly shows the time spent on contract activities).
- 4) Contractor assures that for contracts exceeding one hundred thousand dollars (\$100,000), to the best of its knowledge, it is fully complying with the earning assignment orders of all employees, and is providing the names of all new employees to the New Hire Registry maintained by the Employment Development Department as set forth in the Child Support Compliance Act of 1998, subdivision (1) Public Contract Code 7110.

B. Contractor agrees to maintain racial, gender, head of household, age, income, family size, and neighborhood residence data, as may be required under the law, showing the extent to which these categories of persons have participated in, or benefited from the contract activities.

C. Contractor agrees to maintain employee and applicant records in a confidential manner to assure compliance with the Information Practices Act of 1977, as amended, and the Federal Privacy Act of 1974, as amended.

July 2003

D. Contractor agrees to maintain and preserve such records during the period from start of contract performance until three (3) years from the submission of the final performance report or until the audit, referred to in Article 39, is conducted and Contractor receives City notification that said audit has been accepted, whichever is later, except as follows:

- 1) Records that are subject of audit findings shall be retained for five years after such findings have been resolved.
- 2) Records for non-expendable property which was acquired with contract funds shall be retained for three years after its final disposition.
- 3) Records for any person displaced as a result of contract activities shall be retained for three years after the contract activities have been completed or the person has received his/her final relocation payment, whichever is later.
- 4) Records pertaining to each real property acquisition shall be retained for five years after settlement of the acquisition, or until disposition of the applicable relocation records in accordance with paragraph (3) of this section, whichever is later.

E. The Secretary of HUD, the Comptroller General of the United States, the State Department of Economic Development, the City, or any of their duly authorized representatives shall have access to and right to examine such records related to this contract during this period.

#### ARTICLE 7, REPORTS AND ON-SITE REVIEWING

A. Reports: Contractor agrees to submit periodic program status and financial reports to City in a timely manner, and other reports and information as City determines are necessary to carry out its responsibilities in accordance with 24 CFR 570 and OMB Circular A-110.

B. On-Site Performance Review: Authorized representatives of HUD, the State of California, and the City shall have the opportunity to review Contractor's performance under this contract at the sites where such performance is being conducted. This review shall be in accordance with 24 CFR Part 570 and OMB Circular A-110. Such review is solely for the purpose of verifying that the Contractor is providing the quality and quantity of services specified in this contract and includes:

- 1) Observation of service delivery and training, as agreed upon by Contractor, and administrative activities in support of this contract.
- 2) Interview with Contractor personnel and staff currently involved in project operations.
- 3) Inspection of construction work in progress and upon completion.
- 4) Validation of source data used in the preparation of reports to the City, provided this does not result in any breach of client confidentiality and is mutually agreed upon.
- 5) Interviews with clients, when such interviews will not result in a breach of client confidentiality and are mutually agreed upon.
- 6) Inventory of personal property acquired with contract funds.

Refusal or failure by Contractor to provide reviewing opportunities as described herein within ten (10) working days after notice from the City constitutes a violation of this contract and is cause for contract termination.

ARTICLE 8, FINANCIAL MANAGEMENT

The Contractor shall maintain a financial management system in accordance with OMB Circulars A-87, A-110 and A-122, which provide for:

- A. Records that identify adequately the source and application of funds for contract activities.
- B. Effective control over and accountability for all funds, property, and other assets. Contractor shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
- C. Comparison of actual outlays with budgeted amounts for contract funds.
- D. Procedures to minimize the time elapsing between the transfer of funds from the City and disbursement by the Contractor, whenever funds are advanced by the City. CDBG funds shall be placed in an interest bearing account, where appropriate.
- E. Procedures for determining the reasonableness, allowability, and allocability of costs.
- F. Accounting records that are supported by source documentation.
- G. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

ARTICLE 9, REAL PROPERTY

A. Definition: Real property refers to land including improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

B. Use and Disposition: Use and disposition of real property acquired or improved, partly or wholly with contract funds in excess of \$25,000, shall be governed by requirements prescribed by HUD or its successor, and City, including the following:

- 1) Title to real property shall vest in Contractor subject to the condition that Contractor shall use the real property for the authorized purpose of this contract until (5) five years after the expiration of this contract or such period of time as determined by the City and stated in Exhibit A.
- 2) Contractor shall obtain approval from the City for use of the real property for activities other than those authorized by this contract when Contractor determines that the property is no longer needed for such purpose. Use for other activities shall be limited to those carried out under other federal grant programs, or under programs that have purposes consistent with those authorized for support by City.
- 3) If disposed of in a manner resulting in the Contractor being reimbursed in the amount of the current fair market value of the property, the Contractor shall reimburse the City in the amount of the current fair market value less any portion acquired or improved with non-CDBG funds. Such reimbursement is not required after the period of time specified in B (1) above.

ARTICLE 10, TANGIBLE PERSONAL PROPERTY

All procurement transactions funded under this contract for tangible personal property shall be conducted in a  
July 2003

manner consistent with HUD regulations in OMB Circular A-110, Attachment N.

#### A. Definitions

- 1) Personal Property: Personal property refers to all property, except real property, which is acquired with contract funds. Tangible property has physical existence. Intangible property has no physical existence.
- 2) Non-expendable Personal Property: Non-expendable personal property means tangible personal property, acquired with contract funds, having a useful life of more than one year and an acquisition cost of \$300 or more per unit.
- 3) Expendable Personal Property: Expendable personal property refers to all tangible personal property acquired with contract funds other than non-expendable property.

#### B. Acquisition

- 1) Purchase of personal property exceeding \$300 per item and not delineated in Exhibit B shall require prior approval from the City.
- 2) Contractor shall submit documentation to City for each item of non-expendable property at the time such property is acquired. Documentation shall demonstrate proof of purchase and indicate date of acquisition, cost, and description of the item, and any other information which may be required by the City.

#### C. Identification, Inventory, and Maintenance

- 1) Contractor shall conduct annual inventories to verify the existence, condition, current utilization, and future need for non-expendable property. Contractor shall submit a written report on each inventory conducted by Contractor to the City. Such report shall account for any differences between Contractor's property records and the inventory findings.
- 2) Contractor shall ensure adequate safeguards to prevent loss, damage, and theft of property. In case such property is stolen or lost, Contractor shall immediately notify the Police Department, obtain a written police report, and notify the City within three (3) working days of discovering stolen or lost property.

#### D. Use and Disposition

- 1) Non-Expendable Property
  - a. Title to non-expendable personal property having a unit acquisition cost of less than \$1,000 shall vest in the Contractor. For non-expendable personal property having a unit acquisition price of \$1,000 or more, HUD/State/ City reserves the right to transfer the title to HUD/ State/City or to a third party when such third party is otherwise eligible under existing statutes.
  - b. Contractor shall use the property for the project or program for which it is acquired as long as needed, whether or not the project or program continues to be supported by Government funds. When no longer needed for the original project/program, Contractor shall use the property in connection with other Government sponsored activities in the following order of priority:

July 2003

- (1) Activities sponsored by HUD/State/City.
- (2) Activities sponsored by other Government agencies
- c. During the time the property is held for use on the project or program for which it was acquired, Contractor may make the property available for use on other projects or program if such other use does not interfere with the work on the project or programs for which it was originally acquired.
- d. When Contractor no longer needs the property as provided in (b) above, the property may be used for other activities as follows:
  - (1) Non-expendable property with a unit acquisition price of less than \$1,000 may be used by Contractor for other activities without reimbursement to the Government, or may be sold and the proceeds retained by the Contractor.
  - (2) Non-expendable property with a unit acquisition price of \$1,000 or more may be retained by Contractor for other uses provided compensation is made to HUD/State/City or its successor(s). If Contractor has no further need for the property and the property has further use value, Contractor shall request and follow disposition instructions from the City.

2) Expendable Property

- a. Title to expendable personal property shall vest in the Contractor upon acquisition. Upon termination of the contract, Contractor shall conduct an inventory to determine the amount of unused expendable personal property on hand which was acquired with contract funds. If there is a residual inventory of such property exceeding \$1,000 in total aggregate fair market value, upon termination or completion of the contract activities and if the property is not needed for any other Government sponsored project or program, the Contractor shall retain the property for use on non Government sponsored activities or sell it, but in either case, compensate the Government for its share.

ARTICLE 11, INTANGIBLE PROPERTY

A. Invention and Patents: Any discovery or invention arising out of or developed in the course of work aided by this contract shall be promptly and fully reported to the City. Contractor shall request City to determine whether patent protection on such invention or discovery should be sought, and to determine how the rights in the invention or discovery, including rights under the patent thereon, shall be allocated and administered to protect the public interest.

B. Copyrights: Except as otherwise provided in this contract, Contractor is free to copyright any books, publications, or other copyrightable materials arising out of or developed during the course of work aided by contract funds, but the City, State and HUD reserve a royalty-free, non- exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.

C. Publications: Books, publications, and other printed materials resulting from and developed in the course of work aided by this contract, whether copyrighted or not, shall acknowledge the support of HUD/State/City funds by he City. Five (5) copies of each such publication are to be furnished to the City as the City may reasonably require.

D. Publicity: Any publicity generated by Contractor for the project funded pursuant to this contract, during the term of this contract or for one year thereafter, will make reference to the contribution of the City in making the project possible. The words "City of Berkeley " and the specific funding source will be explicitly stated in any and all pieces of publicity, including but not limited to fliers, press releases, posters, brochures, pubic service announcements, interviews, and newspaper articles.

July 2003

The City's staff will be available whenever possible at the request of Contractor to assist Contractor in generating publicity for the project funded pursuant to this contract. Contractor further agrees to cooperate with authorized City officials and staff in any City-generated publicity or promotional activities undertaken with respect to this project.

ARTICLE 12, PROCUREMENT STANDARDS

A. All procurement transactions funded under this contract shall be conducted in a manner that provides, to the maximum extent practical, open and free competition consistent with HUD Regulations at 24 CFR Part 570, OMB Circular A-110 Attachment O, and Executive Orders 11625, 12138, 12432.

B. Contractor shall make positive efforts to use small business and minority and women-owned business sources of supplies and services (see also Article 19) and business concerns located in Berkeley or owned in substantial part by Berkeley residents (see also Article 17).

C. For procurement of services, supplies, or other property, Contractor shall use one of the following procurement methods:

- 1) \$1 to \$999. Prices may be solicited by phone and selection determined by Contractor.
- 2) \$1,000 to \$5,000. Three or more prices may be solicited by phone and selection determined by Contractor.
- 3) \$5,000 to \$14,000. Three quotations must be received by phone, FAX or letter and documented. Selection is determined by Contractor.
- 4) \$15,000 to \$25,000. Three or more written bids must be requested with a specific due date. Award is made to the lowest responsible bidder.
- 5) \$25,000 and Over.

- a). Competitive Sealed Bids - In competitive bids (formal advertising), sealed bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.
- b). Competitive Negotiation - In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized, negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiations may be used if conditions are not appropriate for the use of formal advertising.

D. Contractor shall maintain records sufficient to detail the significant history of a procurement costing \$15,000 or more (\$10,000 or more for CDBG). These records shall include, but are not necessarily limited to, information pertinent to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection and the basis for the cost or price.

ARTICLE 13, RELEASE, INDEMNIFICATION AND INSURANCE

A. Release: Contractor, upon final payment of amount due under this contract, less any credits, refunds, or rebates due to City, releases and discharges City from all liabilities, obligations and claims arising from this contract.

B. Indemnification: Contractor, for itself, and its heirs, successors, and assigns, agrees to release, indemnify, hold harmless, and defend City, its officers, agents, volunteers, and employees, from and against any and all claims, demands, liability, economic loss of any type, damages, lawsuits, or other actions for damage or injury to persons or property arising out of or in any way connected with the Contractor's operations under this contract, or the performance

July 2003

of this contract by Contractor or its officers, employees, partners, directors, subcontractors, or agents.

C. Insurance:

1) The Contractor shall maintain at all times during the performance of this contract, a commercial general liability insurance policy with a minimum occurrence coverage in the amount of \$1,000,000; an automobile liability insurance policy (if applicable) in the minimum amount of \$1,000,000; and, if any licensed professional performs services under this contract, a professional liability insurance policy in the minimum amount of \$1,000,000 to cover any claims arising out of Contractor's performance of services under this contract. Said insurance, except professional liability, shall name the City, its officers, agents, volunteers, and employees as additional insureds and shall provide primary coverage with respect to the City. All said insurance policies shall provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said policies except upon thirty (30) days prior written notice to the City; shall be evidenced by the original Certificate of Insurance. If Contractor is to perform construction work under this contract, Contractor shall also provide an endorsement in the form of the City's form Endorsement, or the insurance carrier's standard form Endorsements evidencing the required coverage; and shall be approved as to form and sufficiency by the Employee Relations Officer.

2) If the commercial general liability insurance referred to above is written on a Claims Made Form, then, following termination of this Agreement, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this contract.

3) If Contractor employs any person, it shall carry workers compensation and employers liability insurance and shall provide a certificate of insurance to the City. The workers compensation insurance shall provide that the insurance carrier shall not cancel, terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the City; shall provide for a waiver of any right of subrogation against City to the extent permitted by law; and shall be approved as to form and sufficiency by the City's Employee Relations Officer.

4) Contractor shall forward all insurance documents to City of Berkeley contract monitor.

5) Construction Contracts Only: If the budgeted costs of construction activities funded by this contract, as delineated in Exhibit B, exceed \$100,000, Contractor shall comply with HUD's bonding policies and requirements as set forth in OMB Circular A 110 Attachment B.

6) Contractor shall not store hazardous materials or hazardous waste within the City of Berkeley without the proper permit from the City. If a release of hazardous materials or hazardous waste that cannot be controlled occurs in connection with the performance of this contract, contractor shall immediately notify the Berkeley Police Department and the City's Health Protection Office.

ARTICLE 14, CONFORMITY WITH LAW AND SAFETY

A. Contractor shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal, and local governing bodies, having jurisdiction over the scope of services or any part thereof, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All services performed by Contractor must be in accordance with these laws, ordinances, codes, and regulations. Contractor shall release, defend, indemnify, and hold City, its officers, agents, volunteers, and employees harmless from any and all damages, liability, fines, penalties, and consequences from any noncompliance or violation of such laws, ordinances, codes and regulations.

B. If a death, serious personal injury, or substantial property damage occurs in connection with the performance

July 2003

of this Agreement, Contractor shall immediately notify the City's Employee Relations Officer by telephone. Contractor shall promptly submit to City a written report, in such form as may be required by City, of all accidents which occur in connection with this contract. This report shall include the following information: (1) name and address of the injured or deceased person(s), (2) name and address of Contractor's subcontractor, if any, (3) name and address of Contractor's liability insurance carrier, and (4) a detailed description of the accident and whether any of City's equipment, tools, or materials were involved.

ARTICLE 15, CONFLICT OF INTEREST PROHIBITED

A. In accordance with Government Code section 1090, BMC 3.64, and Berkeley City Charter section 36, neither Contractor nor any person who is an employee, officer, director, partner, or member of contractor, or immediate family member of any of the preceding shall have served as either an elected officer, an employee, or a Board, Committee, or Commission Member of the City of Berkeley, who has formally or informally influenced the making of this contract.

B. In accordance with Government Code section 1090 and the Political Reform Act, Government Code sections 87100 et seq., no person who is a director, officer, partner, trustee, employee, or consultant of the Contractor or immediate family member of any of the preceding shall make or participate in a decision made by the City of Berkeley or a board or commission thereof, if it is reasonably foreseeable that the decision will have a material effect on any source of income, investment, or interest in real property of that person or Contractor.

C. Interpretation of this section shall be governed by the definitions and provisions used in the Political Reform Act, Government Code sections 87100 et seq., and the regulations manuals, and codes adopted thereunder, Government Code section 1090, BMC 3.64, and section 36 of the City of Berkeley Charter.

ARTICLE 16, CONSULTANTS TO SUBMIT STATEMENTS OF ECONOMIC INTEREST

The City's Conflict of Interest Code, Resolution No. 59,372-N.S., as amended, requires every consultant to disclose conflicts of interest by filing a Statement of Economic Interest (Form 730). Consultants agree to file such statements with the City Clerk at the beginning of the contract period and upon termination of the Contractor's service.

ARTICLE 17, ECONOMIC OPPORTUNITIES FOR LOCAL BUSINESSES AND LOW INCOME RESIDENTS

To the greatest extent feasible, Contractor shall offer opportunities for training and employment to lower income Berkeley residents, and patronize and award contracts for work in connection with this contract to business concerns which are located in Berkeley or owned in substantial part by Berkeley residents. Such economic opportunities shall be provided for in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations issued at 24 CFR Part 135.

ARTICLE 18, PROGRAM INCOME

A. Service Fees: Income earned from fees charged for services provided under this contract shall be considered additional revenue to be expended by Contractor during this contract period for additional services rendered as a result of such revenue. Should Contractor be unable to expend all fee-related revenue during the contract period, such revenue shall be considered carryover funds available for the successive CDBG year.

B. Facility Use Fees: Receipts derived from the operation of a public work or facility, the construction of which was assisted with contract funds, do not constitute program income.

C. Interest on Advances: Interest earned in excess of \$100 per fiscal year on advance of contract funds shall be remitted to the City.

July 2003



D. Proceeds from Sale of Personal Property: Proceeds from the sale of personal property acquired with contract funds shall be subject to the requirements set forth in Attachment N of the Office of Management and Budget Circular A-110, "Property Management Standards." See also Article 10.D.

E. Real Property: Proceeds from the lease of real property acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000 shall be determined by the City. See Article 9.B.

ARTICLE 19, DISCRIMINATION PROHIBITED

Contractor hereby agrees to comply with the provisions of City Ordinance No. 5876-N.S., as amended from time to time, attached hereto as Exhibit C, and made a part hereof. In the performance of this agreement, Contractor agrees as follows:

A. Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40) sex, pregnancy, marital status, disability, sexual orientation, or AIDS. This requirement shall apply to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

B. No person shall, on the grounds of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation, or AIDS, be excluded from participation in the performance of this contract.

C. In the sale, lease or other transfer of land acquired, leased or improved with assistance provided under this contract, the deed or lease for such transfer shall contain a covenant prohibiting discrimination upon the basis of race, color, religion, sex, national origin, sexual preference, age or disability, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon.

D. In the performance of this contract, Contractor agrees to comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Contractor shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations that prohibit discrimination against individuals with disabilities or require that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.

If Contractor is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Contractor shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Contractor. All Contractor's activities must be in accordance with these laws, ordinances, codes, and regulations, and Contractor shall be solely responsible for complying therewith.

E. Contractor shall permit City access to records of employment, employment advertisement, application forms, EEO-1 forms, and any other documents which, in the opinion of City are necessary to monitor compliance with the non-discrimination provisions, and will, in addition, fill-out in a timely fashion, forms supplied by City to monitor these non-discrimination provisions, to the extent required by HUD Regulations at 24 CFR Part 570.

F. For Construction Contracts Only

If the budgeted cost of construction activities funded by this contract exceeds \$10,000, as detailed in Exhibit B, Contractor shall comply with all requirements of Executive Order 11246, Equal Employment Opportunity, as amended July 2003

by Executive Orders 11375 and 12086 attached hereto as Exhibit D, and made a part hereof.

ARTICLE 20, LOBBYING PROHIBITION

Contractor shall comply with Section 1352, Title 31, U.S. Code stipulating that no Government funds shall be spent for lobbying and agrees to disclose names of persons and amounts paid with non-Government funds to influence decisions by Congress or Executive Branch agencies.

ARTICLE 21, DRUG-FREE WORKPLACE

Contractor shall provide a drug-free workplace and establish a drug-free awareness program in compliance with the Drug-Free Workplace Act of 1988 and the required certification.

ARTICLE 22, NUCLEAR FREE BERKELEY

Contractor agrees to comply with BMC 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

ARTICLE 23, BERKELEY LIVING WAGE ORDINANCE

A. Contractor hereby agrees to comply with the provisions of the Berkeley Living Wage Ordinance, B.M.C. Chapter 13.27. If Contractor is currently subject to the Berkeley Living Wage Ordinance, as indicated by the Living Wage Certification form, attached hereto, Contractor will be required to provide all eligible employees with City mandated minimum compensation during the term of this Contract, as defined in Chapter 13.27, as well as comply with the terms enumerated herein. Contractor expressly acknowledges that, even if Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts, grants or other monies received by the City may subject Contractor to the requirements under B.M.C. Chapter 13.27 in subsequent contracts.

B. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall be required to maintain monthly records of those employees providing service under the Contract. These records shall include the total number of hours worked, the number of hours spent providing service under this Contract, the hourly rate paid, and the amount paid by Contractor for health benefits, if any, for each of its employees providing services under the Contract. These records are expressly subject to the auditing terms described in Article 39.

C. If Contractor is currently subject to the Berkeley Living Wage Ordinance, Contractor shall include the requirements thereof, as defined in B.M.C. Chapter 13.27, in any and all subcontracts in which Contractor engages to execute its responsibilities under this Contract. All contractor employees who spend 50% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein. All subcontractor employees who spend 25% or more of their compensated time engaged in work directly related to this Contract shall be entitled to a living wage, as described in B.M.C. Chapter 13.27 and herein.

D. Contractor's failure to comply with this Section shall subject Contractor to termination of this Contract pursuant to Article 36.

ARTICLE 24, BERKELEY EQUAL BENEFITS ORDINANCE

A. Contractor hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29.

B. If Contractor is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Contractor agrees to provide the City with any records the City deems necessary to determine compliance with this provision.

July 2003

These records are expressly subject to the auditing terms described in Article 39 of this contract.

C. Contractor's failure to comply with this Section shall subject Contractor to termination of this Contract pursuant to Article 37.

ARTICLE 25, RELIGIOUS ACTIVITY PROHIBITED

There shall be no religious worship, instruction or proselytization as part of or in connection with the performance of this contract.

ARTICLE 26, POLITICAL ACTIVITY PROHIBITED

None of the funds, materials, property or services contributed by the City under this contract shall be used in the performance of this contract to further the election or defeat of any candidate for public office, to support or defeat any ballot measure, for any partisan political activity, or for the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code.

ARTICLE 27, COVENANT AGAINST CONTINGENT FEES

Contractor warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant, the City shall have the right to annul this contract without liability or, in its discretion, to deduct from the compensation, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fees.

ARTICLE 28, LABOR STANDARDS (Construction Contracts Only)

A. Except as herein provided, all laborers and mechanics employed by Contractor or by Contractor's subcontractors in the construction, alteration or repair, including painting and decorating of projects, building, and work which is assisted with contract funds, shall be paid at rates not less than those currently determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), and the Contractor and subcontractors shall comply with all regulations issued pursuant to these Acts and with other applicable federal laws and regulations pertaining to labor standards to the extent required by HUD Regulations at 24 CFR Part 570. Any additional contract provisions required by federal statutes to be inserted herein, are attached hereto as Exhibit E and made a part hereof.

B. This provision does not apply to:

- 1) The rehabilitation of residential property with less than eight dwelling units.
- 2) Projects where the total budgeted cost of construction activities is less than \$2,000.
- 3) Emergency Shelter Grant Funds

ARTICLE 29, FLOOD DISASTER PROTECTION

Use of contract funds for acquisition or construction in an area identified as having special flood hazards shall be subject to the requirements of the Flood Disaster Protection Act of 1973 (P.L. 93-234), including the mandatory purchase of flood insurance in accordance with the requirements of Section 102(a) of said Act.

July 2003

ARTICLE 30, CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

Contractor shall comply with the provisions of the Clean Air Act as amended (42 U.S.C. 1957 et seq.), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), and the regulations thereunder (40 CFR Part 15 and 40 CFR Part 61).

ARTICLE 31, LEAD-BASED PAINT

Contractor shall comply with the lead-based paint requirement of 24 CFR Part 5 Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.). Such requirements prohibit the use of lead-based paint for construction, rehabilitation, or modernization of residential structures; mandate the elimination of immediate lead-based paint hazards in residential structures assisted with CDBG funds; and require the notification of the hazards of lead-based paint poisoning to purchasers and tenants of residential structures constructed prior to 1950 and assisted with CDBG funds.

ARTICLE 32, ARCHITECTURAL BARRIERS ACT OF 1968

Any building or facility, excluding privately owned residential structures, designed, constructed, or altered with contract funds shall comply with the requirements of the "American Standards Specifications for Making Building and Facilities Accessible to, and Usable by the Physically Handicapped," Number A-117, I-R 1971, subject to the exceptions contained in 41 CFR Subpart 101-19.604, issued pursuant to the Architectural Barriers Act of 1968, 42 CFR U.S.C. 4151, as amended.

ARTICLE 33, ENVIRONMENTAL REVIEW RECORD (ERR)

The City will work with the Contractor to prepare the ERR. The ERR will cover areas such as historic preservation, floodplain management, endangered species, air quality, toxic chemicals, noise control, among others, in compliance with HUD Regulations at 24 CFR Part 58. These regulations cover all CDBG-funded projects. No funds will be disbursed under this contract until the ERR has been accepted and approved by HUD.

ARTICLE 34, RELOCATION

A. Contractors engaging in acquisition/rehabilitation activities must comply with the Uniform Relocation Act (URA), as amended, and applicable guidelines at 49 CFR Part 24 and 24 CFR Part 511, as well as the State of California Government Code 7265.3, as amended, and City policies.

B. Any person displaced by rehabilitation, financed partially or wholly with contract funds, shall be offered the option of relocation after completion of the rehabilitation in the dwelling from which the person was displaced, and shall be provided the benefits due in accordance with State of California Government Code 7265.2, as amended.

ARTICLE 35, NON-PROFIT STATUS

A. Except as herein provided, Contractor must be a non-profit corporation. Contractor shall furnish the City with a copy of its articles of incorporation, a copy of its by-laws, and a current list of its Board of Directors. If there are any changes in Contractor's non-profit status with the California Secretary of State, Contractor shall notify City within five (5) working days of the notice of said change. Loss of non-profit status or failure to maintain a status of good standing with the Secretary of State is cause for termination of the contract.

B. Contractor must be a neighborhood-based, non-profit organization, a small business investment company, or a local development corporation, according to the definitions set forth in 24 CFR 570.204(s), to be eligible to undertake economic development or neighborhood revitalization activities pursuant to 24 CFR 570.204(c). Contractor shall

July 2003

furnish the City with document(s), evidencing proof of such status. If there are any changes in such status, Contractor shall notify City within five (5) working days of said change. Failure to maintain eligible organizational status as required by Government regulations is cause for termination of the contract.

C. This provision may not necessarily apply to Contractor if Contractor is undertaking only rehabilitation activities pursuant to 24 CFR 570.202 or economic development activities pursuant to 24 CFR 570.203.

ARTICLE 36, CHANGES

A. The terms and conditions of this contract shall not be altered or otherwise modified except upon a duly executed written amendment to this contract.

B. Contractor may request changes in the Scope of Services described in Exhibit A. Such changes, including any increase or decrease in the amount of the Contractor's compensation (Exhibit B), require City Council approval and must be incorporated by written amendment to this contract.

ARTICLE 37, CONTRACT TERMINATION

This contract may be terminated for cause by Contractor upon thirty (30) days prior written notice. The City may terminate this contract in whole or in part with or without cause, which includes but is not limited to:

A. Failure, for any reason, of Contractor to fulfill in a timely and proper manner its obligations under this contract, including compliance with City, State and Federal laws and regulations and applicable directives.

B. Failure to meet the performance standards contained in Exhibit(s) A of this contract. When the City notifies the Contractor that its contract performance is below performance specifications as outlined in the contract Exhibits, a corrective action plan must be submitted in writing by the Contractor to the City within thirty (30) days. Failure to achieve the performance specifications within a maximum of sixty (60) days is cause for immediate contract termination.

C. Improper use or reporting of funds provided under this contract.

D. Reduction, suspension or termination of funding or grant(s) to the City from any Federal or State sources under which this contract is made, or the portion thereof earmarked for this contract or appropriated by the City Council for this contract.

E. A written notice shall be deemed served upon sending said notice in a postage-paid envelope addressed to the other party to this contract and depositing the same with the United States Post Office with postage prepaid. For purposes of this contract, all notices to the City shall be addressed as follows:

City Manager  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

For purposes of this contract, all notices to Contractor shall be addressed to Contractor's authorized signee as indicated on the last page of this contract to the address indicated on page 1 of this contract.

F. If either party terminates this contract before the Contractor completes the services in Exhibit(s) A, in addition to any other rights and remedies provided by law or under this contract, Contractor shall be entitled to compensation for services performed hereunder, through and including the date of termination, but not to exceed the July 2003

payment according to the rate specified in Exhibit B. Contractor shall be entitled to all reasonable costs incurred in connection with such services. In no event will the amount paid exceed the full amount in Article 3 of this contract.

ARTICLE 38, CLOSE OUT PROCEDURES

Contractor shall prepare and submit a final invoice for final claims no later than sixty (60) days after the termination of this contract. The final invoice shall cover all claims for costs incurred by the Contractor during the period of the contract. All unexpended funds shall be returned to the City. Where funds are due the City, payment should be made to CITY OF BERKELEY and must accompany the final invoice.

ARTICLE 39, AUDIT

All contractors receiving \$300,000 or more in Government funds shall have their financial and compliance records, maintained in connection with the operations and services performed under this contract, audited annually by an independent auditing agent selected by the City. This audit will be conducted in accordance with the Single Audit Act of 1984, Office of Management and Budget Circulars A-133 (June 30, 1997), and any other prescribed guidelines. Contractors receiving \$300,000 or more in Government funds and choosing to select their own independent auditor shall provide the City with a copy of the audited Financial Statement which is to be prepared in compliance with OMB Circulars A-110 and A-133 (June 30, 1997). Contractors receiving less than \$300,000 in Government funds are exempt from audit pursuant to the Single Audit Act of 1984, but records must be available for review by appropriate officials. All contractors regardless of the amount of Government funds received, are subject to State and Local regulations.

Pursuant to Section 61 of the Berkeley City Charter, the City Auditor's Office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this Contract. In the event of such audit, Contractor agrees to provide the City Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's Office. City agrees to provide Contractor an opportunity to discuss and respond to any findings before a final audit report is filed.

The City will provide Contractor with the preliminary draft of the audit report and hold a conference with Contractor to discuss the report if any findings are noted. Contractor shall respond to all findings within ten (10) working days after the conference. The auditing agent will then prepare its final audit report and submit it to the City Manager. City will notify contractor of any disallowed expenses. Contractor shall make payment of disallowed expenses to City within thirty (30) days of such notification, unless otherwise specified by the City. Failure to reimburse the City may result in the discontinuance of any or all City contracts with Contractor and may make Contractor ineligible for additional or further funds from the City.

ARTICLE 40, GOVERNING LAW

This contract shall be governed by the laws of the State of California.

ARTICLE 41, INDEPENDENT CONTRACTOR

A. Contractor shall be deemed at all times to be an independent contractor and shall be wholly responsible for the manner in which Contractor performs its obligations under this Agreement. Contractor shall be liable for its acts and omissions, and those of its employees and its agents. Nothing contained herein shall be construed as creating an employment, agency or partnership relationships between City and Contractor.

B. Terms in this Agreement referring to direction from City shall be construed as providing for direction as to policy and the result of Contractor's work only and not as to the means or methods by which such a result is obtained.

July 2003

C. Nothing in this Contract shall operate to confer rights or benefits on persons or entities not party to this Contract.

ARTICLE 42, CITY BUSINESS LICENSE, PAYMENT OF TAXES, TAX I.D. NUMBER

Contractor has obtained a City business license as required by B.M.C. Ch. 9.04, and its license number is written below; or, Contractor is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt. Contractor shall pay all state and federal income taxes and any other taxes due. Contractor certifies under penalty of perjury that the taxpayer identification number written below is correct.

ARTICLE 43, ENTIRE AGREEMENT

A. The terms and conditions of this contract and all exhibits attached hereto or documents expressly incorporated by reference therein represent the entire contract between the parties hereto with respect to the subject matter hereof, and this contract shall supersede any and all other prior contracts, either oral or written, regarding the subject matter between the City and Contractor. No other contract, statement, or promise relating to the subject matter of this contract shall be valid or binding except upon a duly executed written amendment to this contract.

B. Should any conflicts arise between the terms and conditions of this contract and the terms and conditions of any exhibits attached hereto or documents expressly incorporated by reference therein, the terms and conditions of Federal Regulations shall control.

ARTICLE 44, OWNERSHIP OF DOCUMENTS

A. When this contract is terminated Contractor agrees to return to City all documents, drawings, photographs and other written or graphic material, however produced, that it received from City, its contractors or agents, in connection with the performance of its services under this contract. All materials shall be returned in the same condition as received.

B. All internal work, papers, internal drawings, internal memoranda of any kind, photographs, and any written or graphic material, however produced, prepared by Contractor in connection with its performance of services under this contract, shall be, and shall remain after termination of this contract, the property of Contractor. Contractor may use that material for any purpose whatsoever. However, if either party terminates this contract before Contractor completes all services required under Article 1, the latest set of draft documents shall be and shall remain the property of the City.

C. The final written product of this contract shall be the property of the City. City may use all or any part of the product for projects other than those contemplated by this contract. Contractor shall not be liable for any improper reuse of the product. City may also retain the original of any design documents upon request.

ARTICLE 45, SETOFF AGAINST DEBTS

Contractor agrees that City may deduct from any payments due to Contractor any monies that Contractor owes the City under any Ordinance, contract, or Resolution for any unpaid taxes, fees, licenses, unpaid checks, or other amounts.

ARTICLE 46, RECYCLED PAPER FOR WRITTEN REPORTS

If Contractor is required by this contract to prepare a written report or study, Contractor shall use recycled paper for said report or study when such paper is available at a cost of not more than ten percent more than the cost of virgin paper, and when such paper is available at the time it is needed. For the purposes of this contract, recycled paper is

July 2003





ARTICLE 49, ASSIGNMENT

This contract may not be assigned without the prior written consent of the City.

IN WITNESS WHEREOF, the City and Contractor have executed this contract through their duly authorized representatives as of the date first above written.

CITY OF BERKELEY

By [Signature]  
City Manager

THIS CONTRACT HAS BEEN  
APPROVED AS TO FORM BY  
THE CITY ATTORNEY FOR THE  
CITY OF BERKELEY  
July 2003

Registered by:

[Signature]  
City Auditor

Attest:

[Signature]  
Deputy City Clerk

CONTRACTOR

By [Signature]  
EXECUTIVE DIRECTOR  
Title

IRS Tax I.D. No.: [REDACTED]

B.M.C. § \_\_\_\_\_

City of Berkeley Business License No.: 2003-10724

Incorporated: Yes X No \_\_\_\_\_

Subject of Contract: PUBLIC SAFETY

**EXHIBIT A**

**SCOPE OF SERVICES**

**EXHIBIT A**  
**SCOPE OF SERVICES**

Berkeley Boosters Association  
P.O. Box 17  
Berkeley, CA 94701  
Telephone: (510) 704-0467  
Fax: (510) 649-0886

E-mail: [dmanson@berkeleyboosters.org](mailto:dmanson@berkeleyboosters.org)  
Web Site: [www.berkeleyboosters.org](http://www.berkeleyboosters.org)

**RESPECT GRANT 2003/2004: BART ESCORT SERVICE**

**I. PROGRAM DESCRIPTION:**

During the winter months, the Berkeley Boosters Association will provide BART SAFETY ESCORT Service to BART patrons during the two (2) busiest commute hours each evening. The service will be provided at both the Ashby and North Berkeley BART stations. The patrons will be escorted from the BART station to their cars or homes within a radius of approximately five (5) city blocks.

**II. SCOPE OF SERVICE:**

The *Berkeley Boosters RESPECT Team* will provide, from Monday, October 27, 2003 (end of daylight savings time) to Friday, March 5, 2004, BART SAFETY ESCORT SERVICE at both the Ashby BART station and the North Berkeley BART station. The ESCORT SERVICE will be provided Monday to Friday for two (2) hours during the evening commute time (except on City Holidays). The training will occur during the week of October 20, 2003.

The staffing model calls for four (4) team members plus one supervisor at each station. The team members will wear uniforms (light blue baseball jacket with BART ESCORT and RESPECT insignia, navy pants, light blue shirt) and will be equipped with flashlights and police radios. Team members will be upper class Berkeley High School students (over the age of 15) and/or local community college, UC students, or community members. The Supervisors will be adults, typically veteran supervisors from within the Berkeley Police Department Traffic Enforcement Division.

**III. TRAINING:**

The team members will be trained through an intensive training that includes police radio training and protocol, conflict resolution, diversity training, public relations, positive communication skills, personal safety and other topics. This training will be provided by experienced personnel from within the Boosters, as well as various outside experts from within Berkeley Police Department and BUSD School Safety personnel. The BART Escorts work in teams of two (except supervisors, who may work alone). Each team is equipped with a police radio for emergencies. Each team member will be assigned a call number (e.g. G-31).

**IV. NETWORKING WITH OTHER AGENCIES:**

It is the responsibility of the Executive Director to establish contact with BART Police and the Berkeley Police Department Patrol Division. The Berkeley Police Department will assist in the radio training for the ESCORTS.

**EXHIBIT B**

**PAYMENT**

CONTRACT AMOUNT                      \$ 40,500

SIX (6) TWO MONTHS CASH ADVANCE PAYMENTS

LINE ITEM BUDGET ATTACHED.

RESPECT – BART ESCORTS PROGRAM  
 Operating Statement  
 July 1, 2003 – June 30, 2004  
 Date: As of 12/18/02

**INCOME****GRANTS**

|                  |          |
|------------------|----------|
| CITY OF BERKELEY | \$40,500 |
|------------------|----------|

|                              |                 |
|------------------------------|-----------------|
| <b>TOTAL PROGRAM INCOME:</b> | <b>\$40,500</b> |
|------------------------------|-----------------|

**EXPENSE****PERSONNEL**

|                           |                 |
|---------------------------|-----------------|
| Executive Director        | \$ 2,900        |
| Administrative Director   | \$ 2,900        |
| Supervisors               | \$ 8,820        |
| Part Time Escorts         | \$11,500        |
| Accounting                | \$ 1,200        |
| <b>Subtotal Personnel</b> | <b>\$27,320</b> |

|                                 |                 |
|---------------------------------|-----------------|
| Employer Payroll Taxes @11%     | \$ 3,005        |
| Worker's Comp @9%               | \$ 2,458        |
| Health Insurance                | \$ 780          |
| <b>Subtotal Fringe Benefits</b> | <b>\$ 6,243</b> |

|                                              |                  |
|----------------------------------------------|------------------|
| <b>TOTAL PERSONNEL &amp; FRINGE BENEFITS</b> | <b>\$ 33,563</b> |
|----------------------------------------------|------------------|

**EQUIPMENT**

|                                |          |
|--------------------------------|----------|
| Uniforms, Equipment & Supplies | \$ 2,000 |
|--------------------------------|----------|

|                        |                 |
|------------------------|-----------------|
| <b>TOTAL EQUIPMENT</b> | <b>\$ 2,000</b> |
|------------------------|-----------------|

**OPERATING EXPENSE**

|                         |          |
|-------------------------|----------|
| Grant Operating Expense | \$ 4,937 |
|-------------------------|----------|

|                        |                 |
|------------------------|-----------------|
| <b>TOTAL OPERATING</b> | <b>\$ 4,937</b> |
|------------------------|-----------------|

|                       |                  |
|-----------------------|------------------|
| <b>TOTAL EXPENSES</b> | <b>\$ 40,500</b> |
|-----------------------|------------------|

REQUEST FOR WAIVER OF COMPETITIVE SOLICITATION  
BY CITY MANAGER

DATE: August 11, 2003  
TO: Weldon Rucker, City Manager  
FROM: Roy L. Meisner, Chief of Police  
DEPT. Police Department

RE: REQUEST FOR WAIVER  
BERKELEY BOOSTERS ASSOCIATION  
CONTRACT NAME

INSTRUCTIONS:

A written request must be submitted for a waiver consideration. Please complete and forward to City Manager.

We are requesting a waiver on the above contract for one the following reason(s). Explanation must clearly state why this exception meets the required criteria. For details see section on Evidence of Competitive Solicitation online.

- 1. Service is very **SPECIALIZED** because the Berkeley Booster Association is selected through the annual General Funded Community Agency allocations.
- 2. This product or service can only be provided by this contractor (**SOLE SOURCE**)

This service and/or product must be provided **IMMEDIATELY** because

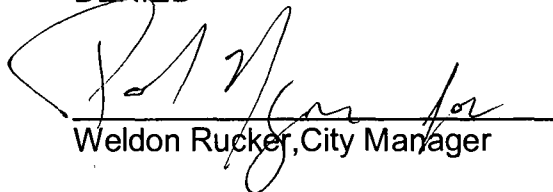
4. **OTHER CATEGORY.** NOTE: **The lack of advanced planning does not constitute an immediate need.** The reason for this request is

WAIVER IS RECOMMENDED



DENIED

\_\_\_\_\_

  
Weldon Rucker, City Manager

8/15/03  
Date

**NON-DISCRIMINATION WORK FORCE**

FOR ALL NON-CONSTRUCTION CONTRACTS

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract.

**ORGANIZATION:** Berkeley Boosters Assn. / Police Activities League

**ADDRESS:** P.O. Box 17 Berkeley, CA. 94701

**BUSINESS LICENSE NO:** 2003-10724

| Occupational Category (see reverse side for explanation of terms) | Total Employees |           | WHITE    |          | BLACK    |          | ASIAN |        | HISPANIC |        | OTHER (SPECIFY) |                  |
|-------------------------------------------------------------------|-----------------|-----------|----------|----------|----------|----------|-------|--------|----------|--------|-----------------|------------------|
|                                                                   | Male            | Female    | Male     | Female   | Male     | Female   | Male  | Female | Male     | Female | Male            | Female           |
| Officials/Administrators                                          | 1               | 0         |          |          |          |          |       |        |          |        |                 |                  |
| Professionals                                                     | 0               | 2         |          | 1        |          |          |       |        |          |        |                 | Pacific Islander |
| Technicians                                                       | 0               | 0         |          |          |          |          |       |        |          |        |                 |                  |
| Protective Service Workers                                        | 3               | 0         | 1        |          | 2        |          |       |        |          |        |                 |                  |
| Para-professionals                                                | 8               | 9         | 2        | 2        | 6        | 7        |       |        |          |        |                 | Pacific Islander |
| Office/Clerical                                                   | 0               | 1         |          |          |          |          |       |        |          |        |                 |                  |
| Skilled Craft Workers                                             | 0               | 0         |          |          |          |          |       |        |          |        |                 |                  |
| Service/Maintenance                                               | 0               | 0         |          |          |          |          |       |        |          |        |                 |                  |
| Other (Specify)                                                   | 0               | 0         |          |          |          |          |       |        |          |        |                 |                  |
| <b>Totals</b>                                                     | <b>12</b>       | <b>12</b> | <b>3</b> | <b>3</b> | <b>8</b> | <b>7</b> |       |        |          |        | <b>1</b>        | <b>2</b>         |

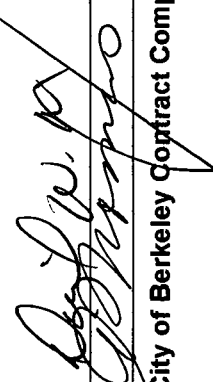
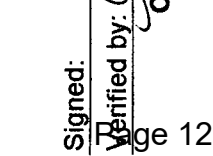
Is your business MBE/WBE/DBE certified? Yes  No

If yes, by what agency? \_\_\_\_\_

If yes, please specify: Male  Female

Do you have a policy of non-discrimination? Yes  No

or indicate ethnic identification \_\_\_\_\_

Signed:   
 Verified by:   
 City of Berkeley Contract Compliance Officer

Date: 6/12/03

Date: 6/23/03

**CITY OF BERKELEY**  
**Nuclear Free Zone Disclosure Form**

I (we) certify that:

1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: David MANSON Title: Executive Director  
 Signature: *David W. Manson* Date: 6-12-03  
 Business Entity: Berkeley Boosters Association / P.A.L.  
 Contract Description/Specification No. \_\_\_\_\_  
**Attachment C**



**CITY OF BERKELEY**  
**Oppressive States Compliance Statement for Personal Services**

The undersigned, an authorized agent of Berkeley Boosters Assn. (hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution No. 59,853-N.S. (hereafter "Resolution"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly-owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Abo, Kham, and U-Tsang,**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with, or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: David W. Manson, Jr. Title: Executive Director

Signature: [Handwritten Signature] Date: 6-12-03

Business Entity: Berkeley Boosters Assn. P.A.L.

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Contract Description/Specification No.: \_\_\_\_\_

**Attachment D**

**CITY OF BERKELEY**  
**Living Wage Certification for Providers of Personal Services**

**TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.**

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance. The LWO requires a City contractor to provide City mandated minimum compensation to all eligible employees, as defined in the Ordinance. In order to determine whether this contract is subject to the terms of the LWO, please respond to the questions below. Please note that the LWO applies to those contracts where the contractor has achieved a cumulative dollar contracting amount with the City. Therefore, even if the LWO is inapplicable to this contract, subsequent contracts may be subject to compliance with the LWO. Furthermore, the contract may become subject to the LWO if the status of the Contractor's employees change (i.e. additional employees are hired) so that Contractor falls within the scope of the Ordinance.

**Section I.**

**1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS**

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid, or proposal, with the City of Berkeley for a cumulative amount of \$25,000.00 or more?

YES \_\_\_\_\_ NO \_\_\_\_\_

If **no**, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question 1(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered, "YES" to questions 1(a) and 1(b) this contract **IS** subject to the LWO. If you responded "NO" to 1(b) this contract **IS NOT** subject to the LWO. Please continue to Section II.

**2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.**

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?

YES  NO \_\_\_\_\_

If no, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If yes, please continue to question 2(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?

YES  NO \_\_\_\_\_

If you have answered, "YES" to questions 2(a) and 2(b) this contract **IS** subject to the LWO. If you responded "NO" to 2(b) this contract **IS NOT** subject to the LWO. Please continue to Section II.

**Section II**

**Please read, complete, and sign the following:**

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE.

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE.

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: David W. Manson, Jr Title: EXECUTIVE DIRECTOR  
Signature: [Handwritten Signature] Date: 6/12/03  
Business Entity: Berkeley Boosters Assn. / P.A.L.  
Contract Description/Specification No: \_\_\_\_\_

**Section III**

• \*\* FOR ADMINISTRATIVE USE ONLY – PLEASE PRINT CLEARLY \*\* •

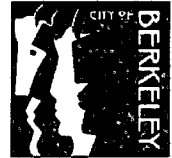
I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

Police Department  
Department Name

[Handwritten Signature]  
Department Representative

To be completed by Contractor/Vendor

Form EBO-1 CITY OF BERKELEY



CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE

If you are a contractor, return this form to the originating department/project manager. If you are a vendor (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

SECTION 1. CONTRACTOR/VENDOR INFORMATION

Form with fields for Name, Address, Contact Person, E-mail Address, Vendor No., City, State, ZIP, Telephone, and Fax No. Handwritten entries include Berkeley Boosters Assn., PO Box 17, David W. Manson, Jr, and various phone numbers.

SECTION 2. COMPLIANCE QUESTIONS

- Questions A through E regarding employee benefits, spouse benefits, and domestic partner benefits. Includes checkboxes for Yes/No and instructions on how to proceed based on answers.

SECTION 3. PROVISIONAL COMPLIANCE

- Questions A and B regarding contractor compliance with EBO and cash equivalent options. Includes checkboxes and instructions.

\* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

SECTION 4. REQUIRED DOCUMENTATION

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

SECTION 5. CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this 12 day of JUNE, in the year 2003, at Berkeley CA  
(City) (State)

David W. MANSON, JR.  
Name (please print)

[Signature]  
Signature

Executive Director  
Title

[Redacted]  
Federal ID or Social Security Number

FOR CITY OF BERKELEY USE ONLY

- Non-Compliant (The City may not do business with this contractor/vendor)
- One-Person Contractor/Vendor       Full Compliance       Reasonable Measures

Provisional Compliance Category, Full Compliance by Date: \_\_\_\_\_

Staff Name (Sign and Print): Annie Thomas Date: 6/25/03

# ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/28/2003

PRODUCER (260)482-5455 FAX (260)483-6297  
Diller-Smith & Associates  
2526 Scotswoide Dr.  
P.O. Box 8517  
Ft. Wayne, IN 46808

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED California Police Activities League #2  
2000 East 14th Street  
San Leandro, CA 94577

|                             |                                             |        |
|-----------------------------|---------------------------------------------|--------|
| INSURERS AFFORDING COVERAGE |                                             | NAIC # |
| INSURER A:                  | CLARENDON AMERICA INSURANCE CO.             |        |
| INSURER B:                  | AMERICAN NATIONAL LIFE INSURANCE CO. OF TX. |        |
| INSURER C:                  |                                             |        |
| INSURER D:                  |                                             |        |
| INSURER E:                  |                                             |        |

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR ADD'L LTR INSR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                                                    | POLICY NUMBER  | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS                                                                                                                                                                                                                                 |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A                   | <b>GENERAL LIABILITY</b><br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br>CLAIMS MADE <input checked="" type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC | ECP000305-00   | 01/01/2003                       | 01/01/2004                        | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000<br>MED EXP (Any one person) \$ NONE<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 1,000,000 |
|                     | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS<br><input checked="" type="checkbox"/> NON-OWNED AUTOS                                                                                                   | EPC000305-00   | 01/01/2003                       | 01/01/2004                        | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                                                                              |
|                     | <b>GARAGE LIABILITY</b><br><input type="checkbox"/> ANY AUTO                                                                                                                                                                                                                                                                                                         |                |                                  |                                   | AUTO ONLY - EA ACCIDENT \$<br>OTHER THAN AUTO ONLY: EA ACC \$<br>AGG \$                                                                                                                                                                |
| A                   | <b>EXCESS/UMBRELLA LIABILITY</b><br><input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE<br>DEDUCTIBLE<br>RETENTION \$                                                                                                                                                                                                                     | EEX000026-00   | 01/01/2003                       | 01/01/2004                        | EACH OCCURRENCE \$ 4,000,000<br>AGGREGATE \$ 5,000,000                                                                                                                                                                                 |
|                     | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?<br>If yes, describe under SPECIAL PROVISIONS below                                                                                                                                                                                                 |                |                                  |                                   | <input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER<br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                |
| B                   | <b>OTHER ACCIDENT/MEDICAL</b>                                                                                                                                                                                                                                                                                                                                        | FLD02-34200-BC | 01/01/2003                       | 01/01/2004                        | AD & D \$50,000<br>ACCIDENT MEDICAL EXCESS-MAX. BENEFIT \$50,000 DED.: NONE                                                                                                                                                            |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS  
 A SEXUAL ABUSE/MOLESTATION POL#: ECP 000305-00 EFF: 1/1/03 TO 1/1/04  
 \$25,000 PER OCCURRENCE AGGREGATE \$100,000

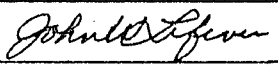
CERTIFICATE HOLDER IS AN ADDITIONAL INSURED FOR CAL PAL. EVENT: PAL EVENTS  
 EVENT DATE: COVERAGE PERIOD  
 INSURED MEMBER CHAPTER: BERKELEY BOOSTERS/PAL, ATT CHERYL LA ROSA LONGO, PO BOX 17 BERKELEY, CA 94701

**CERTIFICATE HOLDER**

**CANCELLATION**

04/28/03 CITY OF BERKELEY  
 BERKELEY POLICE DEPARTMENT  
 ATT TRACY VESELY  
 2180 MILVIA STREET  
 BERKELEY, CA 94704

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  
 John Lefever/AKB 

**IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

# STATE COMPENSATION INSURANCE FUND

P.O. BOX 807 SAN FRANCISCO, CA 94142 10807

## CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 01-01-2002

GROUP: 000380  
POLICY NUMBER: 0000609-2003  
CERTIFICATE ID: 10  
CERTIFICATE EXPIRES: 01-01-2004  
01-01-2003/01-01-2004

CITY OF BERKELEY NB  
PARKS & RECREATION, ATTN: TRACY A. VESELY  
2180 MILVIA ST. 3RD FL.  
BERKELEY, CA 94704

This is to certify that we have issued valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

*Thomas Hansen*

*Kenneth C. Bolter*

AUTHORIZED REPRESENTATIVE

PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000.00 PER OCCURRENCE

ENDORSEMENT #2085, ENTITLED "CERTIFICATE HOLDERS' NOTICE" EFFECTIVE 01-01-2003 IS ATTACHED TO AND FORMS A PART OF THIS POLICY

EMPLOYER

BERKELEY BOOSTERS ASSOCIATION  
(A NON-PROFIT CORP.)  
PO BOX 17  
BERKELEY, CA 94701



## Additional Coverages and Factors

12/23/2002

---

---

| Line of Business Coverages for | General Liability |              |      |         |        |
|--------------------------------|-------------------|--------------|------|---------|--------|
| Coverage                       | Limits            | Ded/Ded Type | Rate | Premium | Factor |
| General Aggregate              | 2,000,000         |              |      |         |        |
| Products/Completed Ops         | 1,000,000         |              |      |         |        |
| Aggregate                      |                   |              |      |         |        |
| Personal & Advertising         | 1,000,000         |              |      |         |        |
| Injury                         |                   |              |      |         |        |
| Each Occurrence                | 1,000,000         |              |      |         |        |
| Fire Damage                    | 50,000            |              |      |         |        |
| Medical Expense                | NONE              |              |      |         |        |

CONTRACTORS INVOICE

PLEASE TYPE

Respect "BART" ESCORTS

|                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1. CONTRACTOR'S NAME (Agency)<br><b>Berkeley Boosters</b>                                                                                                                                                                                                                                                                                                                                                                   | 2. ADDRESS: CITY/STATE/ZIP<br><b>PAL PO Box 17 Berkeley 94701</b> |
| 3. FUNDS REQUESTED FOR:<br>a. <input checked="" type="checkbox"/> Initial Advance<br>b. <input type="checkbox"/> Periodic Advance<br>c. <input type="checkbox"/> Reimbursement<br>d. <input type="checkbox"/> Final Invoice<br>e. <input type="checkbox"/> Other Specify<br>f. Report for Month/s of: _____<br>Month/s Day Year<br>g. PROGRAM TYPE: CSBG _____ GENERAL FUND <input checked="" type="checkbox"/> OTHER _____ |                                                                   |

|                                                                               |                                                       |                                                                              |                                                        |
|-------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------|
| 4. COST INCURRED:<br>a. From Start Of Agreement<br><b>7 1 03</b><br>Mo Day Yr | b. To End of Report Mo:<br><b>9 1 03</b><br>Mo Day Yr | 5. PERIOD COST PROJECTED:<br>a. From End of Report Mo:<br>_____<br>Mo Day Yr | b. To End of Two Mo. Projection:<br>_____<br>Mo Day Yr |
|-------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------|

COMMUNITY SERVICES CONTRACTORS INVOICE

| 6. COST CATEGORY    | 7. CONTRACT COMPONENT BUDGET (Nearest Dollar) | 8. COSTS FOR REPORT MONTH ONLY (Nearest Dollar) | 9. CUM. COSTS (Nearest Dollar) | 10. COSTS PROJECTED (Nearest Dollar) | 11. TOTALS (Column 9 + Column 10) |
|---------------------|-----------------------------------------------|-------------------------------------------------|--------------------------------|--------------------------------------|-----------------------------------|
| PERSONNEL SERVICES  | a. <b>27320</b>                               | a.                                              | a.                             | a.                                   | a.                                |
| FRINGE BENEFITS     | b. <b>6243</b>                                | b.                                              | b.                             | b.                                   | b.                                |
| TRANS. COST         | c.                                            | c.                                              | c.                             | c.                                   | c.                                |
| OPERATING COSTS     | d. <b>4937</b>                                | d.                                              | d.                             | d.                                   | d.                                |
| EQUIPMENT PURCHASES | e. <b>2000</b>                                | e.                                              | e.                             | e.                                   | e.                                |
| INSURANCE           | f.                                            | f.                                              | f.                             | f.                                   | f.                                |
| OTHER: Specify      | g.                                            | g.                                              | g.                             | g.                                   | g.                                |
| OTHER: Specify      | h.                                            | h.                                              | h.                             | h.                                   | h.                                |
| TOTALS:             | i. <b>40500</b>                               | i.                                              | i.                             | <b>6750</b>                          | <b>6750</b>                       |

ADVANCE

|                                               |                                               |
|-----------------------------------------------|-----------------------------------------------|
| P.O.# _____ FOR CITY USE ONLY INVOICE # _____ | 12. LESS CASH RECEIVED: \$ <b>0</b>           |
| BUDGET CODE: _____                            | 13. NET AMOUNT OF THIS REQUEST \$ <b>6750</b> |
| AMOUNT TO BE PAID \$ _____                    |                                               |

14. CONTRACTOR CERTIFICATION: I certify that the costs incurred are taken from the books of account and that such costs are valid and consistent with the terms of this agreement:

*Cheryl Ja Rosa Longo* Dir. of Admin. **6-23-03**  
 Authorized Contractor's Signature Title Date Signed

CITY STAFF ONLY  
 PERFORMANCE SATISFACTORY FOR PAYMENT:

APPROVED BY: \_\_\_\_\_ EXAMINED BY: \_\_\_\_\_  
 Signature Date Signature Date

- COPY 1 - FINANCE
- COPY 2 - HHS ACCOUNTING
- COPY 3 - CONTRACT MONITOR
- COPY 4 - CONTRACTOR

Rec #62,124

City of Berkeley, California

**BUSINESS LICENSE**

BUSINESS TYPE

POLICE ACTIVITIES LEAGUE

LOCATION IN BERKELEY

VARIOUS

OWNER

DAVID MANSON EXEC DIR

DBA

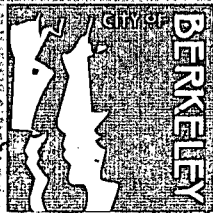
BERKELEY BOOSTERS ASSN/P. A. L.

MAIL ADD

P O BOX 17

CITY

BERKELEY CA 94701



LICENSE NUMBER

2003-10724

DATE

2003

EXPIRES: 12/31/03

0002

This license is renewable on or before 2/28/04

THIS LICENSE IS ISSUED WITHOUT VERIFICATION THAT THE LICENSEE IS SUBJECT TO AN EXEMPTION FROM LICENSING BY THE STATE.  
THIS LICENSE MUST BE CONSPICUOUSLY POSTED AND BE RENEWED WITHIN 30 DAYS AFTER EXPIRATION.  
IT SHALL NOT BE CONSTRUED AS AUTHORIZING THE CONDUCT OR CONTINUANCE OF ANY ILLEGAL OR UNLAWFUL BUSINESS.

LICENSE COLLECTOR

277239

325-766 (REV. 12/90)

**Page 44 of 102**  
**Expense Contract Amendment Review Form**

Original CMS #: Y3DFY  
 (To be filled in by department)

Amendment CMS #: RRKBC  
 (To be filled in by department)

Contract No.: 6724A  
 (To be filled in by auditor)


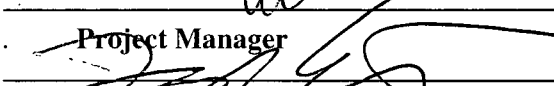
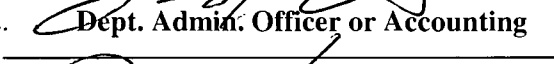
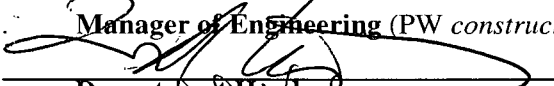
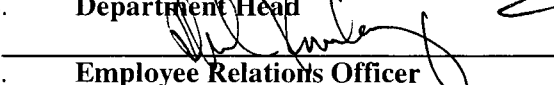

**CONTRACTOR NAME: Berkeley Boosters Association**

| <b>This contract package contains:</b><br><b>Three Original Contracts (Department, Vital Record and Vendor) contracts in Folders</b><br><br>*The Vital Record contract MUST be in a folder.<br>*Optional: In lieu of folders, the Department and Vendor copies may be assembled with an Acco-fastener. | Attached                            | Waiver Attached          | Not Required             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Authorizing Council Resolution No.: <u>63,166 N.S.</u>                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Living Wage Certification (if not submitted with original contract) **LWO form revised 8/02 <b>Submitted With Original Contract</b>                                                                                                                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Certification of Compliance with Equal Benefits Ordinance (if not submitted with original contract) **EBO form revised 7/02 <b>With Original Contract</b>                                                                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Insurance Certificate Original on File: Contract Number 6701 <b>copy attached</b>                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |


Requisition No.: 105122 (Hard copy attached)      Purchase Order No.: 56137

Original contract amount      \$ 174,368  
 Amount(s) added by previous amendment(s)      \$ 0 (if applicable)  
 Amount added by this amendment      \$ 29,643  
 Total contract amount after amendment      \$ 204,011

**Routing and signatures:** All elements of the contract package including information provided above and on the Amendment Data Transmittal form have been reviewed for completeness and accuracy and evidenced by the following signatures:

|                                                                                                                                             |                     |                     |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|
| Kristen Lee                                              | Housing PPMB x 5427 | 1/18/2006           |
| 1. <u></u> Project Manager                               | Dept./Division      | Tel. No.            |
| 2. <u></u> Dept. Admin. Officer or Accounting            |                     | Date <u>1/25/06</u> |
| 3. <u></u> Manager of Engineering (PW construction only) |                     | Date <u>1/18/06</u> |
| 4. <u></u> Department Head                               |                     | Date <u>1/25/06</u> |
| 5. <u></u> Employee Relations Officer                    |                     | Date <u>1/25/06</u> |
| 6. Contract Compliance Officer (Construction only)                                                                                          |                     | Date                |

Routing continues to the following persons, who sign directly on the contract:

- 7. City Manager (Will not sign unless all signatures and dates appear above)
- 8. City Auditor (Initials )
- 9. City Clerk (Initials \_\_\_\_\_)

**RECEIVED**  
**JAN 30 2006**  
**City Auditor**

CMS# RRKBC

**AMENDMENT TO CONTRACT**

THIS CONTRACT is entered into January 15, 2006, between the CITY OF BERKELEY ("CITY"), a Charter City organized and existing under the laws of the State of California, and The Berkeley Boosters Association ("CONTRACTOR"), a non-profit corporation under the laws of the State of California, doing business at P.O. Box 17, Berkeley CA 94701.

WHEREAS, CITY and CONTRACTOR previously entered into Contract Number 6724, dated July 1, 2005, which Contract was authorized by the Berkeley City Council by Resolution No. 62,976 - N.S.; and

WHEREAS, on December 13, 2005 by Resolution No. 63,166-N.S., the Berkeley City Council authorized an amendment of said contract, adding a total of \$29,643; \$10,000 for the Berkeley Guides program and \$19,643 for the BART Escorts program.

THEREFORE, City and Contractor mutually agree to amend said contract as follows:

1. Section 1 is amended to include the services detailed in Exhibit A, which is attached to and made part of this Contract.
2. Section 3 is amended to read as follows:

PAYMENT

For services referred to in Section 1, City will pay Contractor a total amount not to exceed \$ 204,011. City shall make payments to Contractor in accordance with provisions described in Exhibit B, which is attached to and made part of this Contract.

3. In all other respects, the contract dated July 1, 2003, shall remain in full force and effect.

IN WITNESS WHEREOF, City and Contractor have executed this Contract as of the date written on the first paragraph of this Contract.

CITY OF BERKELEY

By *Lino Co*  
Deputy City Manager

THIS CONTRACT HAS BEEN  
APPROVED AS TO FORM BY  
THE CITY ATTORNEY FOR  
THE CITY OF BERKELEY  
6/01

Registered by:

*Ann-Marie Han*  
City Auditor

Attest:

*Wanda*  
Asst. Deputy City Clerk

CONTRACTOR: Berkeley Boosters Association

*David W. Manson, Jr.*  
By: David W. Manson, Jr., Executive Director

**EXHIBIT A**  
**Page 47 of 102**  
**STATEMENT OF WORK PLAN**

(Please TYPE: Use additional sheets if necessary)  
(Services For Berkeley Residents Only)

Agency: Berkeley Boosters Police Activities League

Contract Period: July 1, 2005 – June 30, 2006

Program Title: BART ESCORTS

**A. Brief Program Description [*Primary Goal(s)*]**

**Youth Employment and Public Safety Program**

**Primary goals:**

- 1) Job Training
- 2) Employment Support
- 3) Job Placement
- 4) Public Safety

**B. Scope of Services - Briefly describe each service activity or project to be undertaken.  
(See attached)**

**C. Networking and Merging of Efforts with Other Agencies. (*Quantify planned contacts, referrals, etc., with and/or to specific agencies*)**

Berkeley Police Department – Training  
Inter City Services – Training and Assessment  
BART - Training

## BART Escorts Program Description (Public Safety / Employment Training)

A violent incident in 1995 led to the establishment of this Berkeley Boosters PAL program. A woman was attacked and severely hurt at the North Berkeley BART station. The City of Berkeley approached us for help. We organized the BART Safety Escort program. BART gave us a grant for the purchase of uniforms, radios, and a van, and the City of Berkeley paid for the salaries of the employees. For the last 9 years, we have provided escort services at both the North Berkeley BART station and the Ashby BART station.

This program serves a dual purpose: providing a public safety benefit for Berkeley residents and also a youth employment program for Berkeley residents. We will operate during nine weeks in the winter during daylight savings time (January through March). At each station, we will have 6 people – one adult supervisor and five young people, high school or community college students or other at-risk youth. They will work in pairs, carry flashlights and escort BART patrons from the station to their parked cars or their homes. In this role, they will be equipped with, and trained to use police radios-which put them in direct contact with Police and Fire dispatch. They are able to immediately radio directly to the Public Safety Communications Center in cases of crimes, fires, medical emergencies or other critical needs.

These services will be provided Monday through Friday from 5:30pm to 7:30pm, during the heavy commute hours.

As a result of the dual nature of this program, the BART Escorts actually address several of the priorities outlined in the City Manager's letter to prospective applicants as important unmet needs:

- ❖ Provides healthy youth alternatives
- ❖ Reduces Poverty
- ❖ Ensures public safety

The BART Escorts will be responsible for the establishment and ongoing maintenance of a friendly, approachable presence to improve the feeling of safety and welcomeness at the Ashby and North Berkeley BART stations during the non-daylight savings commute hours. The BART Escorts will participate in training, evaluating and coaching sessions with the Berkeley Guides coordinator, the Berkeley Police Department, and their Supervisor/Job Coach, as well as the Executive Director of the Berkeley Boosters PAL. Their training shall include both employment / employability training as well as job-specific trainings such as conflict resolution, personal safety, verbal de-escalation, and customer service skills. They shall maintain accurate and complete records of their daily activities. They will be responsible to maintain the daily log book of incidents, events, contacts, and escorts. When appropriate, they shall refer individuals in need of services to the appropriate city or public service agency, and will initiate police intervention backup when necessary. *Berkeley Guides* will provide special attention to vulnerable groups such as children, older adults and disabled persons.

As an employment and job readiness program for Berkeley residents between 14 and 24, the BART Escorts program will also provide its participants with a meaningful job training experience. Not only will this serve as a means of providing gainful employment, but also serve as an entryway into other meaningful employment and career opportunities.

Since the State of California's Employment Development Department's Labor Market Information Division has identified that most new job growth will be in Health Care and Social Assistance, Retail Trade and Accommodation and Food Services, we will tailor our training towards skills that are valuable in those fields. We will spend one week prior and one week after the official start of BART Escort services providing vocational assessment tests, pre-employment training, and post-employment job search, resume building, networking training, and job placement assistance. Following U.S. Department of Labor recommendations that "proven techniques for developing improved employment outcomes for young people...includes four core areas: Preparatory Experiences, Connecting Activities, Work-Based Experiences and Leadership Development," our program plan includes activities designed to address each of these.



Our pre-session Training Week addresses the need to provide a meaningful Preparatory Experience. Drawing upon our years of experience providing team-building experiences that deepen the nature of interpersonal relationships among Police Officers and young people, we will provide participants with a full-day ropes course during our Training Week that will include trust-building and team-building activities with their supervisors and Police Department trainers. In addition, participants will be given a learning skills inventory and vocational assessment test. Results will be shared with the participants to help them begin to develop an understanding of their own unique skill sets. Connecting Activities will take place during the five-month course of our program. In addition to their regular contacts with positive adult role models serving as their supervisors (our BART Escorts supervisors are both long-time City of Berkeley employees within the Berkeley Police Department's Parking Enforcement Division and have been with us for the past four years), we will also provide once monthly social activities to reinforce their sense of teamwork and community.

The outcomes for the project fall under the City of Berkeley category of Employment:

- ❖ TRAINING:
  - By June 30, 2006, 10 (10) clients will have achieved marketable employment skills as evidenced by pre- and post-tests, and/or job placement.
- ❖ JOB PLACEMENT:
  - By June 30, 2006, ten (10) clients will have secured employment as evidenced by pay stubs.
- ❖ SUPPORT:
  - By June 30, 2006, ten (10) clients obtained continued employment training and/or placement assistance through ongoing Berkeley Boosters PAL staff support, as well as use of One Stop Career Center services, as evidenced by attendance sign-in sheets.

D. Service Activities (*Berkeley Residents Only Who Meet Income Guidelines – 200 percent of Poverty Level Only for CSBG/GF, or Those Who Receive TANF or SSI or Who Have a Disability.*) - The following indicates planned number of times a client will receive a service, and the planned number of clients to be served. A client is to be recorded only once during the program year; however, that same client may receive other types of services during the year. The Service Measure (s) should indicate, in a few words, the measurable unit of contact (e.g., bed nights, hours, sessions, classes, etc.)

| Services Activity                       | Service Measure | Planned Quarterly      |                  | Planned Annually       |                  |
|-----------------------------------------|-----------------|------------------------|------------------|------------------------|------------------|
|                                         |                 | * # of Client Contacts | # of New Clients | * # of Client Contacts | # of New Clients |
| Job Training                            | Hours           | 5                      | 10               | 5                      | 10               |
| Vocational Skills / Aptitude Assessment | Hours           | 2                      | 10               | 2                      | 10               |
| Employability Skills Training           | Hours           | 2                      | 10               | 2                      | 10               |
| Resume Building Skills Workshop         | Hours           | 2                      | 10               | 2                      | 10               |
|                                         |                 |                        |                  |                        |                  |
|                                         |                 |                        |                  |                        |                  |
|                                         |                 |                        |                  |                        |                  |
|                                         |                 |                        |                  |                        |                  |

**INCOME LIMITS FOR POVERTY, VERY LOW INCOME AND LOW INCOME FAMILIES -- 2005**

| Household Size →      | Person |        |        |        |        |        |        |        |
|-----------------------|--------|--------|--------|--------|--------|--------|--------|--------|
|                       | 1      | 2      | 3      | 4      | 5      | 6      | 7      | 8      |
| Poverty Level         | 9,570  | 12,830 | 16,090 | 19,350 | 22,610 | 25,870 | 29,130 | 32,390 |
| 200% of Poverty       | 19,140 | 25,660 | 32,180 | 38,700 | 45,220 | 51,740 | 58,260 | 64,780 |
| Very Low (50% of AMD) | 29,000 | 33,100 | 37,250 | 41,400 | 44,700 | 48,000 | 51,350 | 54,650 |
| Low (80% of AMD)      | 46,350 | 53,000 | 59,600 | 66,250 | 71,550 | 76,850 | 82,150 | 87,450 |

\* N/A if meeting with monitor indicates.

Page 4 of 9

1. Total number of clients with disabilities to be served: 0
2. Total number of homeless clients to be served: 0
3. Total number of Female Heads of Household to be served: 0
4. Total number of clients residing in the Target Area to be served: 10
5. Total number of clients not residing in the Target Area to be served: 0

G. Agency Fee Schedule - (*if applicable, attach copy*) N/A

H. Briefly Describe Method for Verification of Client Income Eligibility:

Self-Reported through intake forms and verified via collection of tax returns or paystubs

I. Specify the outcomes to be achieved by this contract. (Refer to *City-Wide Outcomes*.)

❖ TRAINING:

- By June 30, 2006, 10 (10) clients will have achieved marketable employment skills as evidenced by pre- and post-tests, and/or job placement.

❖ JOB PLACEMENT:

- By June 30, 2006, ten (10) clients will have secured employment as evidenced by pay stubs.

❖ SUPPORT:

- By June 30, 2006, ten (10) clients obtained continued employment training and/or placement assistance through ongoing Berkeley Boosters PAL staff support, as well as use of One Stop Career Center services, as evidenced by attendance sign-in sheets.

# WORK PLAN – BART ESCORTS

List key activities for the period January 1, 2006 – June 30, 2006 for each major component or service. Complete and submit one Workplan sheet per program/project. Include number of new participants expected to be served each month, number of participant contacts, project phases, significant events, milestones, or construction deadlines as appropriate.

PROGRAM BART Escorts

(NOTE: Total number of participants to be served is ALWAYS 12, with one exception: Escorts Provided. the figures that are provided below indicate the number of participant contacts)

| Component/Service                                                              | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | March | April | May | June | Total |
|--------------------------------------------------------------------------------|------|-----|------|-----|-----|-----|-----|-----|-------|-------|-----|------|-------|
| Vocational Skills Assessment                                                   |      |     |      |     |     |     | 1   |     |       |       |     |      | 2     |
| Learning Styles Inventory                                                      |      |     |      |     |     |     | 1   |     |       |       |     |      | 1     |
| Employment / Employability Training                                            |      |     |      |     |     |     | 5   |     |       | 5     |     |      | 10    |
| Work-Based Experiences                                                         |      |     |      |     |     |     | 2   | 20  | 23    |       |     |      | 94    |
| Police Safety Training                                                         |      |     |      |     |     |     | 2   |     |       |       |     |      | 8     |
| Support Programs Interface (One Stop Career Center, Inner-City Services, etc.) |      |     |      |     |     |     | 1   |     |       | 1     |     |      | 3     |

100  
9  
10  
11

**PROPOSED BENEFICIARIES – BART Escorts**

Please report the total number of participants residing in Berkeley to be served with this funding request during the period July 1, 2005 – June 30, 2006.

- 10 Total number of Berkeley residents the project will serve from July 1, 2005 – June 30, 2006. (estimate)
- 3 200% of Poverty or below (see chart below)
- 5 50% of Area Median Income (AMI) or below
- 2 80% of Area Median Income (AMI) or below

| Income Level    | 1 Person | 2 Person | 3 Person | 4 Person | 5 Person | 6 Person | 7 Person | 8 Person |
|-----------------|----------|----------|----------|----------|----------|----------|----------|----------|
| 200% of Poverty | 18,620   | 24,980   | 31,340   | 37,700   | 44,060   | 50,420   | 56,780   | 63,140   |
| 50% of AMI      | 29,000   | 33,100   | 37,250   | 41,400   | 44,700   | 48,000   | 51,350   | 54,650   |
| 80 % of AMI     | 46,350   | 53,000   | 59,600   | 66,250   | 71,550   | 76,850   | 82,150   | 87,450   |

**Target Population and Outreach:** Describe the population(s) targeted (e.g., youth, seniors, disabled, homeless) and your planned outreach to them.

The list of proposed beneficiaries of the BART Escorts service is to indicate the number of youth employees ages 14-24 ONLY that this program will serve. THIS FIGURE DOES NOT INCLUDE THE NUMBER OF BERKELEY RESIDENTS THAT WILL BE SERVED THROUGH THE PUBLIC SAFETY BENEFIT OF THIS PROGRAM WITH ESCORTS TO THEIR CARS OR HOMES. We have not included that estimate, because there is no way for us to accurately determine the level of income for those Berkeley residents. However, in the past, over a five-month period, we have averaged 630 total escorts for the past three years.

We will be targeting teens and young adults that are primarily residents of the South and West Berkeley areas. Our outreach efforts to recruit the appropriate youth to our program will include collaborating with other youth serving agencies such as Berkeley Youth Alternatives, the Young Adult Project, EBAYC R.I.S.E., Berkeley Alternative High School, and others to alert their participants about the program. In addition, we will also outreach through the faith community in South and West Berkeley and ask various spiritual leaders to inform their congregations about this opportunity.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

1. Contractor shall provide the City with job descriptions of all of the employees' positions funded under this Contract, as listed in Exhibit B, Composite Program Budget.
2. Contractor shall provide the City with a list of authorized signatories for the Contractor's Advance Payment Request or Invoice and Quarterly Statement of Expense (or other cost documentation, as required by contracting department).

# WORK PLAN – BERKELEY GUIDES

List key activities for the period July 1, 2005 – June 30, 2006 for each major component or service. Complete and submit one Workplan sheet per program/project. Include number of new participants expected to be served each month, number of participant contacts, project phases, significant events, milestones, or construction deadlines as appropriate.

PROGRAM Berkeley Guides

Page 55 of 102

| Component/Service                                                                                             | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | March | April | May | June | Total |
|---------------------------------------------------------------------------------------------------------------|------|-----|------|-----|-----|-----|-----|-----|-------|-------|-----|------|-------|
| Escorts                                                                                                       | 7    | 7   | 7    | 7   | 7   | 7   | 5   |     |       |       |     |      | 42    |
| Assistance / Directions                                                                                       | 80   | 80  | 80   | 80  | 80  | 80  | 60  |     |       |       |     |      | 480   |
| Intervention in Problematic Street Behaviors (Aggressive Panhandling / Mental Health Issues / Altercations)   | 40   | 40  | 40   | 40  | 40  | 40  | 25  |     |       |       |     |      | 240   |
| Respond to Merchant Calls                                                                                     | 40   | 40  | 40   | 40  | 40  | 40  | 25  |     |       |       |     |      | 240   |
| Meet with Downtown Partners (DBA, BPD, Mental Health, Visitor & Convention Bureau)                            | 21   | 21  | 21   | 21  | 18  | 16  | 10  |     |       |       |     |      | 118   |
| Provide public safety presence at Berkeley events (Front Row Festival, Farmer's Market, Arts District Events) | 4    | 5   | 4    | 8   | 8   | 8   | 5   |     |       |       |     |      | 37    |

**COMMUNITY AGENCY  
EXHIBIT B  
COMPOSITE PROGRAM BUDGET  
REVENUE & EXPENSE SUMMARY**

| BERKELEY GUIDES                            |                  | Period 1/1/06-6/30/06    |                     |              |
|--------------------------------------------|------------------|--------------------------|---------------------|--------------|
| Contractor: Berkeley Boosters Assoc./PAL   |                  | APPROPRIATE REQUIREMENTS |                     |              |
| SOURCES OF FUNDS                           | TOTAL            | Expenditure Categories   |                     |              |
| Revenue Categories                         |                  | Salaries & Benefits      | Services & Supplies | Fixed Assets |
| <b>I. CITY OF BERKELEY ALLOCATED FUNDS</b> |                  |                          |                     |              |
| A. CDBG                                    | \$ -             |                          |                     |              |
| B. ESG                                     | \$ -             |                          |                     |              |
| C. CSBG                                    | \$ -             |                          |                     |              |
| D. General Funds                           | \$ 29,643        | 25,328                   | 4,315               |              |
| E. Measure "E"                             | \$ -             |                          |                     |              |
| F. Others, Specify: S+C                    | \$ -             |                          |                     |              |
| <b>Sub-Totals</b>                          | <b>\$ 29,643</b> | <b>\$ 25,328</b>         | <b>\$ 4,315</b>     | <b>\$ -</b>  |
| <b>II. OTHER SOURCES OF FUNDS</b>          |                  |                          |                     |              |
| A. Federal                                 | \$ -             |                          |                     |              |
| B. State                                   |                  |                          |                     |              |
| 1. Education                               | \$ -             |                          |                     |              |
| 2. Family Planning                         | \$ -             |                          |                     |              |
| 3. Prop 99                                 | \$ -             |                          |                     |              |
| 4. Other: Specify                          | \$ -             |                          |                     |              |
| 5. Other: Specify                          | \$ -             |                          |                     |              |
| <b>Federal &amp; State Sub-Totals</b>      | <b>\$ -</b>      | <b>\$ -</b>              | <b>\$ -</b>         | <b>\$ -</b>  |
| C. Other Local (Redevelopment/Rent Board)  | \$ -             |                          |                     |              |
| D. County                                  | \$ -             |                          |                     |              |
| E. Patient/Client Fees/                    | \$ -             |                          |                     |              |
| F. Private/Foundations/Corporations        | \$ -             |                          |                     |              |
| G. Fundraising Activity/Inkind             | \$ -             |                          |                     |              |
| H. Miscellaneous/Other Local Gov.          | \$ -             |                          |                     |              |
| <b>Other Sub-Totals</b>                    | <b>\$ -</b>      | <b>\$ -</b>              | <b>\$ -</b>         | <b>\$ -</b>  |
| <b>GRANT TOTAL</b>                         | <b>\$ 29,643</b> | <b>\$ 25,328</b>         | <b>\$ 4,315</b>     | <b>\$ -</b>  |



**Community Agency**  
 Composite Program Budget  
 Revenue Sources & Expenditure Categories Detail  
 (Services Provided to Berkeley Residents Only)

Exhibit B  
 Page 2 of \_\_\_\_\_

| Contractor: Berkeley Boosters Association |         | Contract Service Category |                 | Period 1/1/06-6/30/06 |                    | Contract Number |                  |
|-------------------------------------------|---------|---------------------------|-----------------|-----------------------|--------------------|-----------------|------------------|
| Expenditure Categories                    |         |                           |                 |                       |                    |                 |                  |
| <b>PROJECTS</b>                           |         |                           |                 |                       |                    |                 |                  |
| Salary & Wages Position/Title             | (*) FTE | Annual Salary             | #1 BART Escorts |                       | #2 Berkeley Guides |                 | Total            |
|                                           |         |                           | (*) FTE         | Amount                | (*) FTE            | Amount          |                  |
| Executive Director                        | 1.00    | 56,000                    | 3%              | 1,450                 | 1%                 | 600             | \$ 2,050         |
| Administrative Director                   | 1.00    | 42,500                    | 3%              | 1,450                 | 1%                 | 400             | \$ 1,850         |
| Coordinator                               | 1.00    | 36,565                    | 0%              |                       | 8%                 | 3,000           | \$ 3,000         |
| Supervisors (2)                           | 1.00    | 2,800                     | 100%            | 2,800                 | 0%                 |                 | \$ 2,800         |
| Senior GUIDE                              | 0.40    | 33,042                    | 0%              |                       | 6%                 | 2,000           | \$ 2,000         |
| Part Time GUIDE                           | 0.20    | 20,000                    | 0%              |                       | 4%                 | 800             | \$ 800           |
| Part Time Escorts                         | 0.10    | 6,750                     | 100%            | 6,750                 | 0%                 |                 | \$ 6,750         |
| Accounting                                |         | 4,000                     | 9%              | 350                   | 1%                 | 32              | \$ 382           |
| <b>Page Sub-Totals</b>                    |         |                           |                 | <b>\$ 12,800</b>      | <b>0.21</b>        | <b>\$ 6,832</b> | <b>\$ 19,632</b> |
|                                           |         |                           | <b>2.15</b>     |                       | <b>0.00</b>        |                 | <b>\$ -</b>      |

**Community Agency**  
 Composite Program Budget  
 Expenditure Categories & Benefits Detail  
 (Services Provided to Berkeley Residents Only)

Page 3 of 4

| Expenditure Categories               |         | #1 BART Escorts |         | #2 Berkeley Guides |         | #3       |         | Total     |
|--------------------------------------|---------|-----------------|---------|--------------------|---------|----------|---------|-----------|
| Salary & Wages Position/Title        | (* FTE) | Annual Salary   | (* FTE) | Amount             | (* FTE) | Amount   | (* FTE) | Amount    |
| <b>Salary Sub-Total</b>              |         |                 | 2.15    | \$ 12,800          | 0.21    | \$ 6,832 | 0.00    | \$ 19,632 |
| <b>Benefits</b>                      |         |                 |         |                    |         |          |         |           |
| FICA 6.2% up to \$84,900             |         |                 | 12%     | 1,536              | 12%     | 816      |         | \$ -      |
| Medi-care 1.45% unlimited            |         |                 | 14%     | 1,792              | 14%     | 952      |         | \$ -      |
| Workers Comp                         |         |                 |         | 300                |         | 300      |         | \$ 2,352  |
| Health Insurance                     |         |                 |         |                    |         |          |         | \$ 2,744  |
| Dental Insurance                     |         |                 |         |                    |         |          |         | \$ 600    |
| Other:                               |         |                 |         |                    |         |          |         | \$ -      |
| <b>Benefits Sub-Total</b>            |         |                 |         | \$ 3,628           |         | \$ 2,068 |         | \$ 5,696  |
| <b>Salaries &amp; Benefits Total</b> |         |                 |         | \$ 16,428          |         | \$ 8,900 |         | \$ 25,328 |

**Community Agency**  
 Composite Program Budget  
 Revenue Sources & Expenditure Categories Detail  
 (Services Provided to Berkeley Residents Only)

Exhibit B  
 Page 4 of \_\_\_\_\_

| Expenditure Categories (CDBG, ESG, General Fund, CSBG) | #1 BART Escort | #2 Berkeley Guides | #3   | Total     |
|--------------------------------------------------------|----------------|--------------------|------|-----------|
| <b>PROJECTS / PROGRAMS</b>                             |                |                    |      |           |
| <b>Services &amp; Supplies</b>                         |                |                    |      |           |
| Rent                                                   | 350            | 50                 |      | \$ 400    |
| Utilities                                              | 200            | 50                 |      | \$ 250    |
| Insurance                                              | 750            | 200                |      | \$ 950    |
| Telephone                                              | 150            | 350                |      | \$ 500    |
| Postage                                                | 150            | 50                 |      | \$ 200    |
| Printing                                               | 500            | 250                |      | \$ 750    |
| Travel                                                 |                |                    |      | \$ -      |
| Supplies                                               |                | 50                 |      | \$ 50     |
| Other: Equipment                                       | 1,115          | 100                |      | \$ 1,215  |
| Other:                                                 |                |                    |      | \$ -      |
| <b>Services &amp; Supplies Sub-Total</b>               | \$ 3,215       | \$ 1,100           | \$ - | \$ 4,315  |
| Fixed Assets                                           |                |                    |      | \$ -      |
| <b>Fixed Assets Sub-Total</b>                          | \$ -           | \$ -               | \$ - | \$ -      |
| <b>Salaries &amp; Benefits Sub-Total</b>               | \$ 16,428      | \$ 8,900           | \$ - | \$ 25,328 |
| <b>Total Budget</b>                                    | \$ 19,643      | \$ 10,000          | \$ - | \$ 29,643 |

# ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/28/2005

PRODUCER (661) 327-3111 FAX (661) 327-1262

Thomas E Mestmaker Ins & Assoc  
c/o Wilson, Paves & Assoc  
2300 Bahamas Drive  
Bakersfield CA 93309

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED  
Berkeley Boosters Association PAL  
PO Box 17  
Berkeley CA 94701

|                                    |        |
|------------------------------------|--------|
| INSURERS AFFORDING COVERAGE        | NAIC # |
| INSURER A: Lexington Ins Company   |        |
| INSURER B: National Union Fire Ins |        |
| INSURER C:                         |        |
| INSURER D:                         |        |
| INSURER E:                         |        |

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR ADD'L LTR | INSRD | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                                                                                                      | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS                                                                                                                                                                                                                                     |
|----------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A              |       | <b>GENERAL LIABILITY</b><br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> Sexual Abuse<br><input checked="" type="checkbox"/> Limit \$100,000<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | 4194471       | 1/1/2006                         | 1/1/2007                          | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000<br>MED EXP (Any one person) \$ excluded<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 1,000,000 |
|                |       | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS<br><input type="checkbox"/> NON-OWNED AUTOS                                                                                                                                                                           |               |                                  |                                   | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                                                                                            |
|                |       | <b>GARAGE LIABILITY</b><br><input type="checkbox"/> ANY AUTO                                                                                                                                                                                                                                                                                                                                                           |               |                                  |                                   | AUTO ONLY - EA ACCIDENT \$<br>OTHER THAN EA ACC \$<br>AUTO ONLY AGG \$                                                                                                                                                                     |
|                |       | <b>EXCESS/UMBRELLA LIABILITY</b><br><input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE<br><input type="checkbox"/> DEDUCTIBLE<br><input type="checkbox"/> RETENTION \$                                                                                                                                                                                                                                |               |                                  |                                   | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$<br>\$<br>\$                                                                                                                                                                                       |
|                |       | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?<br>If yes, describe under SPECIAL PROVISIONS below                                                                                                                                                                                                                                                   |               |                                  |                                   | <input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER<br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                    |
| B              |       | <b>OTHER</b><br>Accident Medical                                                                                                                                                                                                                                                                                                                                                                                       | SRG9101690    | 1/1/2006                         | 1/1/2007                          | Limit \$50,000<br>Deductible \$50.00<br>Per Occurrence                                                                                                                                                                                     |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS  
 City of Berkeley Its Officers, Agents, Volunteers and Employees are named as Additional Insured with respects to the General Liability and only with regards to the operations of the Named Insured.\* non payment of premium will result in a 10 day notice of cancellation

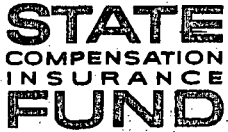
## CERTIFICATE HOLDER

City of Berkeley  
Its Officers, Agents, Volunteers and Employees  
2180 Milvia Street  
Berkeley, CA 94704

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  
Mike Wilson/RP



P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 01-01-2006

GROUP: 000380
POLICY NUMBER: 000609-2006
CERTIFICATE ID: 13
CERTIFICATE EXPIRES: 01-01-2007
01-01-2006/01-01-2007

CITY OF BERKELEY NB
PARKS & RECREATION C/O MARK SELEZNOW
2180 MILVIA ST
BERKELEY CA 94704

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

[Signature]

AUTHORIZED REPRESENTATIVE

[Signature]

PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE.

ENDORSEMENT #2065 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 01-01-1999 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

EMPLOYER

BERKELEY BOOSTERS ASSOCIATION (A NON PROFIT CORP.)
PO BOX 17
BERKELEY CA 94701

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/4/2006

PRODUCER (661) 327-3111 FAX (661) 327-1262  
 Thomas E Mestmaker Ins & Assoc  
 c/o Wilson, Paves & Assoc  
 2300 Bahamas Drive  
 Bakersfield CA 93309

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED  
 Berkeley Boosters Association PAL  
 PO Box 17  
 Berkeley CA 94701

6724A

| INSURERS AFFORDING COVERAGE        | NAIC # |
|------------------------------------|--------|
| INSURER A: Lexington Ins Company   |        |
| INSURER B: National Union Fire Ins |        |
| INSURER C:                         |        |
| INSURER D:                         |        |
| INSURER E:                         |        |

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | ADD'L INSRD | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                                                                          | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS                                                                                                                                                                                                                                    |
|----------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        |             | GENERAL LIABILITY                                                                                                                                                                                                                                                                                                                                                                          | 4194471       | 1/1/2006                         | 1/1/2007                          | EACH OCCURRENCE \$ 1,000,000                                                                                                                                                                                                              |
|          |             | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> Sexual Abuse<br><input checked="" type="checkbox"/> Limit \$100,000<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |               |                                  |                                   | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000<br>MED EXP (Any one person) \$ excluded<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 1,000,000                                |
|          |             | AUTOMOBILE LIABILITY                                                                                                                                                                                                                                                                                                                                                                       |               |                                  |                                   | COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                                                                                           |
|          |             | GARAGE LIABILITY                                                                                                                                                                                                                                                                                                                                                                           |               |                                  |                                   | AUTO ONLY - EA ACCIDENT \$<br>OTHER THAN AUTO ONLY: EA ACC \$<br>AGG \$                                                                                                                                                                   |
|          |             | EXCESS/UMBRELLA LIABILITY                                                                                                                                                                                                                                                                                                                                                                  |               |                                  |                                   | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$<br>\$<br>\$                                                                                                                                                                                      |
|          |             | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                                                                                                                                                                                                                                                                                                              |               |                                  |                                   | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?<br>If yes, describe under SPECIAL PROVISIONS below<br>WC STATUTORY LIMITS<br>OTH-ER<br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$ |
| B        |             | OTHER<br>Accident Medical                                                                                                                                                                                                                                                                                                                                                                  | SRG9101690    | 1/1/2006                         | 1/1/2007                          | Limit \$50,000<br>Deductible \$50.00<br>Per Occurrence                                                                                                                                                                                    |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS  
 City of Berkeley Its Officers, Agents, Volunteers and Employees are included as Additional Insureds with respects to the General Liability and only with regards to the operations of the Named Insured. \*CANCELLATION FOR NON PAYMENT WILL RESULT IN A TEN DAY NOTICE.

## CERTIFICATE HOLDER

## CANCELLATION

City of Berkeley, Its Officers, Agents  
 Volunteers and Employees  
 2180 Milvia Street  
 Berkeley, CA 94704

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.  
 AUTHORIZED REPRESENTATIVE  
 Mike Wilson/RP

## IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

RESOLUTION NO. 57,737 -N.S.

**AUTHORIZING FUNDING FOR THE RESPECT PROGRAM ESCORT SERVICE AT THE NORTH AND SOUTH BERKELEY BART STATIONS DURING EVENING COMMUTE HOURS FOR THE PERIOD NOVEMBER 1 THROUGH DECEMBER 31, 1994, AND EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH BERKELEY BOOSTERS AND BREAK THE CYCLE TO INCLUDE THESE SERVICES**

**BE IT RESOLVED** by the Council of the City of Berkeley as follows:

That the City Manager is hereby authorized to provide funding for the RESPECT Program Escort Service at the North and South Berkeley BART Stations during evening commute hours for the period November 1 through December 31, 1994 in an amount not to exceed \$15,000, to escort commuting residents to their cars and homes and to assist in forming groups of residents to walk with one another to their destinations; and that during this time the City Manager shall (1) contact BART regarding sharing of financial support and (2) present to the Council the results of a program evaluation and a recommendation regarding the continuance of the service.

**FURTHER RESOLVED** that the City Manager is authorized to execute an amendment to the agreement with Berkeley Boosters and Break the Cycle to cover these services; a record signature copy of the amendment to be filed in the Office of the City Clerk.



Copies sent 11/4/94

To: Health & Human Services  
City Manager  
Independent Task Force  
on Homelessness

RESOLUTION

No. 57,737 N.S.

Dated November 1, 1994

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Collignon, Dean, Maio, Olds, Shirek, Spring, Wainwright,  
Woodworth and President Leiter.

Noes: None.

Abstaining: None.

Absent: None.

JEFFREY S. LEITER  
Mayor and President of the Council

Attest: SHERRY M. KELLY  
City Clerk and Clerk of the Council

MINUTES  
BERKELEY CITY COUNCIL  
REGULAR MEETING

November 1, 1994

Section A. Preliminary Matters

1. Roll Call: 7:08 p.m.

**Present:** Councilmembers Collignon, Dean, Maio, Olds, Shirek, Spring, Wainwright, Woodworth, President Leiter and Acting City Manager Rucker.

**Absent:** None.

2. Ceremonial Matters:

a. Presentation of the Meritorious Service Award from the California Emergency Services Association to the Hills Emergency Forum.

b. Proclamation proclaiming the week of November 13 through November 20, 1994 as Ecology Center Week in honor of the Ecology Center's 25th Anniversary.

c. Proclamation in observation of Diwali, the Indian New Year.

3. Comments From The Public: 11 speakers heard.

**Comments from:** Bert J. Mondino, 3010 Shattuck; Carolyn Erbele, 1711 Channing; John Roberts, 2927 Newbury Street; Clifford Fred, 1334 Peralta Avenue; William Rentz, 2262 Summer Street; John Yellen, P. O.Box 13531; Mark Liolios, 1846 Parker Street; John Raina, Jr., 1455 Stannage Avenue; Nancy Bickel, 1522 Summit; Dan Craig, 2230 Shattuck Avenue; Arash Davallon, 2601 Channing Way #309.

4. Consent Calendar: Various actions to remove, withdraw, and/or continue items as noted in specified sections.

5. Report-Closed Session: No report

Section B. Action On Minutes

Meeting of October 4 (spec. closed) and October 4 (reg.), 1994

Action: Approved Minutes of October 4, 1994 regular meeting. Continued Closed Session minutes to next meeting.

**Motion:**

Moved, seconded, carried (Wainwright/Spring) to take the action shown above.

Section D. Consent Calendar

The Second Reading of Ordinances was moved to the Consent Calendar by Councilmember Collignon, moved for adoption by Councilmember Wainwright and seconded by Councilmember Woodworth, and adopted by unanimous vote of the Council unless otherwise stated:

1. **Amending Section 5 of Ordinance No. 5061-N.S. Transfer Tax (Section 7.52.060 of the Berkeley Municipal Code), to extend the time limit on the completion of seismic work for purposes of the seismic retrofit exemption.**  
Action: Adopted Ordinance No. 6262-N.S. Effective: December 1, 1994
2. **Authorizing the City of Berkeley to vacate a 5-foot wide sewer easement located at 1197 Cragmont and authorizing the execution of related quitclaim deed to Douglas and Patricia Hill.**  
Action: Adopted Ordinance No. 6263-N.S. Effective: December 1, 1994

Section D. Consent Calendar

The Consent Calendar was moved by Councilmember Wainwright, seconded by Councilmember Woodworth, and adopted by unanimous vote of the Council unless otherwise stated:

(a) From City Manager:

1. **Needle Exchange Emergency Distribution**  
Recommendation: Adopt a Resolution reviewing and confirming the continued existence of a local emergency with regard to HIV transmission from use of HIV-infected needles among injection drug users, and authorizing the Director of Public Health to take steps to enable the operation of needle exchange emergency distribution. Expense: None  
Action: Adopted Resolution No. 57,733 -N.S.

2. **Contract: X-Rays And Laboratory Services**  
Recommendation: Adopt a Resolution authorizing a contract with Alta Bates Medical Center for X-rays and laboratory services for calendar years 1993 and 1994; and authorizing execution of any amendments.  
Expense: Not to exceed \$17,500 per each contract year  
Action: Adopted Resolution No. 57,734-N.S.
3. **Contract: Sanitary Sewer Replacement Project**  
Recommendation: Adopt a Resolution approving the Plans and Specifications for Sanitary Sewer Replacement Project Sub-Basin 11-107A at Santa Barbara Road, Indian Rock Avenue, Shattuck Avenue and Visalia Avenue; accepting the bid and awarding a contract to Woods Construction Company. Expense: \$529,511  
Action: Adopted Resolution No. 57,735-N.S.
4. **Application: PG&E Energy Advantage Program**  
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application to the PG&E Energy Advantage Program for participation in its energy efficiency project support and low-cost financing program and accept funds, if awarded, and execute the resultant agreement and any amendments.  
Revenue: Annual Net Savings: \$53,000 after Loan Repayment in year 6 of the Agreement.  
Action: Adopted Resolution No. 57,736-N.S.

(b) From Mayor and Council:

1. **Trash Pick Up Time On Bowditch And Channing**  
From: Councilmember Carla Woodworth  
Recommendation: That Council direct the City Manager to modify pick-up times on Bowditch and Channing at the request of the residents. Expense: None  
Action: Approved recommendation.
2. **Funding For RESPECT Escort Service For Two Months**  
From: Councilmembers Linda Maio, Maudelle Shirek and Mayor Jeffrey Leiter  
Recommendation: That Council provide two months of funding for the RESPECT Program Escort Service at North Berkeley and South Berkeley BART stations during the evening commute hours to escort commuting residents to their cars and homes, and to assist in forming groups of residents to walk with one another to their destinations, during which time the City Manager will 1) contact BART regarding sharing of financial support ; and 2) present to the Council the results of a program evaluation and a recommendation regarding the continuance of the service  
Action: Approved recommendation. Adopted Resolution No. 57,737-N.S.

(c) From Others:

1. **Review Of Sanitary Sewer Fund Billing**

From: City Auditor Anna Rabkin

Recommendation: That Council request report back by January 31, 1995 on implementation of audit recommendations to collect over \$3 Million estimated owing to the Sanitary Sewer Fund. Revenue: Estimated owing \$3,050,000 to \$3,335,000

Contact: Anna Rabkin, City Auditor, 644-6440

a. **City Manager Report For Information**

Action: Removed from Consent Calendar for discussion by Councilmember Dean. Approved recommendation. Requested the City Manager report back regarding possible exemptions for businesses impacted negatively by work on sewer reconstruction.

**Motion:**

Moved, seconded, carried (Dean/Collignon) to take the action shown above.

2. **Review Of Engineering Permittee's Compliance With Business License Requirements**

From: City Auditor Anna Rabkin

Recommendation: That Council request the City Manager to report by February 1995 on implementation of procedures at permit issuing offices to ensure equitable compliance with the Business License Tax Ordinance.

Action: Approved recommendation.

Section F. Continued or Uncompleted Items

(a) From City Manager:

1. **Allocation of \$60,000 Repaid By Redevelopment Agency Under Repayment Agreement For 3000 Block Of Sacramento Street To Housing Trust Fund (Continued from 10/4/94, Item G(a)1)**

Recommendation: Adopt a Resolution which 1) approves allocation of funds repaid by the Agency under the Repayment Agreement for the 3000 Block of Sacramento Street Project to the Housing Trust Fund and 2) directs the City Manager to include allocation to the Housing Trust Fund in the next amendment to the Appropriation Ordinance for Fiscal Year 94-95. Expense: \$60,000

Action: Moved to Consent Calendar by Councilmember Dean. Adopted Resolution No. 57,738-N.S.

2. **Reduction Of Interest Rate On Loan From The City To The Redevelopment Agency For Development Of The 3000 Block Of Sacramento Street (CR#93-086) (Continued from 10/4/94)**  
Recommendation: Adopt a Resolution authorizing City Manager to amend the Repayment Agreement between the City and the Redevelopment Agency for development of the 3000 Block of Sacramento Street to reduce the interest rate charged by the City. Repayment to the General Fund: \$555,629  
Contact: Neil Mayer, Community Development, 644-6073  
Action: Moved to Consent Calendar by Councilmember Dean. Adopted Resolution No. 57,739-N.S.

(b) From Mayor and Council:

1. **Allocation Of Funds For The Ohlone Mural (Continued from 10/25/94, Item D(b2))**  
From: Councilmember Dona Spring  
Recommendation: That Council allocate the \$3,000 approved in the 1994-95 budget (from Measure AA Funds) for the Ohlone Mural (work in progress) to commemorate the Ohlone Indians in Ohlone Park. Expense: \$3,000 has already been allocated and does not involve additional funds.
  - a. City Manager Oral Report  
Action: Moved to Consent Calendar by Councilmember Spring. Approved recommendation. Adopted Resolution 57,740-N.S.

#### Section G. Reports For Action

(a) From City Manager:

1. **Contract: Lenny Goldberg & Associates**  
Recommendation: That Council decide whether it wishes to continue its contract with Lenny Goldberg & Associates for legislative representation on rent control issues and if so, adopt a Resolution authorizing execution of a contract amendment extending the term to September 15, 1995. Expense: \$13,200 from salary savings  
Action: All motions failed. No Action taken.  
**Motion:**  
Prior to discussion of this item, Mayor Leiter recused himself due to conflict of interest, and turned over the chair to Vice Mayor Collignon.  
Councilmember Maio inquired of the City Attorney regarding her potential conflict of interest. The City Attorney indicated a formal advice letter would have to be obtained from the Fair Political Practices Commission (FPPC) in Sacramento; that Councilmembers Maio and Wainwright had the option to participate pending receipt of an opinion from the FPPC. Councilmember Maio stated she would like to wait for the FPPC opinion.  
Moved, seconded, failed (Maio/Woodworth) to continue the item until a formal opinion from the FPPC has been obtained. (Ayes - Maio, Shirek, Spring, Woodworth; Noes - Collignon, Dean, Olds, Wainwright; Abstaining - Leiter)  
Moved, seconded (Olds/Dean) not to continue the contract and wait until there

is some issue on rent control proposed in Sacramento and then select a consultant on a monthly basis.

Upon further discussion, Councilmember Dean added an amendment, to refer this issue back to the Rent Stabilization Office.

Upon call of the roll, the motion failed. (Ayes - Collignon, Dean, Olds; Noes - Shirek, Spring, Woodworth; Abstaining - Maio, Wainwright, Leiter)

2. **Contract: Provision Of Licensed Drug/Alcohol Social Model Residential Recovery Home Bed Days To Individuals Referred By Berkeley Mental Health**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Bi-Bett Corporation, for the provision of 1,095 licensed drug/alcohol social model residential recovery home bed days to individuals referred by Berkeley Mental Health from December 1, 1994 through November 30, 1995, and authorizing a two-month advance payment. Expense: \$50,000  
**Action:** Adopted Resolution No. 57,741-N.S.  
**Motion:**

Moved, seconded (Olds/Wainwright) to renegotiate this contract so that clarity can be obtained in the bidding process and Berkeley businesses will have a chance to be considered; that the item be brought back for reconsideration.

Moved, seconded, carried (Collignon/Maio) a substitute motion, to approve the City Manager's recommendation. (Noes - Olds)

3. **Presentation And Adoption Of The Proposed Downtown Berkeley Public Improvements Plan and Mitigated Negative Declaration**  
**Recommendation:** Adopt a Resolution adopting both the 1994 Downtown Berkeley Public Improvements Plan for public infrastructure improvements and the Mitigated Negative Declaration per the California Environmental Quality Act (CEQA)  
**Expense:** Estimated to be between \$7 and \$8 Million  
a. Board of Library Trustees Information Report  
b. Planning Commission Report  
c. Communications  
**Action:** Adopted Resolution No. 57,742-N.S. and referred issues related to Negative Declaration to the City Manager.  
**Motion:**

Mayor Leiter recused himself from participation due to conflict of interest and turned the chair over to Vice Mayor Collignon.

Moved, seconded, carried (Olds/Shirek) to take the action shown above.  
(Abstaining - Leiter)

(c) From Others:

1. **Sather Gate Retrofit Project -- Recommendation To Study Alternative Design Work**

From: Citizens Budget Review Commission

Recommendation: That the City Manager authorize that the alternative study in parallel with the additional design work that is about to begin on the existing steel option.

a. **City Manager Report**

Recommendation: That Council not reject current bids for the project as designed by Degenkolb Engineers. Expense: Rejection of bid could result in loss of \$1,300,000 in FEMA monies and possible legal action by contractors/subcontractors.

Action: Approved the City Manager's recommendation not to reject current bids and continue with the project.

**Motion:**

Moved, seconded (Collignon/Shirek) to approve the City Manager's recommendation.

Moved, seconded, failed (Woodworth/Dean) to approve the Citizens Budget Review Commission's recommendation. (Ayes -Dean, Olds, Woodworth; Noes - Collignon, Maio, Shirek, Spring, Leiter; Abstaining - Wainwright)

The main motion carried. (Ayes - Collignon, Maio, Shirek, Spring, Woodworth, Leiter; Noes - Dean, Olds, Wainwright)

**Section H. Reports For Information**

(c) From Others:

1. **Measure O**

From: Peace & Justice Commission

Action: Received and filed.



Section I. Priority Items (Set For Certain)

**1. PUBLIC HEARING REGARDING ZONING APPEAL, 2109 CEDAR STREET  
(Continued from 10/18/94, Item I.3)**

- a. Appeal filed by Charles Forline against the decision of the Zoning Adjustments Board which denied without prejudice (1) Use Permit under Section 9E.2(e) to establish a food service in an existing retail commercial space and (2) Variance under Section 9E.8(b)(2) to establish a food service without providing the required one additional off-street parking space (Submitted 9/20/94)
- b. Zoning Adjustment Board Report (Submitted 9/20/94)
- c. Communication from Charles Forline (submitted 9/20/94)

**Action:** Closed public hearing. Adopted Resolution No. 57,743-N.S. overruling the Zoning Adjustments Board's decision and granting the Use Permit and Variance based on findings and subject to conditions contained in the City Manager's report which was submitted for this meeting.

**Motion:**

Moved, seconded, carried (Wainwright/Maio) to close the public hearing.

Moved, seconded, carried (Olds/Dean) to overrule the Zoning Adjustments Board's decision and grant the Use Permit and Variance based on findings and subject to conditions contained in the City Manager's report.

Section J. Communications

The following communications were read, noted and filed, unless otherwise shown:

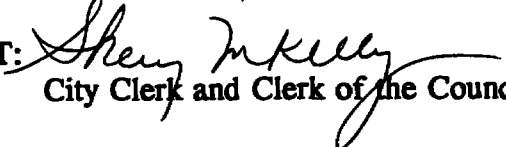
- 1. Mila Tolbert, Co-Chair, Oakland & March McGaugh, Co-Chair, Berkeley, The Association Of Concerned Neighbors Of Bateman-Fairview Park, regarding the AHA/BOSS proposal for a halfway house at 2350 Woolsey Street.
- 2. Communications in support of proposed Rose Street residence for AIDS patients:
  - a. Joyce Kraus, 1510 Summit Road
  - b. Bryan Uhlewbrock, 287 Hanover Avenue, Oakland, CA.
  - c. Sue Friday, 5361 Manila Avenue, Oakland, CA.
  - d. Leon Moffett, 287 Hanover Avenue, Oakland, CA.
  - e. Carol Mosher, Berkeley Friends Meeting
  - f. David C. Barrows, 240 Grand Avenue #24, Oakland, CA.
  - g. Lucy Jane Bledsoe, 1226 Cedar Street
  - h. Patricia E. Mullan, 1226 Cedar Street
- 3. Richard Katz, 39th Assembly District, State Capitol, Sacramento, CA., regarding Domestic Partners Registry bill.
- 4. Rick Crispino, Executive Director, P. O. Box 3780, copy of letter to Department of Health and Human Services Mental Health Division, announcing Bonita House has been chosen as one of six projects nationwide to receive a second round of funding through the Cooperative Agreements for Federal CMHA/CSAT Collaborative Demonstration Program for Homeless Individuals.

5. **Petition filed with the Berkeley City Clerk, with recommendations from John Yellen at the request of Councilperson Linda Maio at the Council meeting of Oct. 18, 1994 regarding proposed removal of residential Street Sweeping Program Westbrae/Gilman Commercial District. Referred to the City Manager by Councilmember Maio.**
6. **Connie Silvey, 1411 Gilman Street, regarding a proposed casino at the foot of Gilman Street.**
7. **Tra-My Culp, regarding the need for a left turn light at the intersection at University and San Pablo Avenue. Referred to the City Manager by Councilmember Maio.**
8. **Charles Smith, 61 San Mateo Road, submitting article entitled " Bicycles and Buses".**

**Section K. Adjournment**

**Adjourned at 10:03 p.m.**

**This is to certify that the foregoing is a true and correct copy of the minutes of November 1, 1994, as approved by the Berkeley City Council.**

**ATTEST:**   
**City Clerk and Clerk of the Council**

RESOLUTION NO.57,832-N.S.

AUTHORIZING FUNDING FOR THE RESPECT PROGRAM ESCORT SERVICE AT THE ASHBY AND NORTH BERKELEY BART STATIONS DURING EVENING COMMUTE HOURS FOR THE PERIOD FEBRUARY 1 THROUGH MARCH 25, 1995, AND EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH BERKELEY BOOSTERS ASSOCIATION TO EXTEND THESE SERVICES.

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

That the City Manager is hereby authorized to provide funding for the RESPECT Program Escort Service at the Ashby and North Berkeley BART Stations during evening commute hours for the period February 1, 1995 through March 25, 1995 in an amount not to exceed \$13,561, to provide escort services and coordination of safe travel to local destinations.

FURTHER RESOLVED that the City Manager is authorized to execute an amendment to the agreement with Berkeley Boosters Association to include these services; a record signature copy of the amendment to be filed in the Office of the City Clerk.

Copies sent 1/20/95

To: Health and Human Services

R E S O L U T I O N

No. 57,832 N.S.

Dated January 17, 1995

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Armstrong, Maio, Olds, Shirek, Spring, Wainwright,  
Woodworth, Woolley-Bauer and President Dean.

Noes: None.

Abstaining: None.

Absent: None.

SHIRLEY DEAN  
Mayor and President of the Council

Attest: SHERRY M. KELLY  
City Clerk and Clerk of the Council

RESOLUTION NO. 58,160-N.S.

AUTHORIZING THE EXECUTION OF A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS INC. FOR THE RESPECT PROGRAM BART ESCORT SERVICE FOR FY 1995-96.

WHEREAS, the RESPECT Program has completed three successful years of service to "at risk" youth and has also established a successful escort program for BART patrons from the Ashby and North Berkeley BART stations during the Standard Time months of November through March; and

WHEREAS, the City of Berkeley has received approximately \$50,000 from BART for one-time equipment costs to support this program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract with the Berkeley Boosters Inc. RESPECT Program to provide an escort service for BART patrons during the months of November 1995 through March 1996 in an amount not to exceed \$45,000 to be paid from budget code 010-4693-440.34-11.

BE IT FURTHER RESOLVED that the Contractor may receive a two-month advance payment.

FURTHER RESOLVED that record signature copies of said contracts and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on September 12, 1995, by the following vote:

Ayes: Councilmembers Maio, Shirek, Spring, Wainwright and President Dean.

Noes: Councilmember Olds.

Abstain: Councilmembers Armstrong and Woodworth.

Absent: Councilmember Woolley-Bauer.

SHIRLEY DEAN  
Mayor and President of the Council

Attest: SHERRY M. KELLY  
City Clerk and Clerk of the Council

RESOLUTION NO. 58,636-N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS ASSOCIATION FOR THE RESPECT PROGRAM AND THE BART ESCORT SERVICE PROGRAM IN AN AMOUNT NOT TO EXCEED \$87,500 FOR THE PERIOD JULY 1, 1996 TO JUNE 30, 1997

WHEREAS, the RESPECT Program has been successfully providing service to "at risk" youth since 1993; and

WHEREAS, the Program provides classroom education in ethnic diversity in Berkeley, and

WHEREAS, the Program provides escort services from the Ashby and North Berkeley BART Stations during the months of November through March.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Berkeley Boosters Association to provide services to "at risk" youth under the RESPECT Program and Escort Service from Ashby and North Berkeley BART Stations during the months of November through March in an amount not to exceed \$87,500 from budget code 010-4676-440.34-11 for the period July 1, 1996 to June 30, 1997.


BE IT FURTHER RESOLVED, that Berkeley Boosters Association shall receive a two-month advance payment. A record signature copy of said contract and any amendments are on file in the Office of the City Clerk.

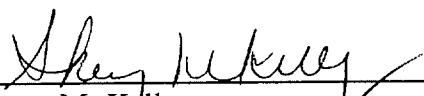
The foregoing Resolution was adopted by the Berkeley City Council on September 17, 1996, by the following vote:

Ayes: Councilmembers Armstrong, Maio, Olds, Shirek, Spring, Wainwright, Woodworth, Woolley-Bauer and President Dean.

Noes: None

Absent: None.

  
\_\_\_\_\_  
Shirley Dean  
Mayor and President of the Council

Attest:   
\_\_\_\_\_  
Sherry M. Kelly  
City Clerk and Clerk of the Council

RESOLUTION NO. 59,012-N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS WITH BERKELEY BOOSTERS ASSOCIATION FOR THE RESPECT PROGRAM AND THE BART ESCORT SERVICE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$87,500 FOR THE PERIOD JULY 1, 1997 THROUGH JUNE 30, 1998

WHEREAS, the RESPECT Program has been successfully providing services to "at risk" youth since 1993; and

WHEREAS, the Program provides classroom education in ethnic diversity in Berkeley; and

WHEREAS, the Program provides escort services from the Ashby and North Berkeley BART Stations during the months of November, 1997 through March, 1998.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Berkeley Boosters Association to provide services to "at risk" youth under the RESPECT Program, and Escort Service from Ashby and North Berkeley BART Stations during the months of November, 1997 through March, 1998 in an amount not to exceed \$87,500 from budget code 010-4676-440.34-11 for the period July 1, 1997 to June 30, 1998.


BE IT FURTHER RESOLVED, that Berkeley Boosters Association shall receive a two-month advance payment. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on June 10, 1997, by the following vote:

Ayes: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington and Mayor Dean.

Noes: None.

Absent: None.

  
Shirley Dean, Mayor

Attest:   
Sherry M. Kelly, City Clerk



RESOLUTION NO. 62,124-N.S.

RESOLUTION ADOPTING THE CITY OF BERKELEY BUDGET FOR FISCAL YEAR 2004

WHEREAS, on May 13, 2003 the City Manager presented to the Council a Proposed Biennial Budget for fiscal years 2004 and 2005, and

WHEREAS the City Manager's Proposed Budget included a specific balancing plan to address the projected budget deficits for FY2004, a contingency plan for additional reductions in the event of mid-year impacts from the State Budget, and preliminary reduction proposals to address the looming FY2005 deficit; and

WHEREAS, the City Council held a series of meetings to consider the Proposed Budget, including public hearings held on May 20th, 2003 and June 17<sup>th</sup> 2003, and;

WHEREAS, members of the City Council presented recommended revisions to the Proposed Budget at the Council meeting of June 10<sup>th</sup> and the Special Meeting of June 17<sup>th</sup>, and;

WHEREAS, in addition to formal budget adoption, Council action is required to authorize two-month advances for selected community agencies receiving City funds in FY2004;

NOW THEREFORE, BE IT RESOLVED that City Council approves the FY2004 Budget as contained in the City Manager's Proposed FY2004 & FY2005 Budget, presented on May 13<sup>th</sup>, 2003 (Attachment A and Attachment A - Exhibit 1), and amended by the City Council on June 24<sup>th</sup>, 2003 (Attachment B), including the reallocation of up to \$140,000 in Bicycle Plan Implementation funds for construction on new, permanent and landscaped traffic circles.

BE IT FURTHER RESOLVED, that the appropriations constituting the FY2004 Adopted Budget will be reflected in a separate FY2004 Annual Appropriation Ordinance, as required by City Charter.

BE IT FURTHER RESOLVED, that the City Council adopts the contingency plan (Attachment A - Exhibit 2) consisting of additional budget reductions that may be needed in order to address potential adverse impacts from the FY2004 State Budget, provided that the City Manager will present a report to the City Council assessing the impacts of the State Budget and, if needed, recommending mid-year balancing measures prior to implementing any of the contingency plan reductions.

BE IT FURTHER RESOLVED, that the City Manager is directed to ensure that salary savings from vacant positions be held in reserve to help further buffer any adverse impacts from the State Budget; and be it

BE IT FURTHER RESOLVED, that the City Council commits to a series of city-wide priority-setting discussions to inform development of recommendations to address the looming \$8 million General Fund deficit projected for FY2005.



BE IT FURTHER RESOLVED, that the City Manager is authorized to execute contracts and/or amendments, as necessary, to provide two-month advances to selected community agencies receiving City funds in FY2004, as reflected in Attachment C.

BE IT FURTHER RESOLVED, that the City Manager is authorized to finalize and submit the Community Action Plan for the Community Services Block Grant for 2004.

The foregoing Resolution was adopted by the Berkeley City Council on June 24, 2003 by the following vote:

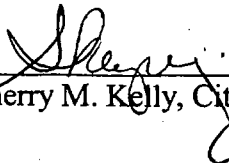
Ayes: Councilmembers Breland, Hawley, Maio, Spring, Worthington, Wozniak and Mayor Bates.

Noes: Councilmember Olds.

Abstain: Councilmember Shirek.

Absent: None.

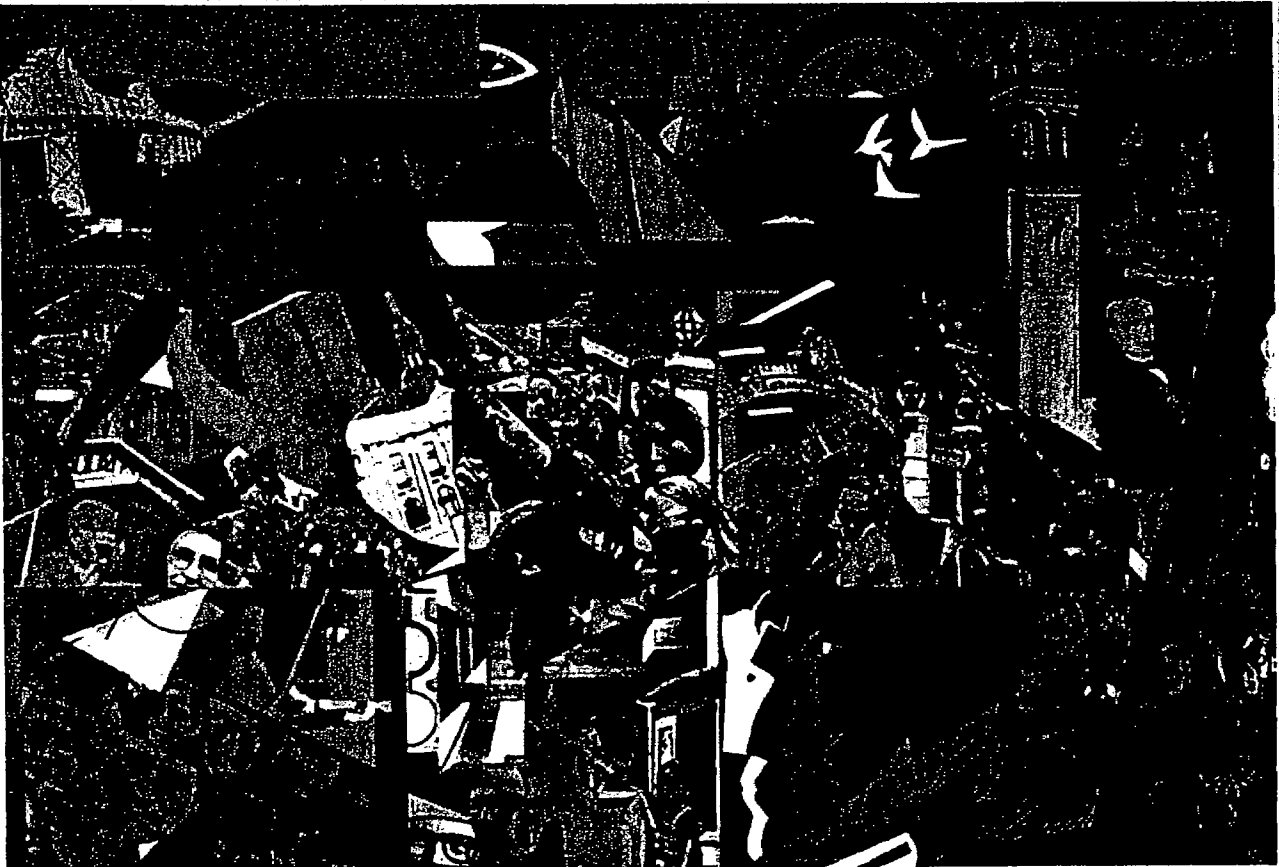
  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Sherry M. Kelly, City Clerk

ATTACHMENT A

# CITY OF BERKELEY

Please refer to Department File copy or online at:  
<http://www.ci.berkeley.ca.us/citycouncil/2003citycouncil/packet/budget/>



## PROPOSED FY 2004 & FY 2005 BIENNIAL BUDGET

City Manager's  
Budget Reductions Proposals  
FY 2004

| Fund                                                    | Department      | Division             | Description                                                                 | STAFFING |     | FY2004<br>Reductions | Dollars |
|---------------------------------------------------------|-----------------|----------------------|-----------------------------------------------------------------------------|----------|-----|----------------------|---------|
|                                                         |                 |                      |                                                                             | FTE      | F/A |                      |         |
| <b>GENERAL FUND - Recurring Reductions</b>              |                 |                      |                                                                             |          |     |                      |         |
| <i>Fund Transfer (from General Fund to Other Funds)</i> |                 |                      |                                                                             |          |     |                      |         |
|                                                         | Fire            | Emergency Services   | Transfer staff costs to Measure Q - Emergency Fire Equipment                |          |     | \$ 50,000            |         |
|                                                         | HHS             | Environmental Health | Office Specialist II-Shift 18% costs to Sewer Fund                          |          |     | 26,746               |         |
|                                                         | HHS             | Mental Health        | Transfer General Fund costs to MH Realignment funds                         |          |     | 331,823              |         |
|                                                         | HHS             | Public Health        | Transfer General Fund costs to other funds                                  |          |     | 154,213              |         |
|                                                         | Housing         |                      | Housing Trust Fund / Shift to CDBG (RHIP Fees)                              |          |     | 130,000              |         |
|                                                         | Housing         |                      | Transfer funding for .15 Sr. Planner to Permit Fund                         |          |     | 10,000               |         |
|                                                         | Human Resources | Administration       | Transfer 10% of Director salary and IS Support Technician to Training Funds |          |     | 29,088               |         |
|                                                         | PRW             |                      | Transfer .20 of OSII to Playground Camp Fund                                |          |     | 11,649               |         |
|                                                         | Planning        | Toxics               | Reallocate labor costs to other funds                                       |          |     | 15,254               |         |
|                                                         | Transportation  | Administration       | Shift staffing costs to Off-Street Parking Fund                             |          |     | 30,600               |         |
|                                                         |                 |                      | <b>Sub-Total Transfers</b>                                                  |          |     | <b>\$ 788,773</b>    |         |

Attachment A  
EXHIBIT - 1

City Manager's  
Budget Reductions Proposals  
FY 2004

| Expend. Category              | Program                 | Description                                                | FTE  | Class | Reduction | Dept. Total |
|-------------------------------|-------------------------|------------------------------------------------------------|------|-------|-----------|-------------|
| <b>Expenditure Reductions</b> |                         |                                                            |      |       |           |             |
| Citywide                      | Facilities Maintenance  | Reduce Citywide Facilities Maint. Costs                    |      |       | \$ 50,000 |             |
| Citywide                      | Fleet Maintenance       | Reduce Fleet Costs / No. of Vehicles and Maint. Costs      |      |       | 75,000    |             |
| Citywide                      | Administrative Overhead | Telephones / Pagers/ Cell Phones                           |      |       | 80,000    |             |
| Citywide                      | Administrative Overhead | Reduce Citywide Travel Costs (20% Reduction)               |      |       | 40,000    |             |
| Citywide                      |                         | Living Wage Set-Aside                                      |      |       | 133,000   |             |
|                               |                         |                                                            |      |       |           | 378,000     |
| City Clerk                    | Administration          | Eliminate Asst. Management Analyst                         | 1.00 | V     | 74,192    |             |
| City Clerk                    | Elections               | Reduce Runoff Election costs                               |      |       | 15,779    |             |
|                               |                         |                                                            |      |       |           | 89,971      |
| City Manager                  | Administration          | Delete E-Civis Grant Locator contract                      |      |       | 11,000    |             |
| City Manager                  | Neighborhood Services   | Delete Asst. to CM                                         | 1.00 | V     | 110,689   |             |
| City Manager                  | Neighborhood Services   | Delete CIP funding in Neigh. Services                      |      |       | 25,000    |             |
| City Manager                  | Animal Services         | Delete Animal Services Operations Supervisor               | 1.00 | V     | 74,780    |             |
| City Manager                  | Program Evaluation      | Delete Membership in ICMA Perf. Meas. Project              |      |       | 5,000     |             |
|                               |                         |                                                            |      |       |           | 226,469     |
| Finance                       |                         | Eliminate one vehicle                                      |      |       | 3,226     |             |
| Finance                       |                         | Reduce overtime                                            |      |       | 25,000    |             |
| Finance                       |                         | Reduce existing contracts                                  |      |       | 100,000   |             |
| Finance                       |                         | Misc program reductions                                    |      |       | 65,000    |             |
| Finance                       |                         | Delete 1.0 Sr Field Representative                         | 1.00 | V     | 72,000    |             |
| Finance                       |                         | Delete 2.0 OS/Is / Replace with 1.0 AOS/III (Accounting)   | 1.00 | F     | 57,401    |             |
|                               |                         |                                                            |      |       |           | 322,627     |
| Fire                          | Fire Suppression        | Reduce Overtime                                            |      |       | 50,000    |             |
|                               |                         |                                                            |      |       |           | 50,000      |
| HHS                           |                         | Public Health - Delete Comm. Health Worker                 | 1.00 | F     | 47,964    |             |
| HHS                           |                         | Senior Programs - Eliminate 1 vehicle                      |      |       | 14,300    |             |
| HHS                           |                         | Eliminate funding for Hourly Administrative Support        |      |       | 11,000    |             |
| HHS                           |                         | Pre-Apprenticeship Program Support                         |      |       | 11,430    |             |
|                               |                         |                                                            |      |       |           | 84,694      |
| Housing                       |                         | Combine HIV/AIDS Housing & Homelessness Prevention Prog    |      |       | 30,000    |             |
| Housing                       |                         | Reduce funding for Utility Bill Payment Assistance         |      |       | 45,000    |             |
| Housing                       |                         | Eliminate Contract with Ecology Center                     |      |       | 40,000    |             |
| Housing                       |                         | Reduce Funding for Community Agencies (5%)                 |      |       | 139,000   |             |
| Housing                       |                         | Reduce Sr. Mgmt. Analyst                                   | 1.00 | V     | 107,718   |             |
| Housing                       |                         | Reduce Funding to Municipal Renewable Energy Program       |      |       | 76,000    |             |
| Housing                       |                         | Reclass Sr. Mgmt. Analyst to Community Serv. Specialist II |      | F     | 27,000    |             |
|                               |                         |                                                            |      |       |           | 464,718     |

City Manager's  
Budget Reductions Proposals  
FY 2004

| Fund | Department      | Program                  | Description                                                      | FTE  | Rate | Reductions           | Sworn FTEs |
|------|-----------------|--------------------------|------------------------------------------------------------------|------|------|----------------------|------------|
|      | Human Resources | Administration           | Eliminate Dept Vehicle                                           |      |      | 3,765                | 3,765      |
|      | I/T             | Network Support          | Re-organization - Network Admin./Help Desk                       | 5.00 | F    | 250,000              | 250,000    |
|      | OED             | Economic Development     | Eliminate staff position I- Comm Dev. Proj. Coordinator          |      |      | 101,349              |            |
|      | OED             | Arts                     | Reduce Arts Grants (2.5%)                                        |      |      | 6,250                |            |
|      | OED             | Arts                     | Civic Arts - Berkeley Art Center Contract (2%)                   |      |      | 1,250                |            |
|      | OED             | Arts                     | Civic Arts - Community Arts Organizations (10%)                  |      |      | 3,100                |            |
|      | OED             | Arts                     | Civic Arts - N. Shattuck Concerts                                |      |      | 5,000                |            |
|      | OED             | Business Assistance      | South Berkeley - Misc. Prof. Services                            |      |      | 8,700                |            |
|      | OED             | Business Assistance      | West Berkeley Market                                             |      |      | 25,000               |            |
|      | OED             | Business Assistance      | North Shattuck Association                                       |      |      | 15,000               |            |
|      | OED             | Business Assistance      | South Berkeley Neighborhood Development Corp.                    |      |      | 4,967                |            |
|      | OED             | Marketing                | Adjust ConVis Contract (1% of Hotel Tax Revenues)                |      |      | 10,000               |            |
|      |                 |                          |                                                                  |      |      |                      | 180,616    |
|      | PRW             | Aquatics                 | Close One of Five Pools during Winter Months (Rotating annually) |      |      | Unfunded in baseline |            |
|      | PRW             | Administration           | Reduce Unallocated Contract Funds                                |      |      | 56,544               |            |
|      | PRW             | Recreation               | Eliminate .50 Recreation Activity Leader                         | 0.50 | V    | 23,400               |            |
|      | PRW             | Recreation               | Eliminate Citywide Special Programs                              |      |      | 19,010               |            |
|      |                 |                          |                                                                  |      |      |                      | 98,954     |
|      | Planning        | Advanced Planning        | Reclass Planning positions                                       |      |      | 13,000               |            |
|      | Planning        | Building & Safety        | Delete Senior Mgmt. Analyst                                      | 1.00 | V    | 112,530              |            |
|      | Planning        | Current Planning         | Reclass positions / Reduce Non-Personnel Costs                   |      |      | 29,510               |            |
|      |                 |                          |                                                                  |      |      |                      | 155,040    |
|      | Police          | Community Services       | Berkeley Boosters / Guides                                       |      |      | 19,300               |            |
|      | Police          | Community Services       | Berkeley Boosters / Escorts                                      |      |      | 4,500                |            |
|      | Police          | Customer Service         | Second Floor Counter - Reduce 1.0 FTE                            | 1.00 | V    | 73,270               |            |
|      | Police          | Patrol                   | Reduce Overtime                                                  |      |      | 50,000               |            |
|      |                 |                          |                                                                  |      |      |                      | 147,070    |
|      | PRC             | Police Review Commission | Reduce Non-Personnel Expenditures                                |      |      | 2,000                |            |
|      |                 |                          |                                                                  |      |      |                      |            |
|      |                 |                          |                                                                  |      |      | \$ 2,453,924         |            |
|      |                 |                          |                                                                  |      |      |                      |            |
|      |                 |                          |                                                                  |      |      | \$ 3,242,697         |            |
|      |                 |                          |                                                                  |      |      |                      |            |
|      |                 |                          | Annual                                                           | FTE  |      | 15.5                 |            |
|      |                 |                          | Sworn FTE                                                        |      |      | 0                    |            |
|      |                 |                          | Cumulative                                                       |      |      | 0                    |            |

TOTAL RECURRING GENERAL FUND PROPOSED REDUCTIONS

City Manager's  
Budget Reductions Proposals  
FY 2004

| Fund/Department                                       | Program | Description                                                           | STAFFING |    | FY2004              | Total               |
|-------------------------------------------------------|---------|-----------------------------------------------------------------------|----------|----|---------------------|---------------------|
|                                                       |         |                                                                       | FTE      | AV | Reductions          |                     |
| <b>GENERAL FUND - One-Time Expenditure Reductions</b> |         |                                                                       |          |    |                     |                     |
|                                                       |         | Reduce Transfer to Public Liability Fund                              |          |    | \$ 373,000          |                     |
|                                                       |         | Deferral of Capital Program Allocations                               |          |    |                     |                     |
|                                                       |         | Streets Capital                                                       |          |    | 375,000             | 375,000             |
|                                                       |         | Sidewalk Capital                                                      |          |    | 75,000              | 75,000              |
|                                                       |         | Transportation / New Traffic Signals                                  |          |    | 120,000             | 120,000             |
|                                                       |         | Parks ADA Capital                                                     |          |    | 137,500             | 137,500             |
|                                                       |         | Curb Ramp ADA Capital                                                 |          |    | 37,500              | 37,500              |
|                                                       |         | City Buildings ADA Capital                                            |          |    | 37,500              | 37,500              |
|                                                       |         | <b>TOTAL One-Time General Fund Proposed Reductions</b>                |          |    | <b>\$ 1,155,500</b> | <b>\$ 782,500</b>   |
| <br><b>OTHER RESERVES / FUND BALANCES</b>             |         |                                                                       |          |    |                     |                     |
|                                                       |         | Cost Savings Strategy                                                 |          |    |                     |                     |
|                                                       |         | Continue Selective Hiring Freeze                                      |          |    | \$ 1,000,000        |                     |
|                                                       |         | Draw-down of Reserves                                                 |          |    |                     |                     |
|                                                       |         | General Fund Reserve                                                  |          |    |                     | 1,000,000           |
|                                                       |         | PERS Super-Fund Savings / Offset Retirement Cost Increase             |          |    |                     | 1,000,000           |
|                                                       |         | Reserves / Other Fund Balances                                        |          |    |                     | 1,000,000           |
|                                                       |         | <b>Total Available Reserve Balances (to Buffer FY2005 Reductions)</b> |          |    | <b>\$ 1,000,000</b> | <b>\$ 3,000,000</b> |

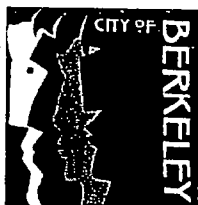
City Manager's  
Budget Reductions Proposals  
FY 2004

| FUND                                    |       |                        |                                                    |      |     |                  |
|-----------------------------------------|-------|------------------------|----------------------------------------------------|------|-----|------------------|
| NON-REVENUE FUND                        |       |                        |                                                    |      |     |                  |
| WIA                                     | HHS   | Employment             | Funding Reduction In WIA/Employment Programs       | 2.00 | F/V | \$ 150,000       |
| <i>Mental Health (065)</i>              |       |                        |                                                    |      |     |                  |
|                                         | HHS   | Mental Health          | Reduction in Mental Health Programs (FY2005)       | 3.00 |     | 331,823          |
|                                         | HHS   | Mental Health          | Reduce 2.0 Mental Health Clinicians                | 2.00 |     | 152,239          |
|                                         | HHS   | Mental Health (AB2034) | Reduction in State-funded Grant Program / Homeless | TBD  |     | 718,645          |
| <i>Berkeley Housing Authority (205)</i> |       |                        |                                                    |      |     |                  |
|                                         | BHA   | Public Housing         | Reduce Administrative Support for Public Housing   | 2.00 | F/V | 150,000          |
| <i>Measure B Sales Tax (390)</i>        |       |                        |                                                    |      |     |                  |
|                                         |       | Public Works           | Reduce Capital Funding Allocation                  |      |     | 1,000,000        |
| <i>Parks Tax (450)</i>                  |       |                        |                                                    |      |     |                  |
|                                         | Parks |                        | Transfer Payroll to other funds                    |      |     | 80,850 Transfer  |
|                                         | Parks |                        | Transfer Landscape Architect costs to Projects     |      |     | 110,250 Transfer |
|                                         | Parks |                        | Reduce Water Costs (10%)                           |      |     | 32,000           |
|                                         | Parks |                        | Reduce Cell Phones/Pagers                          |      |     | 5,000            |
|                                         | Parks |                        | Reduce Event Fee Waivers (Portables)               |      |     | 15,000           |
|                                         | Parks |                        | Eliminate 1.0 Landscape Gardener                   | 1.00 | V   | 68,250           |
|                                         | Parks |                        | Eliminate 1.0 Bldg Mtc Mechanic                    | 1.00 | V   | 73,500           |
|                                         | Parks |                        | Eliminate Seasonal Employment Program              |      |     | 54,000           |
|                                         | Parks |                        | Reduce Berkeley Youth Alternatives Contract        |      |     | 20,000           |
|                                         | Parks |                        | Reduce East Bay Conservation Corp Contract         |      |     | 30,000           |
|                                         | Parks |                        | Reduce budgeted overtime by 42%                    |      |     | 25,000           |
|                                         | Parks |                        | Reduce budgeted landscape supplies                 |      |     | 50,000           |
|                                         | Parks |                        | Eliminate 3 vehicles                               |      |     | 30,000           |
|                                         | Parks |                        | Reduce annual CIP funding                          |      |     | 20,000           |
| <i>Streetlight Assessment (470)</i>     |       |                        |                                                    |      |     |                  |
|                                         |       | Public Works           | Additional Program Reductions                      |      |     | 150,000          |
|                                         |       | Public Works           | Reduce Overtime                                    |      |     | 10,000           |
|                                         |       | Public Works           | Eliminate Survey Technician                        | 0.40 | F   | 28,243           |
| <i>Sewer Fund (830)</i>                 |       |                        |                                                    |      |     |                  |
|                                         |       | Public Works           | Eliminate .5 Survey Technican                      | 0.50 | F   | 35,304           |
| <i>Clean Storm Water (831)</i>          |       |                        |                                                    |      |     |                  |
|                                         |       | Public Works           | Eliminate .1 Survey Technican                      | 0.10 | F   | 7,061            |
|                                         |       | Public Works           | Reduce Contract Services                           |      |     | 150,000          |

City Manager's  
Budget Reductions Proposals  
FY 2004

| Fund | Department                   | Program      | Proposition                   | STAFFING | FY 2004<br>Reductions | Dept.<br>Totals     |
|------|------------------------------|--------------|-------------------------------|----------|-----------------------|---------------------|
|      | Fleet Maintenance (865)      |              |                               |          |                       |                     |
|      |                              | Public Works | TBD                           |          | 300,000               |                     |
|      | Facilities Maintenance (866) |              |                               |          |                       |                     |
|      |                              | Public Works | Eliminate janitorial overtime |          | 20,000                |                     |
|      |                              | Public Works | Other                         |          | 80,000                |                     |
|      |                              |              |                               | 7.00     | <u>\$ 2,544,458</u>   | <u>\$ 1,352,707</u> |





Office of the Mayor

## Attachment B

# Revised Budget Proposal Mayor Tom Bates

June 20, 2003

**Mayor Tom Bates  
Revised Budget Proposal  
June 20, 2003**

**SUMMARY OF REQUESTED ACTIONS  
JUNE 24<sup>th</sup> CITY COUNCIL MEETING**

**Special Session (5 p.m.)**

1. Adopt a parking fee structure that will raise \$2.8 million in new revenue.

**Regular Session (7 p.m.)**

2. Adopt the Manager's Proposed FY 2004 Budget with amendments as indicated in Attachment A.
3. Provide Commission and the City Manager a 60 day review period for all funding allocation increases in excess of \$2500.
4. Create a State Budget Emergency Reserve.

**Overview**

First, I want to thank city staff, commissioners, and my colleagues for all of the time, energy, and hard work that went into our budget process. I believe we are accomplishing this difficult task in a way that all of Berkeley can be proud.

As we near the end of this year's process, I respectfully put forward this revised budget proposal (included as Attachment A) in an effort to reconcile the various budget requests and suggestions made by Members of the Council and the public. If the Council is amenable, I would like to use this revision as the starting point for our discussion on June 24<sup>th</sup>.

I believe the budget presented in this revised proposal restores funding to a number of important community services, provides a buffer to protect us from state funding cuts, and keeps our books in balance.

**Revenue Available**

The Council will make its final decision on new parking fine revenue at the June 24<sup>th</sup> meeting. In this budget, I am recommending that the Council adopt a fee structure that raises \$2.8 million through increase parking fines. A \$2.8 million increase would raise an additional \$800,000 above the City Manager's recommendation of \$2 million.

Table 1 indicates this additional available revenue.

| <b>TABLE 1: Total Additional Revenue Available</b> |                  |
|----------------------------------------------------|------------------|
| Additional Parking Fine Increase                   | \$800,000        |
| Unallocated Community Agency Funds                 | \$115,000        |
| <b>TOTAL FUNDING AVAILABLE</b>                     | <b>\$915,000</b> |

**Protect Important Community Services**

In this proposal, I have reconciled the various requests made by Council Members and the community. (See attached spreadsheet for the specifics.) With large county and state funding cuts expected this year, it is crucial that Berkeley protects front line programs and services.

I add one note of caution to those organizations receiving additional funding under this proposal. If the state adopts a budget that cuts city funding, we may need to revisit these allocations. All organizations should develop contingency plans in case the Council makes emergency funding reductions later this fiscal year.

| <b>TABLE 2: Funding Additions by Program</b> |                  |
|----------------------------------------------|------------------|
| Arts Programs                                | \$105,600        |
| Health/ Family/ Community Services           | \$226,404        |
| Homeless/ Housing Programs                   | \$111,435        |
| Youth and Education Programs                 | \$237,500        |
| Other Funding Increases                      | \$5,000          |
| <b>TOTAL RESTORATION</b>                     | <b>\$685,939</b> |

- **Arts Programs -- \$105,600**

The City has a vibrant cultural arts community and economy. In this budget, I recommend restoring approximately \$45,600 in arts program funding. I am also recommending \$10,000 for the Office of Economic Development to produce an arts newsletter to help publicize our many wonderful cultural events.

I am recommending that we restore \$50,000 of the cut made in funding for community events. For years, the city has been budgeting costs for community events far below their actual costs. Last year, we spent double the amount that had been budgeted for community events. The City Manager has recommended reducing our expenditures on community events from last year's total of \$269,542 to \$195,000 in fiscal year 2004. The City Manager will return in July with a recommendation on how to determine specific event funding allocations given the adopted budget.

In addition, I am asking the Council to place the funding earmarked for the Black Repertory Theater into a South Berkeley Arts Reserve until a comprehensive report on their organization can be completed.

- **Health/ Family/ Community Services -- \$226,404**

In this budget, I am requesting we add \$226,404 to our budget for health, family, and community services. This funding will improve detox services, help protect families

from domestic violence, help feed seniors, and keep the Ed Roberts Campus facility moving towards permit approval.

- **Homeless/ Housing Programs -- \$111,435**  
With County and State cuts to front line homeless and housing programs, I am requesting that the City Council restore \$111,435 to protect these essential services. This funding will help provide food, clothing, and employment services to our homeless population. While I am recommending that we restore funding to the Coalition for Alternatives in Mental Health, I request that the Council direct the City Manager to withhold the second six months of funding pending programmatic and structural reforms.
- **Youth and Education Programs -- \$237,500**  
In this budget, I am requesting we restore \$95,500 in funding to youth and education programs, including the Berkeley Youth Alternatives, Jubilee, Berkeley Cougars, and the Flaming Five Drill Team. In addition, I have set aside \$72,000 for the Athletes United for Peace (or other organization) to fund a midnight basketball program. If the Council approves this earmark, I would ask Athletes United and other organizations to submit proposals through the relevant Commission and staff review.

I am also requesting that \$70,000 be set aside for a Youth Services Volunteer Initiative. In response to a recommendation from the Youth and Education Summit, we are developing a centralized conduit for recruiting and matching community volunteers with youth in the community. This position would work hand-in-hand with the Berkeley Schools Volunteers (BSV), coordinating and matching tutors and mentors with students in need of one on one academic, social and emotional support. BSV would continue to coordinate and train volunteers placed via the schools (classrooms and after school). The **BERKELEY CHAMPIONS FOR KIDS** would focus effort on volunteers who want to work in community-based programs, such as libraries, recreation centers, community-based after school programs, faith-based organizations, neighborhood associations, etc.

#### **Commission and Manager Review**

For all allocation adjustments in excess of \$2,500, I request that the Council direct the City Manager and the relevant Commissions to review these allocation changes and report back to the Council with any concerns or recommendations. This review should be completed within 60 days from the budget adoption on June 24th.

If the Manager or Commissions recommend changes, they should be brought to the Council at its first meeting in September. In the interim, programs may request partial funding (up to a two month advance) from the City Manager. That interim funding will be provided at his discretion until the review is complete.

Mayor Bates Revised Budget Proposal

- 5 -

**State Budget Emergency Reserve**

| TABLE 3: Reserves              |           |
|--------------------------------|-----------|
| State Budget Emergency Reserve | \$229,061 |

I also recommend setting aside \$229,061 in a "State Budget Emergency Reserve" as a buffer against possible state budget cuts. If any of this funding remains after the state adopts its budget, I request that it be transferred to the Housing Trust Fund and allocated as part of the normal process.

ATTACHMENT A: SUMMARY OF PROPOSED COUNCIL BUDGET ADDITIONS

|                                                           | AMOUNT      |         |        |        |     |        |        |             |         |                  |  |                                                                                                                                                                                                                        |
|-----------------------------------------------------------|-------------|---------|--------|--------|-----|--------|--------|-------------|---------|------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | Bates       | Breland | Henry  | Maso   | Ode | Shirk  | Spring | Worthington | Wozniak | June 24 PROPOSAL |  | Note                                                                                                                                                                                                                   |
| <b>Arts Programs</b>                                      |             |         |        |        |     |        |        |             |         |                  |  |                                                                                                                                                                                                                        |
| Arts - Community Organizations                            | \$ 3,100    |         |        |        |     |        |        |             |         | \$ 3,100         |  |                                                                                                                                                                                                                        |
| Arts - Grants                                             | 6,250       |         |        |        |     |        |        |             |         | \$ 6,250         |  |                                                                                                                                                                                                                        |
| Berkeley Arts Center                                      | 1,250       |         |        |        |     |        |        |             |         | \$ 1,250         |  |                                                                                                                                                                                                                        |
| OBA Arts - Frost Row                                      |             |         |        |        |     |        | 2,500  |             |         | \$ 2,500         |  |                                                                                                                                                                                                                        |
| Shotgun Players                                           | 1,000       |         |        |        |     |        |        |             |         | \$ 1,000         |  |                                                                                                                                                                                                                        |
| Integrated Arts for Disabled                              | 1,500       |         |        |        |     |        | 1,500  |             |         | \$ 1,500         |  |                                                                                                                                                                                                                        |
| North Shattuck Music Series                               |             |         |        |        |     |        | 5,000  |             |         | \$ 5,000         |  |                                                                                                                                                                                                                        |
| *AW - Totland                                             | 25,000      |         |        | 25,000 |     |        | 25,000 |             |         | \$ 25,000        |  |                                                                                                                                                                                                                        |
| Office of Economic Development -- Arts Newsletter         | 10,000      |         |        | 10,000 |     |        |        |             |         | \$ 10,000        |  |                                                                                                                                                                                                                        |
| Restore Community Event Funding                           |             |         |        |        |     |        |        |             |         | \$ 50,000        |  | City Manager will return with expenditure plan.                                                                                                                                                                        |
| Black Rep Theater                                         | \$ (22,500) |         |        |        |     |        |        |             |         | \$ (22,500)      |  | Place funds in South Berkeley Arts Reserve pending report on the Theater Group.                                                                                                                                        |
| <b>Arts Subtotal</b>                                      |             |         |        |        |     |        |        |             |         | \$ 105,600       |  |                                                                                                                                                                                                                        |
| <b>Health/ Family/ Community Services</b>                 |             |         |        |        |     |        |        |             |         |                  |  |                                                                                                                                                                                                                        |
| Family Violence Law Center - DV Advocacy Project          | \$ 3,800    |         |        |        |     |        | 7,000  |             |         | \$ 3,800         |  |                                                                                                                                                                                                                        |
| Family Violence Law Center - DV & Homelessness Prevention | 3,680       |         |        |        |     |        | Incl.  |             |         | \$ 3,680         |  |                                                                                                                                                                                                                        |
| Habitat                                                   | 10,250      |         |        | 10,200 |     |        | 10,250 |             | 28,000  | \$ 28,000        |  |                                                                                                                                                                                                                        |
| Community Gardening Collaborative                         | 10,000      |         |        | 10,200 |     |        | 10,000 |             |         | \$ 10,000        |  |                                                                                                                                                                                                                        |
| Center for Independent Living - Employment                | 3,374       |         |        |        |     |        |        |             |         | \$ 3,374         |  |                                                                                                                                                                                                                        |
| Fresh Choice Ecology Center                               | 10,000      |         |        |        |     |        | 10,000 |             |         | \$ 10,000        |  |                                                                                                                                                                                                                        |
| Japanese American Services                                | 2,450       |         |        |        |     |        |        |             |         | \$ 2,450         |  |                                                                                                                                                                                                                        |
| ERIC - Facility Planning                                  | 40,000      |         |        |        |     |        | 25,000 |             |         | \$ 40,000        |  |                                                                                                                                                                                                                        |
| Pacific Center - Facility Planning                        | 25,000      |         |        |        |     |        |        |             |         | \$ 25,000        |  |                                                                                                                                                                                                                        |
| Restore 2 weeks of Summer Recreation Programs             | 60,000      |         | 60,000 |        |     |        |        |             |         | \$ 60,000        |  |                                                                                                                                                                                                                        |
| Litlong Medical Center - Detox Facility                   |             |         | 5,000  |        |     |        |        |             |         | \$ 5,000         |  |                                                                                                                                                                                                                        |
| San Pablo Park - Climbing Wall                            |             |         | 60,000 |        |     |        |        |             |         | \$ -             |  | Refer to the City Manager for review.                                                                                                                                                                                  |
| Restore funding for Mini-Bus Driver and Van               |             | 66,900  |        |        |     |        |        |             |         | \$ -             |  | Funding restored in Manager's recommendation                                                                                                                                                                           |
| West Berkeley Neighborhood Development Corp.              |             | 25,000  |        |        |     |        |        |             |         | \$ 25,000        |  | Provide the second half of their annual funding only if the organization makes structural and programmatic reforms. Set aside funding to offset City Recreation fees increases for low income youth in South Berkeley. |
| Rec Program Fee Reduction                                 |             |         |        |        |     | 10,000 |        |             |         | \$ 10,000        |  |                                                                                                                                                                                                                        |

|                                         |        |        |           |     |        |         |  |  |            |                                   |
|-----------------------------------------|--------|--------|-----------|-----|--------|---------|--|--|------------|-----------------------------------|
| Health/ Family/ Community Services      |        |        |           |     |        |         |  |  |            |                                   |
| Subtotal                                |        |        |           |     |        |         |  |  |            |                                   |
|                                         |        |        |           |     |        |         |  |  | \$ 226,404 |                                   |
| Homeless/ Housing Programs              |        |        |           |     |        |         |  |  |            |                                   |
| Berkeley Ecum. Ministries - Arne Carter |        |        |           |     |        |         |  |  | \$ 10,400  |                                   |
| Free Clothing                           | 10,400 |        |           |     |        |         |  |  | \$ 10,400  |                                   |
| Berkeley Emergency Food Project -       |        |        |           |     |        |         |  |  | \$ 18,004  | Amount reduced to reflect Save    |
| Quarter Meal                            | 27,504 |        | 27,504    |     |        |         |  |  | \$ 18,004  | Safety Net Request.               |
| Berkeley Emergency Food Project -       |        |        |           |     |        |         |  |  |            | Current allocation matches        |
| Women's Shelter                         | 1,234  |        |           |     |        |         |  |  |            | organization's request.           |
| BOSS - Harrison House                   | 14,550 |        |           |     |        |         |  |  | \$ 4,367   | Funding increase restores initial |
|                                         |        |        |           |     |        |         |  |  |            | BOSS funding request.             |
| BOSS - Housing Advocacy                 | 21,433 |        |           |     |        |         |  |  | \$ 21,433  | Funding contingent on             |
| Finch - HYG, Houshg Resources           |        |        |           |     |        |         |  |  |            | coordination with other housing   |
| Counselor                               | 5,671  |        |           |     |        |         |  |  | \$ 5,671   | advocacy organizations in         |
| Housing Rights, Inc - AHAP              | 15,000 |        | 15,000    |     | 15,000 |         |  |  | \$ 15,000  | Berkeley.                         |
| Jobs for Homeless Consortium -          | 19,000 |        |           |     |        |         |  |  | \$ 19,000  |                                   |
| Sulzcase Clinic                         | 4,000  |        | 4,000     |     | 4,000  |         |  |  | \$ 4,000   |                                   |
| Coalition for Alternatives in Mental    |        |        |           |     |        |         |  |  |            | Provide the second half of their  |
| Health                                  | 13,560 | 13,500 | 13,560    |     | 13,500 | 11,000  |  |  | \$ 13,560  | annual funding only if the        |
| Housing Trust Fund- provide addtl.      |        |        | TBD       |     |        | 222,051 |  |  |            | organization makes structural     |
| funding                                 |        |        |           |     |        |         |  |  |            | and programmatic reforms.         |
| Homeless/ Housing Programs              |        |        |           |     |        |         |  |  |            | Move Unallocated Funds to         |
| Subtotal                                |        |        |           |     |        |         |  |  | \$ 111,435 | HTF if not needed to buffer       |
|                                         |        |        |           |     |        |         |  |  |            | state budget cuts this year.      |
| Youth and Education                     |        |        |           |     |        |         |  |  |            |                                   |
| BYA - Preschool Program/ After school   | 27,500 |        | 27,500    |     | 35,000 |         |  |  | \$ 27,500  | Funding not recommended by        |
| program                                 |        |        |           |     |        |         |  |  |            | advisory Commission.              |
| BYA - Performing Arts                   | 15,000 |        | 15,000    |     |        |         |  |  | \$ -       |                                   |
| BYA - Twilight Basketball               | 23,800 |        | 23,800    |     |        |         |  |  | \$ 23,800  |                                   |
| BYA - Parks - Youth employment          | 20,000 |        | 20,000    |     |        |         |  |  | \$ 20,000  |                                   |
| Jubilee - Interfaith Youth Initiative   | 6,000  | 6,000  | 6,000     |     | 6,000  |         |  |  | \$ 6,000   |                                   |
| Athletes United for Peace               | 72,000 |        | 72,000    |     |        |         |  |  | \$ 72,000  | Earmark funding pending           |
| Berkeley Cougars                        | 15,000 | 15,000 |           |     | 15,000 |         |  |  | \$ 15,000  | appropriate review of program     |
| Youth Services Volunteer Initiative     | 70,000 |        |           |     |        |         |  |  | \$ 70,000  | application.                      |
| Flaming Five Drill Team                 |        | 3,200  |           |     |        |         |  |  | \$ 3,200   | Earmark funding but leave         |
| Youth and Education Subtotal            |        |        |           |     |        |         |  |  | \$ 237,500 | unallocated pending program       |
|                                         |        |        |           |     |        |         |  |  |            | development.                      |
| Infrastructure                          |        |        |           |     |        |         |  |  |            |                                   |
| Sidewalk repair - restores proposed     |        |        | 75,000    |     |        |         |  |  | \$ -       | City Manager reports that         |
| reduction                               |        |        |           |     |        |         |  |  |            | current budget is sufficient.     |
| Traffic Circles                         |        |        | Measure B | TBD |        |         |  |  |            | Refer use of Measure B funds      |
|                                         |        |        | (\$225K)  |     |        |         |  |  |            | to Transportation Commission      |
| Street Smarts Pedestrian Safety Lights  |        |        |           |     |        | 2,500   |  |  | \$ -       | and Manager for review.           |
|                                         |        |        |           |     |        |         |  |  |            | This funding exists in the        |
|                                         |        |        |           |     |        |         |  |  |            | budget already. Refer to          |
|                                         |        |        |           |     |        |         |  |  |            | Manager as to whether this        |
|                                         |        |        |           |     |        |         |  |  |            | program is best alternative.      |

|                                       |            |            |            |            |      |           |            |      |           |            |                                                                                                                  |
|---------------------------------------|------------|------------|------------|------------|------|-----------|------------|------|-----------|------------|------------------------------------------------------------------------------------------------------------------|
| OTHER                                 |            |            |            |            |      |           |            |      |           |            |                                                                                                                  |
| Public Financing of Campaigns         |            |            |            |            |      |           | 50,000     |      |           | \$ -       | Refer this request to City Clerk's on-going research into campaign reform options.                               |
| Neighborhood Ombudsman                |            |            |            |            |      |           | 80,000     |      |           | \$ -       | Program currently under review by Mayor's Permit Task Force. Await those recommendations before funding program. |
| Increase in Council Members Budget    |            |            |            |            |      |           | 10,000     |      |           | \$ 5,000   | Supplement for Council Member Spring to accommodate increased staff costs due to disability.                     |
| <b>PROGRAM FUNDING TOTAL</b>          | \$ 575,906 | \$ 129,600 | \$ 125,000 | \$ 354,364 | \$ - | \$ 23,500 | \$ 565,801 | \$ - | \$ 28,000 | \$ 685,939 |                                                                                                                  |
| REVENUE SOURCES                       |            |            |            |            |      |           |            |      |           |            |                                                                                                                  |
| Parking Fine Increase                 |            |            |            |            |      |           |            |      |           | \$ 600,000 |                                                                                                                  |
| Unallocated Community Funding         |            |            |            |            |      |           |            |      |           | \$ 115,000 |                                                                                                                  |
| <b>TOTAL</b>                          |            |            |            |            |      |           |            |      |           | \$ 815,000 |                                                                                                                  |
| <b>STATE BUDGET EMERGENCY RESERVE</b> |            |            |            |            |      |           |            |      |           | \$ 229,061 | Maintain reserve to buffer state budget impacts. After state budget adoption, transfer to the HTF.               |

\*City Manager and the relevant Commissions review allocation changes over \$2500 and report back to the Council with any concerns or recommendations.



**City Manager's  
Budget Reduction Proposals  
FY 2004  
Contingency "B" List**

| Fund                                       | Department      | Program | Description                                             | FTE  | F/V | FY Reductions | Dept Totals |
|--------------------------------------------|-----------------|---------|---------------------------------------------------------|------|-----|---------------|-------------|
| <b>General Fund - Recurring Reductions</b> |                 |         |                                                         |      |     |               |             |
| <i>Expenditure Reductions</i>              |                 |         |                                                         |      |     |               |             |
|                                            | Citywide        |         | Reduce Citywide Facilities Maint. Costs                 |      |     | 50,000        |             |
|                                            | Citywide        |         | Reduce Fleet Costs / No. of Vehicles and Maint. Costs   |      |     | 120,000       | 170,000     |
|                                            | Attorney        |         | Reduce Legal Secretary                                  | 1.00 | F   | 75,000        | 75,000      |
|                                            | City Clerk      |         | Eliminate Assistant City Clerk                          | 1.00 | F   | 57,362        | 57,362      |
|                                            | City Manager    |         | Delete NewsScan Service                                 |      |     | 24,900        |             |
|                                            | City Manager    |         | Delete Senior Staff Position                            | 1.00 | V   | 153,538       |             |
|                                            | City Manager    |         | Delete CIP funding in Neigh. Services                   |      |     | 50,000        |             |
|                                            | City Manager    |         | Reduce Unallocated funding - Animal Services            |      |     | 35,000        |             |
|                                            | City Manager    |         | Delete Sr. Management Analyst                           | 1.00 | F   | 75,000        |             |
|                                            | City Manager    |         | Berkeley Alliance                                       |      |     | 80,000        | 418,438     |
|                                            | Finance         |         | Delete 1.0 Assistant Magment Analyst (Customer Service) | 1.00 | F   | 93,296        |             |
|                                            | Finance         |         | Delete 1.0 Sr Accountant                                | 1.00 | V   | 52,500        |             |
|                                            | Finance         |         | Delete 1.0 Programmer Analyst                           | 1.00 | F   | 94,000        | 239,796     |
|                                            | Fire            |         | Delete Asst. Fire Chief                                 | 1.00 | V   | 180,000       |             |
|                                            | Fire            |         | Delete Fire Inspector                                   | 1.00 | V   | 96,000        |             |
|                                            | Fire            |         | Reduce Overtime / Fire Suppression                      |      |     | 100,000       | 376,000     |
|                                            | HHS             |         | Director and Administration - Reduce admin support      | 0.75 | V   | 44,245        |             |
|                                            | HHS             |         | Associate Management Analyst position elimination       | 1.00 | F   | 86,178        |             |
|                                            | HHS             |         | Public Health - Delete P/T Home Service Aides           | 1.50 | F   | 81,212        |             |
|                                            | HHS             |         | Senior Programs - Delete Mini Bus Driver                | 1.00 | F   | 52,622        |             |
|                                            | HHS             |         | Reduce 50% Senior Service Assistant                     | 0.50 | V   | 29,286        |             |
|                                            | HHS             |         | Senior Programs - Restructure Operations                | 2.20 |     | 164,342       |             |
|                                            | HHS             |         | Employment and Youth - Reduce Youth Services Advisor    | 0.50 |     | 22,034        |             |
|                                            | HHS             |         | Employment Specialist                                   | 0.50 | F   | 30,319        | 510,238     |
|                                            | Housing         |         | Reduce Funding for Community Agencies (addtl. 5%)       |      |     | 139,000       |             |
|                                            | Housing         |         | Eliminate Housing Inspector and Permit Specialist       | 2.00 | F/V | 66,005        | 205,005     |
|                                            | Human Resources |         | Eliminate Professional Position (TBD)                   | 1.00 | V   | 83,822        | 83,822      |

Attachment A  
EXHIBIT - 2

**City Manager's  
Budget Reduction Proposals  
FY 2004  
Contingency "B" List**

| Fund                                    | Department | Program | Description                                            | FTE  | FM    | Reductions   | Dept<br>Totals |
|-----------------------------------------|------------|---------|--------------------------------------------------------|------|-------|--------------|----------------|
|                                         | UT         |         | Delete Sr. Management Analyst / Telecommunications     | 1.00 | F     | 100,095      | 100,095        |
|                                         | OED        |         | Admin. - Reduce Admin Support Line Items               |      |       | 58,301       |                |
|                                         | OED        |         | Reduce Arts Grants                                     |      |       | 56,250       |                |
|                                         | OED        |         | Civic Arts - Reduce Berkeley Art Center Contract (10%) |      |       | 4,373        |                |
|                                         | OED        |         | South Berkeley - Misc. Prof. Services                  |      |       | 10,875       |                |
|                                         | OED        |         | Econ./Sustainable Development - WBAIC                  |      |       | 4,000        |                |
|                                         | OED        |         | Econ./Sustainable Development - SBA                    |      |       | 10,000       |                |
|                                         | OED        |         | Telegraph Avenue Association                           |      |       | 4,050        |                |
|                                         | OED        |         | Alameda County Economic Development Advisory Board     |      |       | 2,774        | 150,623        |
|                                         | PRW        |         | Reduce YAP Non-Personnel Costs                         |      |       | 15,000       |                |
|                                         | PRW        |         | Reduce Fee Waivers for Facility Rentals                |      |       | 10,000       |                |
|                                         | PRW        |         | Eliminate 1.0 OSII for YAP Program                     | 1.00 | F     | 65,100       |                |
|                                         | PRW        |         | Reduce Summer Programs                                 |      |       | 56,000       |                |
|                                         | PRW        |         | Eliminate 1.0 Asst. Recreation Coordinator             | 1.00 | F     | 55,000       |                |
|                                         | PRW        |         | Delete One Admin.                                      | 1.00 | F     | 100,000      | 301,100        |
|                                         | Police     |         | Eliminate Berkeley Boosters / Guides                   |      |       | 173,700      |                |
|                                         | Police     |         | Eliminate Berkeley Boosters / Escorts                  |      |       | 40,500       |                |
|                                         | Police     |         | Reduce Overtime                                        |      |       | 150,000      |                |
|                                         | Police     |         | Special Enforcement Unit                               | 2.00 | V     | 278,998      |                |
|                                         | Police     |         | Property Crimes Unit                                   | 1.00 | V     | 139,499      |                |
|                                         | Police     |         | School Resource Officers                               | 1.00 | V     | 139,499      | 922,196        |
|                                         | PRC        |         | Reduce Clerical support                                | 0.87 |       | 50,440       | 50,440         |
| <b>CITY-WIDE GENERAL FUND PROPOSALS</b> |            |         |                                                        |      |       | \$ 3,660,115 |                |
| <b>*A* List Reductions</b>              |            |         |                                                        |      |       | \$ 3,242,697 |                |
| <b>Cummulative Reductions</b>           |            |         |                                                        |      |       | \$ 6,902,812 |                |
| Annual                                  |            | FTE     |                                                        |      | 28.82 |              |                |
| Cumulative                              |            | FTE     |                                                        |      | 44.32 |              |                |
| Sworn FTE                               |            |         |                                                        |      | 6     |              |                |
| Cumulative                              |            | FTE     |                                                        |      | 6     |              |                |

## COMMUNITY AGENCY ADVANCES

Attachment C

| AGENCY NAME                              | DEPT    | FY 2004<br>Contract | FY 2004<br>Advance |
|------------------------------------------|---------|---------------------|--------------------|
| 1 Affordable Housing Assoc.              | Housing | 102,211             | 25,553             |
| 2 Ala Costa Center                       | Housing | 32,839              | 16,420             |
| 3 AC Homeless Action Ctr.                | Housing | 42,700              | 21,350             |
| 4 Asian for Jobs Oppor.                  | Housing | 156,000             | 39,000             |
| 5 Bay Area Comm. Resrcs.                 | Housing | 17,000              | 8,500              |
| 6 Bay Area Hispano Inst.                 | Housing | 116,803             | 29,201             |
| 7 B A O R P                              | Housing | 28,047              | 14,023             |
| 8 Berkeley Adult School                  | Housing | 27,560              | 13,780             |
| 9 Berk-Albany Licensed Day Care          | Housing | 287,500             | 71,875             |
| 10 Berkeley Arts Center Assoc            | OED     | 54,977              | 9,163              |
| 11 Berkeley Booster Escort               | Police  | 40,500              | 6,750              |
| 12 Berkeley Booster Guides               | Police  | 173,585             | 28,931             |
| 13 Berkeley Community Media              | IT      | 279,000             | 65,375             |
| 14 Berkeley Convention & Visitors Bureau | OED     | 228,375             | 38,063             |
| 15 Berkeley Dispute Resolution Serv.     | Housing | 77,700              | 19,425             |
| 16 Berk. Ecum. Min. Found.               | Housing | 52,000              | 13,000             |
| 17 Berk. Food & Housing Proj.            | Housing | 489,308             | 122,327            |
| 18 Berkeley Place                        | Housing | 24,826              | 12,413             |
| 19 Berk. Youth Alternatives              | Housing | 80,720              | 20,180             |
| 20 Bonita House                          | Housing | 25,020              | 12,510             |
| 21 Black Repertory Group                 | Housing | 22,500              | 11,250             |
| 22 Building Opp. For Self-Sufficiency    | Housing | 437,129             | 94,282             |
| 23 Center for Access & Tech.             | Housing | 6,000               | 6,000              |
| 24 Center for Ind. Living                | Housing | 200,040             | 50,010             |
| 25 Christmas in April                    | Housing | 110,360             | 19,742             |
| 26 Coal. for Alter. in Mental Health     | Housing | 75,000              | 18,750             |
| 27 Comm. Energy Services Corp.           | Housing | 338,097             | 84,524             |
| 28 Dorothy Day House                     | Housing | 30,888              | 15,444             |
| 29 East Bay Asian Youth                  | Housing | 293,494             | 73,374             |
| 30 East Bay Comm. Law Center             | Housing | 20,800              | 10,400             |
| 31 Easy Does It                          | Housing | 688,948             | 172,237            |
| 32 Eden Council for Hope and Opp.        | Housing | 184,339             | 46,085             |
| 33 Ephesian Child Care Center            | Housing | 116,096             | 29,024             |
| 34 Family Violence Law Center            | Housing | 33,120              | 16,560             |
| 35 Family Violence Law Center            | Police  | 39,000              | 6,500              |
| 36 Fred Finch Youth Center               | Housing | 43,250              | 21,625             |
| 37 Housing Rights, Inc.                  | Housing | 35,147              | 17,574             |
| 38 Inter City Services                   | Housing | 141,229             | 35,307             |
| 39 Japanese America Servs.               | Housing | 22,050              | 11,025             |
| 40 Jubilee Restoration                   | Housing | 82,400              | 20,600             |
| 41 Lifelong Medical Care                 | Housing | 280,401             | 66,350             |
| 42 Luther Church of the Cross            | Housing | 15,000              | 7,500              |

## COMMUNITY AGENCY ADVANCES

Attachment C

| AGENCY NAME                             | DEPT    | FY 2004<br>Contract | FY 2004<br>Advance |
|-----------------------------------------|---------|---------------------|--------------------|
| 43 McGee Ave. Baptist Church            | Housing | 21,611              | 10,806             |
| 44 Multi Cult. Institute                | Housing | 115,782             | 28,946             |
| 45 New Bridge Foundation                | Housing | 135,000             | 33,750             |
| 46 New Light Sr. Citizens, Inc.         | Housing | 83,150              | 20,788             |
| 47 Nia House Learning Center            | Housing | 36,471              | 18,236             |
| 48 Northern Cal. Land Trust             | Housing | 25,000              | 12,500             |
| 49 Options Recovery Services            | Housing | 54,304              | 13,576             |
| 50 Pac. Ctr. for Human Growth           | Housing | 27,000              | 13,500             |
| 51 Resources for Comm. Dev.             | Housing | 141,750             | 35,438             |
| 52 Saint John's Child Care              | Housing | 26,834              | 13,417             |
| 53 Sick Child Care Program              | Housing | 32,000              | 16,000             |
| 54 South Berk. Comm. Church             | Housing | 55,000              | 13,750             |
| 55 Stiles Hall                          | Housing | 27,680              | 13,840             |
| 56 Telegraph Avenue Association         | OED     | 54,000              | 9,000              |
| 57 Through the Looking Glass            | Housing | 35,000              | 17,500             |
| 58 Tinkers Workshop                     | Housing | 20,000              | 10,000             |
| 59 United for Health                    | Housing | 13,374              | 6,687              |
| 60 Women's Daytime Drop In Ctr.         | Housing | 87,710              | 21,928             |
| 61 Women's Employ. Res. Corp.           | Housing | 43,367              | 21,684             |
| 62 Women's Refuge, Inc.                 | Housing | 21,060              | 10,530             |
| Subtotal                                |         | 6,608,052           | 1,763,878          |
| Agencies Added via Budget Amendments    |         |                     |                    |
| a) Young Artists Workspace              | Parks   | 25,000              | 4,166              |
| b) Habitat                              | Parks   | 28,000              | 4,666              |
| c) Community Garden Collaborative       | Parks   | 10,000              | 1,666              |
| d) Fresh Choice Ecology Center          | Housing | 10,000              | 1,666              |
| e) Ed Roberts Campus                    | Housing | 40,000              | 6,666              |
| f) Pacific Center for Human Growth      | Housing | 25,000              | 4,166              |
| g) West Berkeley Neighborhood Dev. Ctr. | OED     | 25,000              | 4,166              |
| h) Jobs for Homeless Consortium         | Housing | 19,000              | 3,166              |
| i) Athletes United for Peace            | Parks   | 72,000              | 12,000             |
| j) Berkeley Cougars                     | Parks   | 15,000              | 2,500              |
| Subtotal                                |         | 269,000             | 44,828             |
| Totals                                  |         | 6,877,052           | 1,808,706          |

RESOLUTION NO. 63,166-N.S.

ALLOCATING ANTICIPATED, ONE-TIME GENERAL FUND REVENUE IN THE AMOUNT OF \$898,564 AND APPROVING ADDITIONAL STAFFING FOR PERMIT CENTER ACTIVITY

WHEREAS, the City Council adopted the FY 2006 & FY 2007 Biennial Budget on June 28, 2005; and

WHEREAS, Council referred a number of programs to the FY 2006 budget process (Exhibit A) for continued funding; and

WHEREAS, several non-discretionary costs have arisen (Exhibit A) since July 1, 2005 that require allocation of funds not currently included in the FY 2006 Adopted Budget; and

WHEREAS, General Fund revenues for FY 2006 are projected to be \$1.08 million more than the FY 2006 Adopted Budget; and

WHEREAS, activity at the Permit Service Center has increased and four additional positions are needed to maintain adequate service levels; and

WHEREAS, the Permit Service Center Fund has a sizeable fund balance that can accommodate the addition of four new positions at a cost of approximately \$500,000.

NOW THEREFORE, BE IT RESOLVED the Council of the City of Berkeley allocates anticipated, one-time General Fund revenue in the amount of \$898,564 to provide continued funding for specific programs and to fund non-discretionary costs that have arisen since July 1, 2005 identified in Exhibit A as amended, and approve additional staffing for Permit Center activity.

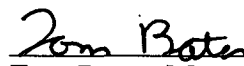
The foregoing Resolution was adopted by the Berkeley City Council on December 13, 2005 by the following vote:

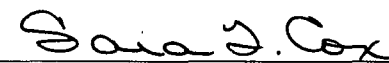
Ayes: Councilmembers Capitelli, Maio, Olds, Worthington, Wozniak and Mayor Bates.

Noes: Councilmember Spring.

Abstain: Councilmembers Anderson and Moore.

Absent: None.

  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Sara T. Cox, City Clerk

## FY 2006 and FY 2007

Exhibit A

## Recommended Budget Augmentations

|                                                      | 1-Time              | Recurring           | Total               |
|------------------------------------------------------|---------------------|---------------------|---------------------|
| <b>REVENUES</b>                                      |                     |                     |                     |
| <b>Available New Revenue</b>                         |                     |                     |                     |
| Use of Reserve                                       | \$ 247,000          |                     |                     |
| Revised FY 2006 Revenue Projections                  | \$ 1,083,261        |                     |                     |
| <b>Total Available Revenues:</b>                     | <b>\$ 1,330,261</b> |                     | <b>\$ 1,330,261</b> |
| <b>EXPENDITURES</b>                                  |                     |                     |                     |
| <b>Homeless &amp; Social Programs</b>                |                     |                     |                     |
| Paratransit Services                                 |                     | \$ (9,000)          |                     |
| Civic Arts Coordinator                               |                     | \$ (24,165)         |                     |
| Pedal Express                                        |                     | \$ (12,500)         |                     |
| Berkeley Boosters - BART Escorts                     |                     | \$ (19,643)         |                     |
| Japanese American Services of the East Bay           |                     | \$ (7,500)          |                     |
| Berkeley Day Time Drop In Center                     |                     | \$ (8,856)          |                     |
| BOSS                                                 |                     | \$ (31,000)         |                     |
| Veterans Building Unbudgeted Costs for Agencies      |                     | \$ (112,000)        |                     |
| Berkeley Boosters, Berkeley Guides Program           |                     | \$ (10,000)         |                     |
| <b>Subtotal</b>                                      | <b>\$ -</b>         | <b>\$ (234,664)</b> |                     |
| <b>Other Program Costs</b>                           |                     |                     |                     |
| Police Crime Analyst                                 |                     | \$ (40,000)         |                     |
| NewsScan                                             |                     | \$ (9,400)          |                     |
| Lead Abatement Survey & Analysis                     |                     | \$ (10,000)         |                     |
| <b>Subtotal</b>                                      | <b>\$ -</b>         | <b>\$ (59,400)</b>  |                     |
| <b>Non-discretionary Costs Since 7/1/05</b>          |                     |                     |                     |
| Telephone Emergency Response System                  |                     | \$ (7,500)          |                     |
| PG&E Street Lights - outstanding bills               | \$ (247,000)        |                     |                     |
| Hurricane Katrina - estimated non-reimbursable costs | \$ (100,000)        |                     |                     |
| Increased Fuel Costs (estimated)                     |                     | \$ (250,000)        |                     |
| <b>Subtotal</b>                                      | <b>\$ (347,000)</b> | <b>\$ (257,500)</b> |                     |
| <b>Total Recommended Expenditures:</b>               | <b>\$ (347,000)</b> | <b>\$ (551,564)</b> | <b>\$ (898,564)</b> |
| <b>Total Remaining Available Revenue:</b>            |                     |                     | <b>\$ 431,697</b>   |



Office of the Mayor

CONSENT CALENDAR

February 13, 2024

*(Continued from January 16, 2024)*

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin, Councilmember Rashi Kesarwani,  
Councilmember Sophie Hahn, and Councilmember Susan Wengraf

Subject: RFP for Development of West Berkeley Service Center

RECOMMENDATION

Refer to the City Manager to issue a Request for Proposal (RFP) for the development of the city-owned West Berkeley Service Center, (1900 Sixth Street), to permit site acquisition and construction of a 100-percent affordable housing project with the following key features:

- Space on the ground floor of the building for administrative offices, community space and supportive services as currently provided by the City;
- Maximizing the number of units under the existing zoning Mixed Use-Residential (MU-R) in conjunction with state law AB 1763 (2019);
- A mix of unit sizes, including studios, one-bedroom, and two-bedroom units;
- Require RFP applicants to include a plan for services provision and integration for the population(s) they propose to serve;
- A preference for serving seniors and adults with mental health conditions while maintaining flexibility to serve other populations based on availability of funding.

The City Manager should also consider the feasibility of the following elements in the program design:

- Universally designed housing for older adults with a portion of the units for assisted living and memory care;
- A board and care facility with a minimum of 20 beds including space for staff and services;

- Explore available federal, state, regional, local and private funding sources to finance the construction of a housing project, including with the potential target populations.

The issuance of an RFP should be timed to happen soon after funding for the development has been identified.

### BACKGROUND

Berkeley General Plan Policy H-18 encourages the use of city-owned sites, including parking lots for affordable housing or mixed-use projects: “When appropriate and feasible, use City-owned or controlled sites for affordable housing and/or mixed-use residential projects with a substantial portion of affordable units.”

On May 28, 2019, (Attachment #1), the City Council stated the intent for the use of the West Berkeley Service Center property, 1900 6<sup>th</sup> Street, would be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations and maximizing the number of affordable units on site. They further referred to the City Manager to conduct a basic analysis of the development potential for the site, including build-out scenarios for a three to seven story building on the site that would include amenities, supportive social services, and community space.

Staff returned “Referral Response: Analysis of the Development Potential for the West Berkeley Service Center Site” to Council as a comprehensive Information Report on the September 7, 2023 City Council Agenda. In the report, staff analyzed Zoning Designation, State Streamlining Laws and State Density Bonus to provide considerations for development potential. Current zoning of the site is MU-R. Given staff assumptions as provided in the report (Attachment #2), it could be possible to build 190 units in six stories with AB1763. AB1763 (2019) expands State Density Bonus Laws to housing projects that are 100 percent to low-income households (excluding manager units) with up to 20 percent of units for moderate-income households. Also, projects near transit, such as the West Berkeley Service Center site, are not subject to density limits, may raise height limits by three stories or 33 feet, and are allowed up to four concessions.

Recommendations for Council action included rezoning the site to C-W and allocating funding for environmental review, or referral to the City Manager to develop recommendations to Council that would inform a RFP to develop senior housing on the site under the current MU-R zoning.

### CURRENT SITUATION AND ITS EFFECTS

The population of Berkeley residents 65 and older has steadily increased in recent years. Projections from multiple sources, including the Alameda County Plan for Older Adults, show that by 2030 over 20% of Berkeley residents will be over 65. Based on surveys completed by the Age Friendly Berkeley Initiative (2018) older adults



increasingly prefer to age in their communities with housing affordability and availability, along with transit access, noted as major areas of concern, especially for low-income respondents. Wait lists for affordable senior housing units are as long as 8 years.<sup>1</sup>

Board and Care facilities operate under the supervision of the Department of Social Services through a Community Care License and are staffed 24 hours per day, seven days per week. They provide residential care for seniors and/or people with disabilities who need assistance in their daily lives including room and board, meals, a supportive living environment with daily activities for participation and entertainment, and assistance with personal care. There is a critical lack of Board and Care facilities in the state. In recent years, the number of licensed board and care facilities, including Adult Residential Facilities and Residential Care Facilities for the Elderly has been declining largely due to inadequate funding and rising housing construction costs.<sup>2</sup> San Francisco has lost more than a third of its facilities that serve seriously mentally ill people under the age of 60 which is consistent with what other counties report, anecdotally, up and down the state.<sup>3</sup> More housing and mental health resources are critical to address the needs of our most vulnerable low-income adults who are most at-risk of homelessness: older adults, persons with disabilities, and persons with severe mental illness.

Currently, the City's Health, Housing and Community Services Department is utilizing the West Berkeley Service Center to house the West Berkeley Family Wellness Center that provides services such as Women, Infants and Children's (WIC) program, immunization programs, programs offering nursing support, Berkeley Black Infant Health and free yoga classes. Community Development Block Grant (CDBG) funds have been identified for improvements to the facility and have a five-year requirement for use, once all the funds are drawn down, without a pro-rata repayment. These improvements are scheduled to begin during the first quarter of 2024. During that time, a temporary facility will be needed to accommodate the temporary relocation of these programs to ensure continuation of services and activities during the construction period of any new housing project.

It is, currently, uncertain how this proposed development could be funded. The City of Berkeley Housing Trust Fund and funds from the 2018 Bond Measure O are in short supply or already dedicated to other projects. However, additional resources may

---

<sup>1</sup> Age Friendly Berkeley Action Plan, 2018: <https://berkeleyca.gov/sites/default/files/2022-01/Age-Friendly-Berkeley-Action-Plan.pdf>

<sup>2</sup>White Paper: County Behavioral Health Directors Association, February 28, 2020: Loss of Board and Care Facilities Is at Crisis Level: <https://namisantaclara.org/wp-content/uploads/2020/11/Loss-of-Board-and-Care-Facilities-is-at-Crisis-Level-2.28.20.pdf>

<sup>3</sup> San Francisco Chronicle article: SF Board-and-Care homes for Seriously Mentally Ill Shuttering as Costs Soar, April 16, 2019: <https://www.sfchronicle.com/bayarea/article/SF-board-and-care-homes-for-seriously-mentally-13766754.php>

become available through a proposed regional housing bond measure<sup>4</sup> or earmarked funding. Preparing an RFP that would be ready for issuance at the time resources have been identified would expedite development of the West Berkeley Service Center, ensuring critical resources can be provided for the community.

FINANCIAL IMPLICATIONS:

Staff time required for developing recommendations for an RFP. In addition, a budget will need to be developed for the temporary relocation of the West Berkeley Family Wellness Center services and possibly any pro-rata CDBG repayment.

ENVIRONMENTAL SUSTAINABILITY:

Aligns with environmental sustainability goals by providing housing densification along transit corridors.

CONTACT PERSON:

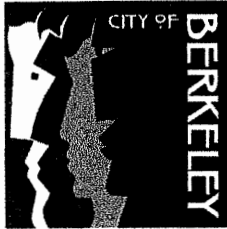
Mayor Jesse Arreguin (510) 981-7100

Attachments:

1. May 28, 2019 Council referral: Development of the West Berkeley Service Center, 1900 6<sup>th</sup> Street, for Senior Housing with Supportive Services
2. September 7, 2023, Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

---

<sup>4</sup> Bay Area Housing for All website: <https://bayareahousingforall.org/>



Office of the Mayor

## ATTACHMENT 1

CONSENT CALENDAR

May 28, 2019

To: Members of the City Council

From: Mayor Jesse Arreguín and Councilmembers Kesarwani, Wengraf, and Bartlett

Subject: Development of the West Berkeley Service Center, 1900 6<sup>th</sup> Street, for Senior Housing with Supportive Services

RECOMMENDATION

State the intent of the City Council that the West Berkeley Service Center property, 1900 6<sup>th</sup> Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned 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 initiate the process of developing senior housing at the West Berkeley Service Center:

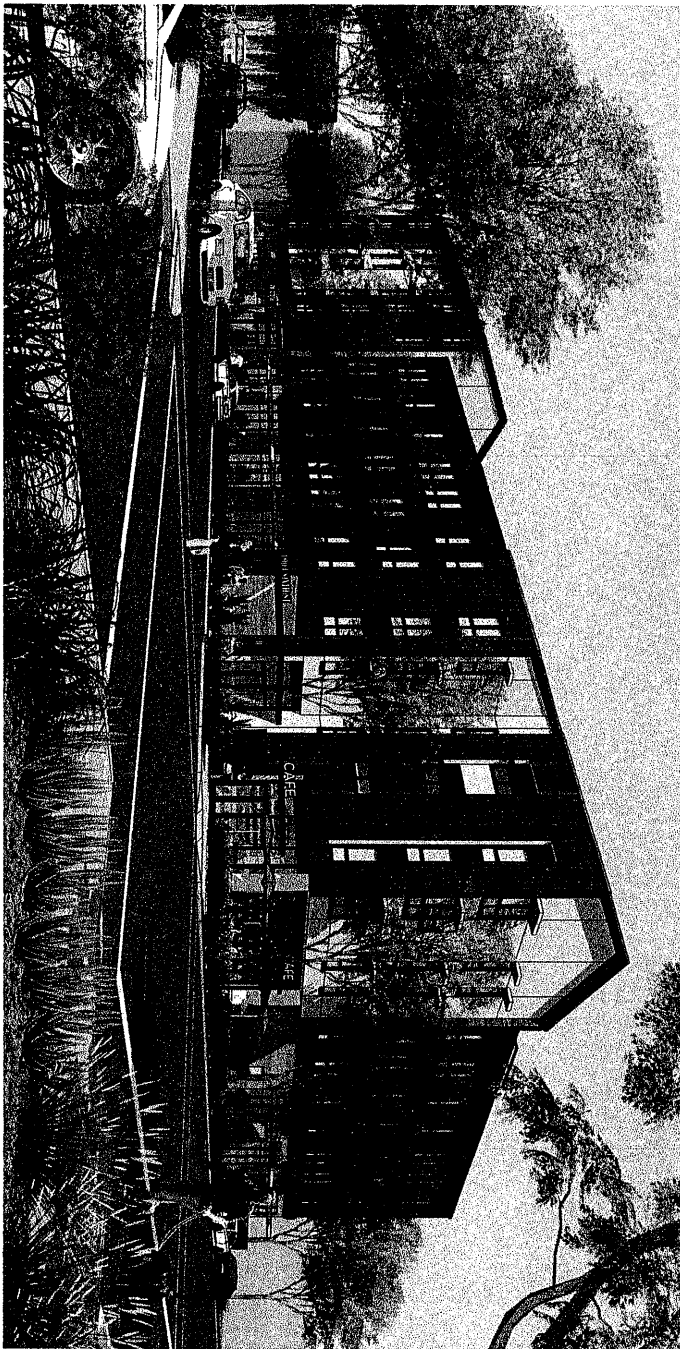
- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create

based on more current information, since predevelopment work could proceed immediately after a contract award.

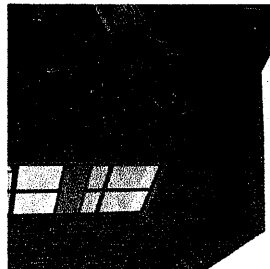
- A Request for Proposals (RFP), as opposed to a Request for Information (RFI), may be the best tool to use for soliciting development concepts from housing developers if Council wishes to use this process to award a contract, such as a Disposition and Development Agreement. An RFI is typically used to collect information from many potential bidders in anticipation of releasing a request for bids, to inform the request. An RFP is an excellent tool to use when the City wants bidders to apply their creative thinking to the proposed project and wants to award a contract. The RFP can ask the bidders to respond to multiple City priorities. Since identifying and analyzing options to develop the site will require an investment of staff time from respondents, developers are more likely to respond with more fully developed proposals if the process is used to award a contract.
- As a precursor to developing an RFP, it would help staff to understand Council's priorities for the site, particularly what project components are most important, such as maximizing the number of affordable units for seniors, providing deeply affordable units, inclusion of community services space, a memory care facility, etc. Understanding the ranking of Council priorities will help staff and bidders evaluate trade-offs and enable more responsive proposals, making the process more efficient for the City and developer alike.

#### CONTACT PERSONS

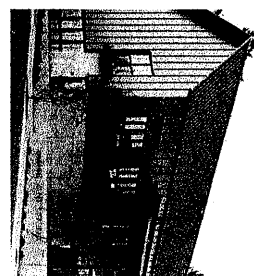
Timothy Burroughs, Director, Planning and Development Department, 510-981-7437  
Kelly Wallace, Interim Director, Health, Housing and Community Services Department,  
510-981-5107



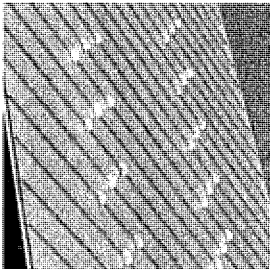
DESIGN INSPIRATION



BOARD & BATTEN  
NATURAL COLOR



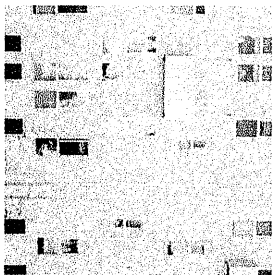
BOARD & BATTEN  
TINTED



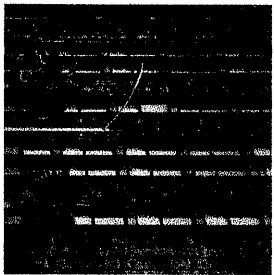
METAL ROOFING



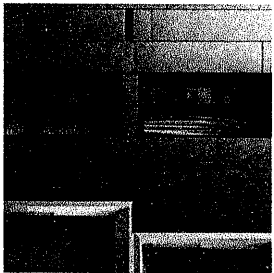
WALL SCONCE



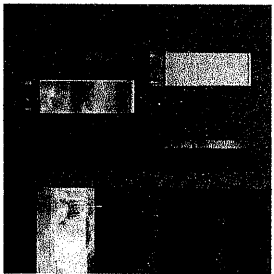
WINDOW PATTERN



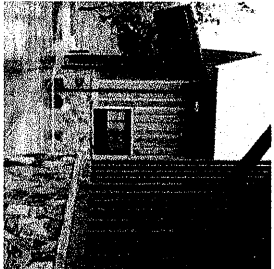
WINDOW PATTERN



CEMENT BOARD



CEMENT BOARD



CONTEMPORARY BARN



STORE FRONT

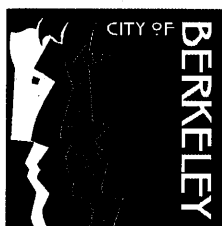
**6th Street Senior Affordable Housing** Berkeley, California

**Perspective View 1**

Project No.: 31804-P01

05.18.2018

**SGPA** ARCHITECTURE  
AND PLANNING



Office of the City Manager

## ATTACHMENT 2

September 7, 2023

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

### SUMMARY

In 2019, the City Council referred to the City Manager to conduct an analysis of the development potential of the West Berkeley Service Center (WBSC) site for senior housing and related support services. This memorandum analyzes a range of buildout scenarios under various zoning and permitting options, including State Density Bonus Law, and presents options for Council action.

### BACKGROUND

In 2016, the City Council adopted a referral to identify City-owned properties that have the potential to be used for affordable housing sites (**Attachment 1**). In 2017, staff identified the West Berkeley Service Center (WBSC) at 1900 Sixth Street, which currently houses a variety of social services, as one of several sites that met selected criteria for housing development suitability (included in **Attachment 2**).<sup>1</sup> In 2019, the City Council adopted a referral that asked the City Manager to further analyze the development potential options for the WBSC to achieve Council goals for that site (**Attachment 2**).

### SITE AND SURROUNDING AREA

The approximately 32,550 square-foot parcel is located at the southwest corner of Hearst Avenue and Sixth Street (Figure 1). It currently serves as the location of the West Berkeley Family Center, operated by the Health, Housing, and Community Services Department's Public Health Division (HHCS/PHD). At the site, HHCS/PHD currently offers a variety of public health and social services for low-income Berkeley

---

<sup>1</sup> The 2017 staff report identified six city-owned properties and grouped them into three categories based on how they met the following housing suitability criteria: 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; 3) not protected as parks or open space under Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance; 4) whether there were existing active City uses on the site. The West Berkeley Service Center was in "Group 2" because it met the first three criteria but it does have active City uses on site.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

residents, such as the Women, Infant, and Children (WIC) program, Black Infant Health, Immunization clinics and services, food and diaper distribution, and public health emergency preparedness. Additionally, there are current plans to create a community garden and co-locate various social, public health, and educational services at the site until future development initiatives can be realized. Public transit accessibility is plentiful, with several high-frequency AC Transit routes and Amtrak located within half a mile. In addition, the 4th Street shopping corridor and community health care facilities are nearby. Adjacent uses on the block consist of a range of commercial uses, including office, retail, personal services and exercise studio in one and two-story buildings.

The parcel is in the West Berkeley Plan area as part of a transition area between the Fourth Street retail district and the residential area to the east. It is zoned for Mixed-Use Residential (MU-R) (Figure 2) and has a General Plan land use classification of Mixed Use (MU) (Figure 3).

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Figure 1: Aerial of Project Site





September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Figure 2: Zoning - West Berkeley Service Center and Adjacent Properties



September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

**Figure 3: General Plan Land Use Designation - West Berkeley Service Center and Adjacent Properties**



**ANALYSIS OF ZONING OPTIONS**

Consistent with the Council's referral, staff analyzed options to maximize residential density, including affordable senior units, to maintain existing social services, and to introduce supportive housing uses.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

Staff analysis considered the impacts of the following variables on development potential:

- *Zoning Designation.* Maintaining the existing MU-R zoning, amending the zoning designation to West Berkeley Commercial (C-W) or Multiple-Family Residential (R-3), or establishing an overlay district.
- *State Streamlining Laws.* The relevance of state laws such as SB 35 or AB 2162 that allow for streamlined, ministerial approval.
- *State Density Bonus.* The use of the Density Bonus Law to increase allowed floor area or building envelope.

The Council referral directed staff to evaluate the development potential for a project containing senior housing with ground-floor resident amenities, supportive social services, and community space. Depending on the type of senior housing desired, the project could include the following (which require different zoning permits):

- A Mixed-Use Residential project, containing dwelling units, incidental residential amenities, community center space, and offices for supportive social services. This would require a Use Permit with a public hearing (UP(PH)) in the MU-R, C-W and R-3 districts.
- A Senior Congregate Housing project, containing group living accommodations occupied by persons 60 years or older who live in sleeping rooms without kitchen facilities, which contains congregate bath and/or dining facilities. This would require a UP(PH) in the MU-R, C-W and R-3 districts.
- A Community Care Facility, consisting of a state-licensed facility for non-medical care and supervision of elderly persons, is allowed with a Zoning Certificate in the C-W district, and a Use Permit in the R-3 district. Construction of new community care facilities is allowed with a Use Permit in the MU-R district, pursuant to changes recently adopted by the City Council in July that align the zoning code with State law requirements.

Regardless of the type of senior housing developed, the project would be required to comply with the development standards of the applicable zoning district. Table 1 below lists the development standards for each potential zoning district under consideration.

The R-3 zone provides the most restrictive development envelope. Changing the site's zoning to R-3 would require changing the General Plan land use designation of the site from Mixed Use to the lower density Medium Density Residential designation. This change may be inconsistent with the objective of optimizing the site's development potential for senior housing.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

**Table 1. Permit Requirements and Development Standards**

| Development standard                      |                              | MU-R<br>(existing)                          | C-W<br>(on same block)          | R-3<br>(across 6 <sup>th</sup><br>Street)        |
|-------------------------------------------|------------------------------|---------------------------------------------|---------------------------------|--------------------------------------------------|
| Lot area, Min.                            | Per dwelling unit            | 1,250 sq. ft.                               | N/A                             | N/A                                              |
|                                           | Per GLA resident             | N/A                                         | N/A                             | 350 sq. ft.                                      |
| FAR, Max.                                 |                              | 1.5                                         | 3.0                             | N/A                                              |
| Building Height, Max.                     | Height                       | 35 ft.                                      | 50 ft.                          | 35 ft.                                           |
|                                           | Stories                      | 3                                           | 4                               | 3                                                |
| Setbacks, Min.                            | Front                        | 5 ft.                                       | 0 ft.                           | 15 ft.                                           |
|                                           | Rear                         | 0 ft.                                       | 0 ft.                           | 15 ft.                                           |
|                                           | Interior Side                | 0 ft.                                       | 0 ft.                           | 4 ft. (1 <sup>st</sup> -2 <sup>nd</sup> stories) |
|                                           |                              |                                             |                                 | 6 ft. (3 <sup>rd</sup> story)                    |
|                                           | Street Side                  | 10 ft.*<br>Across from residential district | 20 ft.*<br>Across from R-1(A)   | 6 ft. (1 <sup>st</sup> story)                    |
|                                           |                              |                                             |                                 | 8 ft. (2 <sup>nd</sup> story)                    |
| 10 ft. (3 <sup>rd</sup> story)            |                              |                                             |                                 |                                                  |
| Building Separation, Min.                 | 0 ft.                        | 0 ft.                                       | 8 ft. (1 <sup>st</sup> story)   |                                                  |
|                                           |                              |                                             | 12 ft. (2 <sup>nd</sup> story)  |                                                  |
|                                           |                              |                                             | 16 ft. (3 <sup>rd</sup> story)  |                                                  |
| Usable open space per dwelling unit, Min. | 150 sq. ft. (dwelling units) | 40 sq. ft. (dwelling units)                 | 200 sq. ft. (dwelling units)    |                                                  |
|                                           |                              | No minimum (GLA's)                          | 90 sq. ft. (GLA's)              |                                                  |
| Lot Coverage, Max.                        | 100%                         | 100%                                        | 50% (One or two-story building) |                                                  |
|                                           |                              |                                             | 45% (Three-story building)      |                                                  |

Staff also considered an overlay zone, which is typically applied over multiple underlying zoning districts in order to establish additional regulations that serve a particular public purpose (e.g., Hillside Overlay, Civic Center District). An overlay zone typically modifies development standards and administrative processes, rather than allowed land uses. Given these limitations, staff do not recommend rezoning to R-3 nor creating an overlay zone.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

## REFINING OPTIONS

### State Streamlining Laws

California has passed laws that allow certain affordable housing projects to undergo streamlined ministerial processes subject only to objective development standards. Use of these laws increases development certainty while reducing project timelines, both of which lower costs and ultimately support the production of affordable units. As shown in Table 2 on the following page, the State streamlining laws relevant to the project are SB 35 (2017) and AB 2162 (2018).<sup>2</sup>

Given the state requirements for affordability levels, workforce benefits, and additional supportive housing requirements, SB 35 is the most likely streamlining mechanism to be used. SB 35 has lower affordability requirements and no supportive housing requirement compared to AB 2162, which requires maintaining services to formerly homeless residents and partnership with a service provider. For these reasons, staff's analysis assumes that the developer would likely opt to meet SB 35 requirements to achieve streamlining.

### Density Bonus Law

For housing development projects that provide a certain percentage of affordable units or senior housing, the California Density Bonus Law<sup>3</sup> requires cities to grant a density increase over "the otherwise maximum allowable gross residential density" for the zoning district and the General Plan. In addition to a bonus in number of units, State Density Bonus Law provides for incentives and concessions to reduce the cost of providing affordable housing, and/or waivers to development standards (e.g., open space requirements, height limits, setbacks, parking requirements) to achieve the densities allowed by the law.

The amount of the density bonus and the number of incentives or concessions granted generally increases with project affordability levels. At the affordability level required by SB 35 for ministerial approval in Berkeley (currently 50 percent of units for low-income households), a project can receive a 50 percent density bonus and three incentives or concessions.

In addition, AB 1763 (2019) expands State Density Bonus Law to housing projects that are 100 percent to lower-income households (excluding manager units) with up to 20 percent of units for moderate-income households. Projects near transit, such as the West Berkeley Service Center site, are not subject to density limits, may raise height limits by three stories or 33 feet, and are allowed up to four concessions.

---

<sup>2</sup> Based on staff's analysis, the site is not eligible for streamlining under the provisions of AB 2011.

<sup>3</sup> Government Code Section 65915.

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65915&lawCode=GOV](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV)

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

**Table 2. Applicable State Ministerial Approval Laws for Affordable Housing Developments**

| State Law Requirements                             | SB 35                                                                                                                                                                               | AB 2162                                                                                                                                                                          |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Housing Type</b>                                | Residential and mixed-use projects with at least 50% affordable housing                                                                                                             | 100% affordable housing projects where at least 25% of units (or 12 units, whichever is greater) are set aside for supportive housing (housing for formerly homeless residents)  |
| <b>Additional Requirements</b>                     | N/A                                                                                                                                                                                 | Onsite supportive services aimed at transitioning residents to regular life and housing, units with bathrooms and private cooking facilities, developer supportive services plan |
| <b>Workforce Requirements</b>                      | If government project: The project must pay prevailing wages<br><br>If project has at least 75 units and is not 100% affordable: The project must use skilled and trained workforce | N/A                                                                                                                                                                              |
| <b>Tribal Consultation</b>                         | Required                                                                                                                                                                            | Not required                                                                                                                                                                     |
| <b>Time Limit to Determine Eligibility</b>         | Up to 150 units: 60 calendar days<br>Over 150 units: 90 calendar days                                                                                                               | 30 days                                                                                                                                                                          |
| <b>Time Limit to Review and Act on Application</b> | Up to 150 units: 90 calendar days<br>Over 150 units: 180 calendar days                                                                                                              | Up to 50 units: 60 days<br>Over 50 units: 120 days                                                                                                                               |

Development Potential

The maximum development potential of the site depends on a number of factors that a developer would take into consideration when designing a project. Staff made a set of assumptions in order to illustrate the relative difference in development potential under the MU-R and C-W zoning district standards, as well as the magnitude of change allowed with State Density Bonus law under SB 35 (50 percent bonus) or unlimited bonus under AB 1763.<sup>4</sup> Specifically, staff assumed an average unit size of 550 square feet<sup>5</sup> and 20 percent common area<sup>6</sup> in both the base and density bonus projects, and 85 percent lot coverage in the density bonus project.

<sup>4</sup>The City Council’s referral specified affordable senior housing, thus staff did not consider a scenario allowed under density bonus law for senior housing that does not include affordability requirements.

<sup>5</sup> Staff reviewed the average unit size of five recent affordable senior housing projects approved or constructed in the region and found the average unit size to be approximately 550 square feet, consisting of studios, 1- and 2-bedroom units.

<sup>6</sup> Residential floor area not part of dwelling unit, such as common space, circulation (e.g., hallways).

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

As shown in Table 3 below, State Density Bonus Law allows significantly more units to be built than would otherwise be allowed in the base project. This is especially true for a 100 percent affordable project. With a zoning designation of MU-R, the base project could contain up to 26 units, as the maximum density is limited to one dwelling unit per 1,250 square feet of lot area. Applying a 50 percent density bonus to the base project to facilitate SB 35 streamlining, up to 39 units would be allowed. AB 1763 does not limit the project density, so the limiting factor would be the additional three stories allowed above the maximum of three stories, for a total of up to six stories allowed on the site. Given staff assumptions for unit size and lot coverage, it could be possible to build 190 units in six stories with AB 1763. With a zoning designation of C-W, the base project could contain 105 units, potentially increasing to approximately 150 units in six stories with a 50 percent density bonus, and potentially around 230 units in seven stories with an AB 1763 density bonus.

**Table 3. West Berkeley Service Center Example Development Scenarios**

| Project Type                                         | % of Project As Affordable Housing   | MU-R                 | C-W                  |
|------------------------------------------------------|--------------------------------------|----------------------|----------------------|
| Base project                                         | 0%                                   | 26 units, 3 stories  | 105 units, 4 stories |
| 50% density bonus                                    | 50% (Required for SB35 streamlining) | 39 units, 4 stories  | 150 units, 6 stories |
| No density limit + 3-story height increase (AB 1763) | 100%                                 | 190 units, 6 stories | 230 units, 7 stories |

Table 3 shows that the development potential of the site is greater when subject to the C-W district standards than the MU-R standards under the base and density bonus project conditions. However, because a project under AB 1763 would not be subject to a density standard, a 100 percent affordable project with MU-R zoning results in a development potential that is similar to that which can be achieved under C-W standards. The expanded baseline building envelope allowed in the C-W district provides for a further increase in the number of potential units under AB 1763. Ultimately, the number of units, building envelope and amount of affordable housing depends on a number of factors, such as the availability of affordable housing subsidy and overall economic feasibility. Recently developed affordable housing projects have tended to include fewer than 100 units.

September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

### Zoning Map and General Plan Amendment

The build-out scenarios presented above indicate that a zoning map amendment from MU-R to C-W would maximize production of affordable housing at the site. In addition, the C-W district would allow new construction of community care facilities with a Zoning Certificate while MU-R would require a Use Permit. This action would require a General Plan amendment to change the land use designation from Mixed Use-Residential (MU) to Avenue Commercial (AC). The associated environmental review process would consist of preparing an addendum to the Housing Element EIR, as the site has been identified as a sixth cycle Housing Opportunity Site.<sup>7</sup>

### Fiscal Impacts

Staff estimates that it would take approximately three to six months for staff to work with a consultant to prepare required environmental review documents, which would include required technical studies and tribal consultation. This effort is estimated to cost approximately \$60,000, excluding any additional City contributions from the Housing Trust Fund program that would likely be needed for a 100% affordable housing project (beyond state and federal tax credits) or staff time to manage the rezoning and environmental review. The amendments and resolution would be considered by the Planning Commission, followed by the City Council for approval and adoption.

### NEXT STEPS

The City Council can consider whether to proceed with rezoning the site to C-W and allocate funding for the environmental review, or refer to the City Manager to develop recommendations to Council that would inform a Request For Proposals (RFP) to develop senior housing on the site under the current zoning (MU-R). The RFP would include specifications for the desired amount of housing on site, unit sizes, level of affordability, as well as integration with amenities and services.

### Attachments:

1. Council Referral: Analyzing All City-Owned Properties for Potential for Housing Development (2016)
2. Council Referral: Development of the West Berkeley Service Center, 1900 6<sup>th</sup> Street, for Senior Housing with Supportive Services (2019)
  - Also Includes Referral Response: Analysis of City-Owned Property for Potential for Housing Development (2017)

---

<sup>7</sup> The lot area is approximately 32,500 square feet. The site is located in the City of Berkeley, California, under the jurisdiction of the California Building Code (CBC) Section 101.01, which is based on the International Building Code (IBC) 2015 Edition with California amendments. The site is located in the City of Berkeley, California, under the jurisdiction of the California Building Code (CBC) Section 101.01, which is based on the International Building Code (IBC) 2015 Edition with California amendments. It was not included in the fifth cycle housing element, so AB 1397 does not apply.

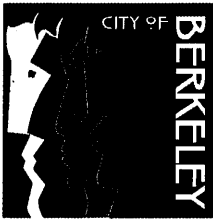


September 7, 2023

Re: Referral Response: Analysis of the Development Potential of the West Berkeley Service Center Site

cc: LaTanya Bellow, Deputy City Manager  
Anne Cardwell, Deputy City Manager  
Jenny Wong, City Auditor  
Farimah Brown, City Attorney  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager  
Jordan Klein, Planning and Development Director  
Lisa Warhuus, Health, Housing and Community Services Director

Attachment 1



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR

April 5, 2016

To: Honorable Mayor and Members of the City Council  
From: Councilmember Susan Wengraf  
Subject: Analyzing All City-Owned Properties for Potential for Housing Development

RECOMMENDATION

Request that the City Manager explore the opportunity for the City of Berkeley to build housing on city-owned property: conduct an inventory of city owned properties and return to City Council as soon as possible with an evaluation and analysis of those properties that are appropriate for the development of affordable housing.

BACKGROUND

Across the state of California, urban centers are experiencing a crisis in housing availability at all levels of affordability. The crisis is very severe in the Bay Area. Lack of funds and subsidies from the state and federal government has exacerbated the obstacles to developing housing at all levels of affordability. In addition, the scarcity and the high cost of land in the Bay Area and in Berkeley, specifically, is an enormous barrier to producing affordable housing. Berkeley needs to optimize its limited resources now and look to partner with housing developers to build housing on city-owned land.

The City of Berkeley has a unique opportunity. The two senior centers, "North", on MLK and Hearst, and "South" on Ellis and Ashby and the Service Center on 6<sup>th</sup> Street are all in need of significant renovation. Now is the time to evaluate these properties to determine if it is feasible to create a mixed-use, housing/community center on these sites prior to spending millions of dollars on the current structures.

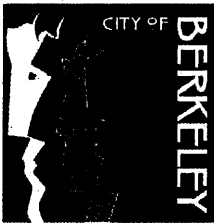
All City owned properties should be explored and evaluated for their potential as sites for housing development.

In addition, the Berkeley Unified School District owns property that has the potential to be developed as housing. The City of Berkeley should work closely with the BUSD to encourage them to move forward with their own analysis of potential housing sites that are currently under- utilized.

This severe housing crisis calls for all publicly owned land to be evaluated and considered.

FINANCIAL IMPLICATIONS: Staff time

CONTACT: Councilmember Susan Wengraf Council District 6 510-981-7160



Office of the Mayor

CONSENT CALENDAR  
May 28, 2019

To: Members of the City Council

From: Mayor Jesse Arreguín and Councilmembers Kesarwani, Wengraf, and Bartlett

Subject: Development of the West Berkeley Service Center, 1900 6<sup>th</sup> Street, for Senior Housing with Supportive Services

RECOMMENDATION

State the intent of the City Council that the West Berkeley Service Center property, 1900 6<sup>th</sup> Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.

The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned 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 initiate the process of developing senior housing at the West Berkeley Service Center:

- a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.
- b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.
- c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create

recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.

#### POLICY COMMITTEE RECOMMENDATION

On April 25, 2019, the Land Use, Housing and Economic Development Committee adopted the following action: M/S/C (Droste/Hahn) to send the item to the full Council with a Positive Recommendation. Vote: All Ayes.

#### BACKGROUND

The population of Berkeley residents 65 years and older has steadily increased in recent years. In 2017, older adults were estimated to make up 13.5% of our community – an increase of approximately 2% from the 2010 Census (11.7%) and approximately 3% from the 2000 Census (10.2%). Recent projections from multiple sources, including the Alameda County Plan for Older Adults, show that by 2030 one in five residents (20.5%) in Berkeley will be over 65, nearly doubling the current population. Advances in medicine and the spike of 'baby boomers' born after World War II have resulted in a late-twentieth century demographic phenomenon, popularly referred to as the 'silver tsunami', that cities across the country are similarly anticipating.

Based on surveys completed by AARP (2012) and the Age Friendly Berkeley Initiative (2018) we know that older adults increasingly prefer to age in their communities, which tells us we need a continuum of housing options for this growing population, in tandem with services. We also know that housing affordability and availability, along with transit access, are major areas of concern, especially for low-income respondents. In 2014, 23% of Berkeley residents 60 years and older were living under 200% of the Federal Poverty Level, according to the American Community Survey. As of July 2018, there were 738 dedicated affordable units for seniors, with a waitlist of 6-8 years. Amidst the current affordability crisis, low- and fixed-income seniors are struggling just to stay housed, let alone receive the care they require.

In an effort to respond to current and future needs, the Berkeley Age Friendly Continuum was formed out of conversations between residents and those providing and working in aging services across the city. The goal of this work is to strengthen Berkeley as a place to age, and ensure implementation of an integrated, person-centered, replicable, continuum of supports and services for older adults and those with disabilities as they navigate transitions of aging. This effort is now supported by the City of Berkeley, Kaiser, Sutter and AARP, and is heavily informed by the Age Friendly Cities and Communities effort led by the World Health Organization. Their three-year Action Plan will soon be released, focusing on how we can move forward aging standards, and ensure ours is a livable community where all generations thrive.

While the initial work of the Age Friendly Continuum has been focused on conducting a comprehensive needs assessment, setting priorities, articulating an organizational structure, and developing a 3-year plan, their longer term goal has always included piloting a senior housing and services facility that could be a model for the future of aging in place in Berkeley. One of the recommendations from their soon to be released Age Friendly Berkeley Action Plan under Housing and Economic Security, 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”.

In April 2016, the City Council passed a referral to identify City owned properties that have the potential to be used for affordable housing sites. An information report with the referral response was presented in February 2017, with the West Berkeley Service Center (WBSC) identified as a potential site for future development. In May 2017, Council then passed a budget referral for a feasibility study for the construction of affordable senior housing, specifically mentioning the WBSC along with the North and South Berkeley Senior Centers. Located at 1900 6<sup>th</sup> Street, the WBSC is an approximately 31,000 square foot parcel situated in a Mixed Used Residential (MUR) zone. Public transit accessibility is plentiful, with several high-frequency AC Transit routes and Amtrak located within half a mile. In addition, the 4<sup>th</sup> Street shopping corridor, and community health care facilities are nearby. The site is currently home to several tenants that provide a variety of services, including the City of Berkeley Aging Services, the Black Infant Health Program, Public Health Nurses and the Meals on Wheels program. It is also covering services provided by the North Berkeley Senior Center (NBSC) for the next 18-24 months until renovations at the NBSC are completed.

Initial plans were to keep the WBSC under the scope of the Measure T1 process. Measure T1, passed by Berkeley voters in 2016, is a \$100 million bond for rebuilding and renovating the City's aging infrastructure, including City owned facilities. Yet what this site needs is beyond an infrastructure upgrade, and its history as a hub for senior services presents an opportunity. West Berkeley has an extremely limited number of affordable housing units for seniors, despite being in a location that is easily accessible to various medical and aging services. And thanks to the passage of Measure O, a \$135 million dollar housing bond, combined with other funding opportunities, it could now be possible to fund the development of a senior housing and services facility modeled after the work of Age Friendly Berkeley, that becomes the gold standard for aging in place in our community, and the region.

Such a development would be consistent with the West Berkeley Plan, which calls for the residential development of MUR zones to facilitate the activation of such blocks while also maintaining a high level of services for the diverse population of West Berkeley. Additionally, the Plan calls for the development of housing, which provides on-site supportive services, as an explicit goal. However, to fully understand the possibilities of potential development of the site, the Planning Commission will need to consider several zoning options to find the optimal conditions.

After any rezoning is approved and recommendations on the development program are made by relevant City Commissions and the Council, the next step is to issue an RFP for development of the WBSC. We recommend consideration of the following criteria:

- Focuses on universally designed, affordable housing for older adults
- Incorporates the latest in technology and aging
- Functions both as services linked to housing and as a community hub of activity
- Reserves a portion of the units for assisted living and memory care
- Consistency with the recommendations of the Age Friendly Berkeley Initiative
- Maximize sustainability and energy efficiency

Any proposed development could have access to various forms of funding, including but not limited to Measure O (which explicitly mentions senior housing), new markets and low-income tax credits, local/regional/state funding such as U1, A1, and Prop 63/MHSA, along with private foundations.

#### RATIONALE FOR RECOMMENDATION

With Berkeley's senior population expected to skyrocket over the next decade, steps must be made to increase housing and services. There is currently a lack of senior housing in Northwest Berkeley, despite being in close proximity to various healthcare, shopping, and transit options. Affordable housing is particularly limited with wait lists for some senior housing projects between 6-8 years. There is also a need for a neighborhood hub for access to information and activities for older people in the area, along with meeting rooms and event space.

In 2017, Council voted to look into the feasibility of developing housing at Berkeley's senior centers, as recommended by the community. There are limitations to providing services at the North and South Berkeley Senior Centers due to their current R-2A residential zoning, and site constraints exist at the North Center due to the proximity of the BART tunnel. The development of WBSC for senior housing and services is consistent with both zoning regulations and the West Berkeley Plan. Such a development is also consistent with the Age Friendly Continuum.

Developing the former West Berkeley Senior Center into senior housing and services would uphold and honor the legacy of elder advocates who championed the creation of the Center to serve the needs of the West Berkeley Community, and would be consistent with its long-standing use.

#### FINANCIAL IMPLICATIONS

Staff time to conduct the analysis of development potential at the West Berkeley Service Center site, prepare reports for Council and Planning Commission discussion, and to work with City Commissions to create recommendations on the development program for a senior housing project. According to the staff memo dated March 7, 2019 "Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior

Housing”, city staff estimate that the analysis of development potential will take approximately 40-60 hours of staff time.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

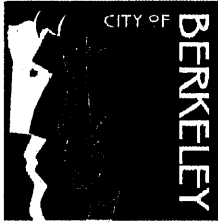
CONTACT PERSON

|                               |              |
|-------------------------------|--------------|
| Mayor Jesse Arreguín          | 510-981-7100 |
| Councilmember Rashi Kesarawni | 510-981-7110 |
| Councilmember Susan Wengraf   | 510-981-7160 |
| Councilmember Ben Bartlett    | 510-981-7130 |

Attachments:

1. Age Friendly Initiative, HHCS Presentation, City Council Worksession on July 17, 2018
2. Referral Response: Analysis of City-Owned Property for Potential Housing Development, February 14, 2017
3. Budget Referral: Feasibility Study For The Construction Of Affordable Senior Housing, May 16, 2017
4. Staff Report to the Land Use, Housing, an Economic Development Committee: Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior Housing, March 7, 2019





Office of the City Manager

WORKSESSION

July 17, 2018

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Director, Health, Housing & Community Services

Subject: Berkeley Age Friendly Initiative

SUMMARY

At the request of City Council, the Health, Housing and Community Services Department is providing an overview and update on the Age Friendly Berkeley initiative. Helping Berkeley's older adults remain in Berkeley and live long, healthy and fulfilled lives is the goal of the Age-Friendly Berkeley initiative. It's a collaborative effort between the City of Berkeley, Lifelong Medical Care, the Center for Independent Living, and Ashby Village. This report provides information on the key findings from a community survey that was conducted in March and April 2018 to help plan the work. This report also provides highlights from informational interviews that were conducted with City staff from various Departments to identify projects that City Departments have completed, or are considering, that consider the needs of older adults as they age in Berkeley.

The community survey and the informational interviews are strategies used to inform the development of the City of Berkeley Aging Friendly City Plan. This Plan will include recommended actions to achieve the goal of creating a livable community for all Berkeley residents, and will be submitted to the World Health Organization in November 2018. This report provides Council with information to inform the discussion on better serving our seniors.

The community survey gathered input from Berkeley community members age 50 and over. The purpose of the survey was to identify their priorities as they age in the Berkeley community. Survey results indicate that residents prioritize affordable senior housing, transportation services, and outdoor spaces that are walkable.

CURRENT SITUATION AND ITS EFFECTS

Many cities are experiencing rapid increases in the proportion of people aged 60 and over. In Berkeley, the population over age 65 is expected to nearly double from 12% in 2010 to 21% in 2030.

The World Health Organization (WHO) recognizes that older people are a resource for their families, communities and economies in supportive living environments. Older

people in particular often require supportive and enabling living environments to compensate for physical and social changes associated with aging. Thus, in order to retain a vibrant and enriching population of older adults, cities must provide the structures and services to support their wellbeing and productivity. Making cities more age-friendly is a necessary and logical response to promote the wellbeing and contributions of older urban residents and keep cities thriving (Global Age-Friendly Cities: A Guide, WHO, 2007).

The WHO has developed an active aging framework that outlines how cities can improve opportunities for health, participation and security in order to enhance quality of life for elders as they age. In an age-friendly city, policies, services, settings and structures support and enable people to age actively. Active and healthy aging depends on a variety of influences or determinants that surround individuals, families and nations. These determinants are reflected in the eight domain, or topic areas, identified by the AARP in previous research with older people on the characteristics of elderly-friendly communities:

1. Outdoor Spaces
2. Transportation
3. Housing
4. Social Participation
5. Respect & Social Inclusion
6. Civic Participation & Employment
7. Communication & Participation
8. Community and Health Services

Berkeley must complete an Aging Friendly Plan to be recognized by the WHO as an Age-Friendly City. To develop this Plan, public input was gathered from Berkeley community members through a community survey developed and implemented in partnership with AARP. The survey was distributed by mail to AARP members in Berkeley. Hard copies of the survey were also made available at the senior centers, libraries, and partner agencies such as churches and senior housing facilities. Funding for the development and analysis of the community survey was provided by a grant from the Pilgrimage Foundation.

#### **AGING SERVICES DIVISION**

The City of Berkeley's Aging Services Division aims to promote a dignified and healthy quality of life for older adults by offering connections to community, services & resources through two vibrant senior centers (North Berkeley Senior Center and South Berkeley Senior Center) and a multi-resource center (West Berkeley Service Center). Our programs touch the lives of older adults each year by serving as a resource for recreation, group meals, health & wellness education and other supportive services for adults 55 and older.

At our senior centers, staff provide local resources and provide individualized assistance to seniors and caregivers. Classes provided through the Berkeley Adult School, and other enrichment activities, are scheduled daily at the Centers. Lunchtime dining for senior center members is provided at a reasonable price (often free) at both senior centers; approximately 200 members are fed each day (over 40,000 meals per year).

Our Social Services staff provides consultation, referral, and case management for seniors in distress. Services include, but are not limited to, transportation, housing, food accessibility, access to healthcare, and legal assistance.

The Division's Meals on Wheels staff and volunteers provides approximately 60,000 home-delivered, well balanced meals to homebound seniors, 60 years of age or older, in Berkeley, Albany and Emeryville.

Berkeley senior centers provide transportation and access to recreational and educational activities in the community. Our paratransit services assist Berkeley residents with disabilities, and those 70 years of age or older, by providing taxi scrip and van voucher programs that enhance access to things seniors need and want. In FY17, over 13,400 taxi rides were provided to taxi scrip users, and over 1,200 van vouchers were used.

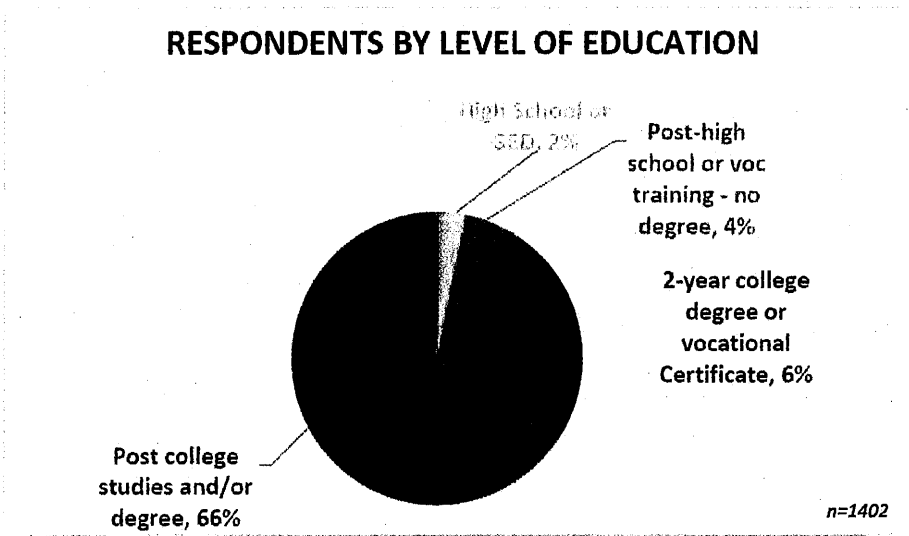
Finally, the Aging Services Division provides many opportunities for volunteers to support seniors, and thereby remain engaged in our community. Each year, hundreds of volunteers support the activities and services provided at the North and South Berkeley Senior Centers and help to deliver thousands of meals for the Meals on Wheels program.

## **SURVEY RESULTS**

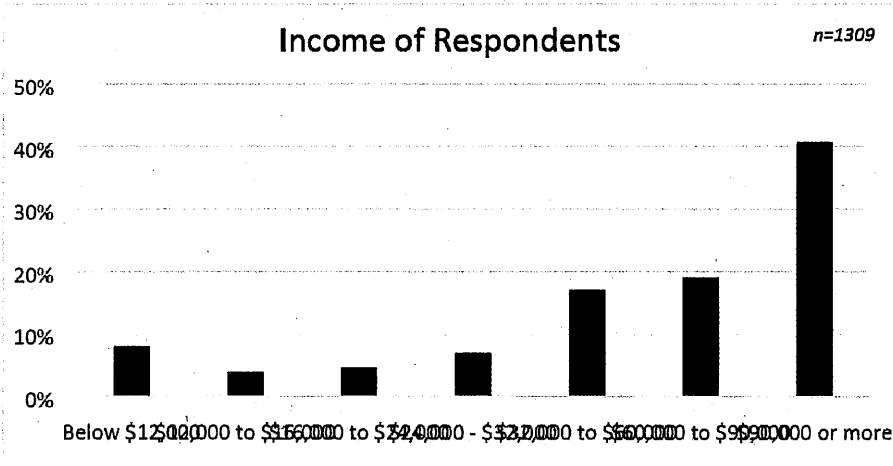
### Respondent Characteristics

A total of 1416 surveys from Berkeley adults age 50 and over were received and analyzed in April 2018. 30% of the respondents are between the ages of 50-64, 57% between ages 65-79, and 13% age 80 or more. 73% of those surveyed are female.

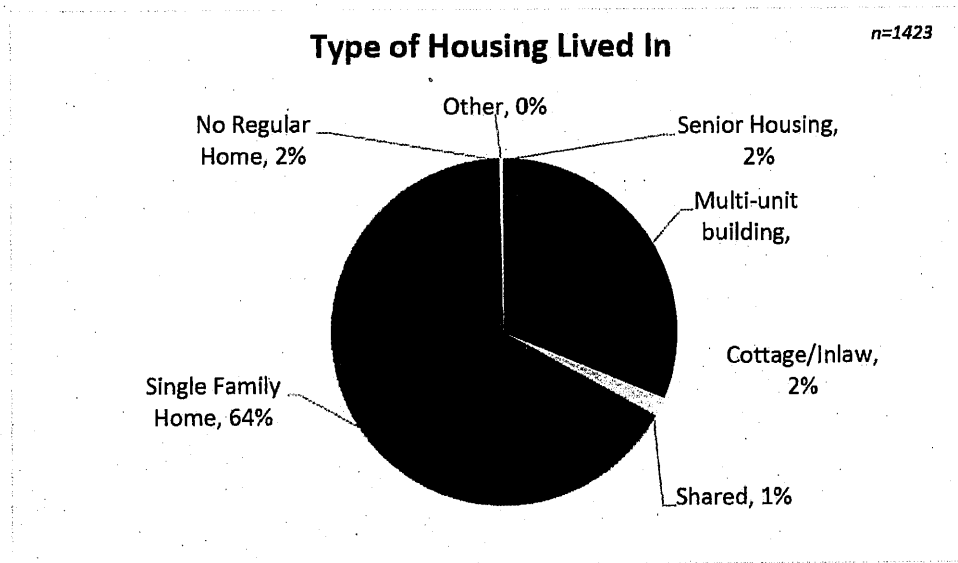
Approximately 66% of the respondents indicated a post-college level of education.



Approximately 60% of the survey respondents reported an income of \$60,000 or more in the previous year.



A majority of the survey respondents indicated that they live in single family homes. One-third of the respondents indicated living in multi-unit housing complexes.



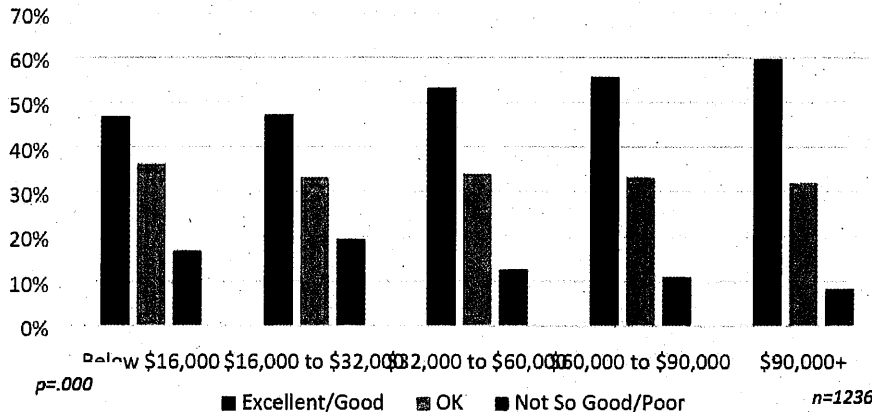
**Key Survey Findings**

The community survey included various questions that address each domain. As mentioned previously, survey respondents highlighted concerns and priorities under the housing, transportation, and outdoor spaces domain areas. These findings are summarized below, by domain area:

**Housing**

The majority of the survey respondents in each income group indicated that Berkeley was an "Excellent" or "Good" city to age in. However, over 30% of respondents reporting an income of \$32,000 or below in the previous year indicated that Berkeley is a "Not so good/poor" place to age.

**How Respondents Rate Berkeley as a Place to Age  
by Income Group**



When asked about main reasons for their rating of Berkeley as a place to age, respondents indicated that they appreciated the availability of low-income and senior housing in the City. However, respondents also pointed out that the availability of such housing was low, and that housing and property tax costs are too high. These reasons, along with mentions of gentrification and homelessness, support respondents' indication of Berkeley as a "Not so good/poor" place to age.

It is important to note that those survey respondents in the \$16,000-\$32,000 income bracket rate Berkeley the lowest for aging. As income increases, the number of respondents indicating that Berkeley is an "Excellent/Good" place to age also increases. The chart above highlights the income disparities that exist in Berkeley; as mentioned in the Health Status Report, the environments and neighborhoods in which people live, work, learn, and raise their families impact their access to resources such as effective health care, and ultimately affect their overall quality of life.

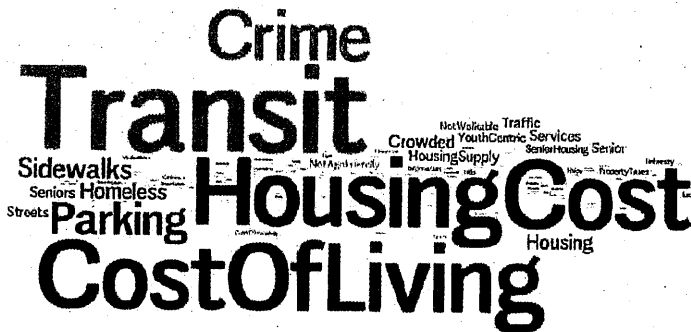
Additionally, survey respondents were asked about factors that would influence their decision to move out of Berkeley. Over 60% of respondents identified their need for housing to live independently, lowering the cost of living overall, and needing a less expensive home, as their top three influencing factors.

**Outdoor Spaces**

Word clouds were created to illustrate the most frequently mentioned positive reasons from those survey respondents who reported the City of Berkeley to be an "Excellent" or "Good" place to age (55% overall):



Word clouds were also created to illustrate the most frequently mentioned negative reasons from those survey respondents who reported the City of Berkeley to be a be "Not So Good" or "Poor" place to age (11% overall):

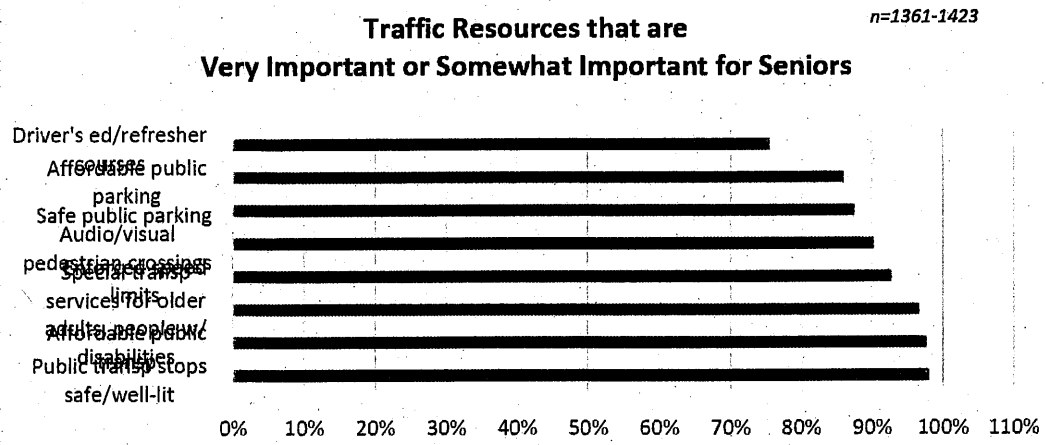


While respondents acknowledge that the City of Berkeley is an accessible community that is resource and activity-rich, they also identified affordable housing, transportation services, and safety as significant needs in the Berkeley community.

**Transportation**

Respondents were asked how they get around for things like shopping, visiting the doctor, running errands or socializing. While the majority drive themselves, a large percentage rely on walking, and half report using public transit. Fewer than 30% use a taxi or ride service, but they may not know about the transportation and paratransit services that the City, and other City partners, offer.

Survey respondents were also asked about the importance of certain traffic resources:



Transportation is a high priority for older adults with nearly all wanting more transit enhancements. Approximately 100% state that the following are very important: Public transportation stops are safe and well lit, public transportation is affordable, and special transportation for seniors.

**Key Interview Findings**

In addition to the community survey, a total of 18 informational interviews with City staff from 9 City Departments were conducted. Data on projects that have been completed and are currently being planned/pursued that address relevant older adult issues and concerns was collected. The following list summarizes these projects by domain area.

**Housing**

*Projects/Elements currently in place*

- Senior and disabled home loan rehab program: long term, low interest loans to fix houses of low income seniors so they can age in place.
- Short term rental application support/workshops through Finance Department
- Housing Assistance is available through the Berkeley Housing Authority, Center for Independent Living, ECHO housing (fair house counseling), NID (housing counseling Agency focused on foreclosure counseling) and the Unity Council (foreclosure workshops)
- 738 dedicated, affordable senior housing units in Berkeley, but with wait lists of 6-8 years

*Projects in process with Age Friendly Elements*

- Disability Commission and Planning Commission considering amendments to ADU's - goals is to increase housing stock that is accessible.
- Expansion of City Planning's housing safety program with intent to proactively protect low-income housing stock.



## Outdoor Spaces

### *Projects/Elements currently in place*

- Recreational programs through the Parks & Rec department now offering more adult classes: painting, yoga, aquatics, Tai Chi, etc.
- 52 Parks as well as trails and community gardens are available
- Sidewalks, curb cuts, street lighting, benches, & traffic calming devices are well developed in most of the city
- New developments & redevelopments, including businesses & housing developments, are required to build or remodel according to ADA standards

### *Projects in process with Age Friendly Elements*

- Parks & Rec Department considering adding paid classes and programs targeting the older adult population
- City Planning Department using "Crime Prevention through Environmental Design" to address safety issues, uncomfortable spaces, dark alleys, etc.
- Measure T1 holding public hearings; goal to improve existing infrastructure and facilities

## Transportation

### *Projects/Elements currently in place*

- Strategic Transportation Plan strives to enable equal access for Berkeley community members of any age, background, and ability to move throughout City
- Paratransit, senior shuttle, and taxi scrip services available through City's Aging Services Division

### *Projects in process with Age Friendly Elements*

- Planning, Public Works Departments developing master pedestrian plan in commercial areas; safety, walkability, lighting, etc.
- Planning, Public Works Departments reviewing sidewalks in poor condition, which have been an issue for people with disabilities and elders who are challenged by broken sidewalks
- Aging Services transportation services to implement mobility management and travel training for seniors

## POSSIBLE FUTURE ACTION

The recommendations listed below were developed by the Age Friendly Berkeley collaborative. These recommendations align with both the key findings from the community survey and the City staff informational interviews.

## Housing

- Incorporate universal design into new building codes
- Support efforts to overturn policy that allows people to raise the rent to market when someone in a rent-controlled space moves out
- Create a publicly accessible, understandable database where seniors can see rental opportunities rather than the need to call each establishment individually

- Allow & promote a mix of uses in buildings and neighborhoods through zoning codes and planning tools to provide access to necessary services (grocery stores, pharmacies, etc.) with multiple transportation options in neighborhoods
- Work with additional personnel and leadership outside government agencies to help coordinate housing needs along a continuum, from shared housing to assisted living

### **Outdoor Spaces**

- Include input from older adults while developing the master pedestrian plan for input about cleanliness, wayfinding, safety, walkability, etc.
- Improve park bathrooms and facilities in general for the older population
- Create safe routes to common destinations (e.g., community centers, libraries)

### **Transportation**

- Advance the affordability, availability, reliability, frequency, and travel destinations for public transit
- Allocate additional funding to improve transportation infrastructure (benches, shelters, traffic signals, and pavement on pedestrian sidewalks)
- Extend educational programs to help individuals learn about public transit options

The City's Aging Services Division remains committed to promoting quality services and resources to encourage active aging for Berkeley's older adults. The Division is also committed to working with partners to create sustainable age-friendly elements in the Berkeley community that enable access to resources which support a full and healthy life for everyone. As our older adult population increases, it is important for the city to continue to focus on their needs, and provide accessible and affordable opportunities for them to participate actively in our community.

### **BACKGROUND**

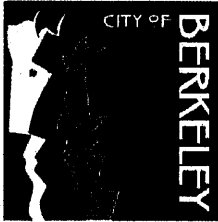
To become a member of the World Health Network, the City completed an application that demonstrated Berkeley's commitment to older adults. Through the City's dedicated services to older adults, its robust non-profit sector, and innovative planning, the City demonstrated Berkeley's commitment to the older adult community and was accepted into the World Health Network in November 2016.

### **ENVIRONMENTAL SUSTAINABILITY**

There are no environmental sustainability impacts as part of this report.

### **CONTACT PERSON**

Tanya Bustamante, Aging Services Manager, HHCS, (510) 981-5178



Office of the City Manager

INFORMATION CALENDAR  
February 14, 2017

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Director, Health, Housing and Community Services

Subject: Referral Response: Analysis of City-Owned Property for Potential for Housing Development

SUMMARY

On April 5, 2016 City Council requested an inventory of City-owned properties in order to evaluate their potential for affordable housing development. In the past, the City has sold (for example, for Oxford Plaza and Harper Crossing) and leased (in the case of William Byron Rumford Senior Plaza) City-owned property to support affordable housing.

The City owns 119 properties scattered throughout Berkeley. (In many cases, these properties are made up of multiple legal parcels.) Staff reviewed the inventory and assessed each site's development potential, based on criteria prioritizing sites that are mostly likely to accommodate a multifamily rental project and most competitive for affordable housing funding. HHCS staff reviewed the sites' zoning designation, square footage, current use, and whether or not properties were protected as parks or open space under Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance. Six properties were identified citywide that met the basic criteria. One is the Berkeley Way parking lot, currently the subject of an agreement with BRIDGE Housing related to its development as affordable housing. The other five all had other significant challenges to development. All would require more review before taking any further action.

Staff did not review properties for the potential to sell. Oakland's housing plan, Oakland at Home, recommended selling City-owned properties not suitable for affordable housing development and placing 30% of the proceeds in a housing trust fund.

CURRENT SITUATION AND ITS EFFECTS

This report responds to a referral that originally appeared on the April 5, 2016 Council agenda and was sponsored by Councilmember Wengraf.

For this project, HHCS staff started with a detailed list of City-owned parcels that had been compiled by the Public Works Department from multiple sources, and updated it with information from the Berkeley Municipal Code as well as internal records. The

complete list is attached (see Attachment 3). It is the most comprehensive list that has been compiled to date.

#### Initial Assessment: Selected Properties

HHCS staff identified six properties that met basic criteria for housing development suitability and grouped them in three categories, based on the criteria briefly described above, and described in depth in the Background section of this report. The following describes the six properties which best met the criteria identified. None of these sites were identified as housing opportunity sites in the Housing Element, primarily because of existing City uses and zoning constraints. The City already has an agreement with BRIDGE Housing for the development of Berkeley Way, and the other five have significant challenges to development. These sites are also listed in Attachment 1.

*Group 1.* Two properties met all basic criteria. They are: 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; 3) not protected under Measure L; and 4) have no existing structures.

- **Berkeley Way Parking Lot (2012 Berkeley Way):**

The City and BRIDGE Housing have a Disposition and Development Agreement for a project on this site that will incorporate affordable housing, permanent supportive housing, transitional housing, homeless services, and replacement public parking. On September 27, 2016, City Council awarded \$835,897 in Housing Trust Funds to support additional predevelopment activities, including architectural work, environmental studies, and planning fees.

- **Elmwood Parking Lot (2642 Russell Street)**

Five City-owned parcels could be merged to create a 27,000 square foot lot. The parcels currently form a narrow parking lot situated between a row of shops facing College Avenue, and a residential neighborhood composed primarily of 1-2 story single family homes and small multifamily buildings. This parking lot supports the Elmwood commercial area. At a minimum, this site would need to be rezoned to support multifamily housing development at a large enough scale to make affordable housing feasible.

While the square footage of the parcel initially seemed promising, several of the adjacent residential buildings are situated on the lot lines, and the businesses use the City's property for trash pickup and delivery access. Setbacks would likely be required on one if not both sides. In addition, the lot's irregular shape and proximity to existing commercial and residential uses would constrain its footprint and height to the point at which an affordable development may be infeasible, particularly with replacement parking for the commercial district. Combined, these limitations are likely to make affordable housing development infeasible at this time.

*Group 2.* Two additional properties are 1) located within zones allowing multifamily development; 2) larger than 15,000 square feet; and 3) not protected under Measure L; but they have active City uses. A third property, Center Street Garage, also met these criteria but was not considered because it is currently under construction.

- **West Berkeley Service Center (1900 Sixth Street).** The West Berkeley Service Center is located on a parcel that is 31,000 square feet, in an area that is a mix of commercial, industrial, and residential. Some of the parking spots are currently being used for City vehicles. The neighboring buildings are 1-2 stories tall, but 4-5 story buildings are located one block away along University Avenue. Though the existing zoning (MUR - Mixed Use Residential) permits multifamily development, changing the zoning could help maximize the site's development potential. Demolishing and replacing the service center, currently used for senior social services, the Black Infant Health Program, Public Health Nurses and the Meals on Wheels program, would add significantly to the cost of housing development at the site.
- **Telegraph-Channing Garage and Shops (2425 Channing Way)**  
This six-story parking garage also includes retail spaces on the ground floor. Built in the late 1960s, the garage provides parking for the stores and restaurants along Telegraph Avenue near the UC Berkeley campus. Conceivably, the site could be redeveloped to include replacement commercial spaces and parking with housing over it.

However, since the structure is a key resource for local businesses, the costs of temporary commercial relocation during construction, and the costs of replacing parking and commercial spaces would make development very costly and could be infeasible in combination with affordable housing. In order to also add new residential units, the replacement structure would likely need to be several stories taller than the current structure, which is already among the tallest buildings in the neighborhood. These issues present significant challenges to using the site for affordable housing in the foreseeable future.

*Group 3.* These properties are both larger than 15,000 square feet and vacant, but would require zoning changes before multifamily housing could be constructed and have constraints from Measure L. The North Bowling Green is protected from development under Measure L, and would require a vote of the people to change its designation and make it legal to develop. The Santa Fe Right of Way requires further analysis to determine Measure L's applicability. Unlike other parcels protected under Measure L, both of these properties are fenced off from the public and not in active use.

- **North Bowling Green (1324 Allston Way)**  
Within the Corp Yard, along Allston Way, the North Bowling Green is a vacant lot of approximately 21,000 square feet that is not actively used by the City. The site

was used as a lawn bowling green starting in 1929, but has not been maintained as such since 2008. This site, along with the South Bowling Green and clubhouse, is leased to the Berkeley Lawn Bowling Club, though Parks is negotiating a new lease that will not include the North Bowling Green. The site contains elevated levels of pesticides and metals, and the contaminated soil would need to be excavated or encapsulated prior to active use or development, which does not rule out affordable housing development but would add to the cost. The entire Corp Yard site is within an R-2 zone, so the North Bowling Green would need to be split from the Corp Yard parcel and rezoned to allow for multifamily housing. The 150-unit Strawberry Creek Lodge (affordable senior housing) is located within a block of the vacant site, though the immediately adjacent residential units are single-family homes.

- **Santa Fe Right of Way**

The City owns six vacant, non-contiguous parcels that were part of the right of way for the former Santa Fe Railroad. The lots cut through the middle of blocks at a diagonal, and are separated by several streets: Ward, Derby, Carleton, Parker and Blake. Collectively, the parcels comprise approximately 75,000 square feet of undeveloped land. The parcels are zoned R-1 and R-2, which do not permit multifamily construction. The neighborhood is primarily single family homes with a few 2-story multifamily buildings. Although it could be possible to combine these sites into a single scattered site project, it would be difficult to achieve the density required to make a scattered site project large enough to be competitive for tax credit and other affordable housing funding.

## BACKGROUND

The initial data collection resulted in a list of 229 individual parcels, which was reduced to 119 after staff analysis. Several Berkeley Housing Authority and BUSD properties associated with Berkeley 75, former public housing, were removed from consideration, and adjacent parcels were combined into single entries to better assess their development potential. Staff then researched each property for specific data, including zoning and property square footage.

From the list of 119 parcels, some City-owned properties were excluded from further analysis because they were not available or clearly not suitable for development as housing. Sites not considered for future housing development included City offices at Center and Milvia, street segments, sidewalks, fire and police facilities, and sites leased to existing affordable housing projects.

The City owns approximately one acre of air rights to develop over the western parking lot at Ashby BART, which is zoned C-SA. The site was not included in this report because it is being analyzed as part of the Adeline Corridor planning process. The City does not own air rights at North Berkeley BART.

**Methodology and Criteria**

The remaining 92 properties were then ranked based on a set of criteria established to identify the sites with the greatest development potential (and fewest development barriers). The following criteria were used:

***Zoning***

Given the City of Berkeley's general plan and municipal code, multi-family housing can only be built within certain zones<sup>1</sup>. Properties outside these zones were ranked lower since they would require zoning changes in order to be suitable for higher density development.

***Size of parcel/ability to support 50+ units of housing***

Staff prioritized sites that can accommodate 50+ units of housing for affordable housing development. In this analysis, we looked at sites of 15,000 square feet as having the greatest potential, and gave consideration to sites over 10,000 square feet. Sites smaller than this are unsuitable for affordable multifamily housing development because:

- Even with greatly reduced or donated land, affordable housing development requires public funding. There are limited funding sources for affordable housing, and most multifamily housing developers pursue Low Income Housing Tax Credits as a significant source. Tax credit funding is highly competitive, and non-tax credit projects can be difficult to finance. California intends to start incentivizing larger developments by awarding higher points to projects with 50 or more units. Staff estimated that sites under 15,000 square feet would not allow for the density required to meet the 50-unit minimum for a competitive project. Sites between 10,000 and 15,000 were included but ranked lower, as they could be combined for a scattered site project.
- The long length of time required for obtaining financing for Harper Crossing (41 units) and Grayson Street Apartments (23 units) are probably at least partially related to their small size. Smaller projects are generally less competitive for housing funds because of their higher per unit costs and, in the case of the Affordable Housing and Sustainable Communities program, due to their smaller impact on reducing greenhouse gas emissions.
- Similarly, Oakland's housing plan recommended using sites that can accommodate 50+ units for affordable housing, and selling the others for revenue to support housing.
- One local affordable housing developer, when asked about minimum size, said "we've found that in higher-density areas (like Berkeley) sites should be at least 15,000 sq ft. We will look at smaller sites if there are special circumstances but as a rule of thumb it is hard to create a feasible multifamily rental project on a site

---

<sup>1</sup> Zones that allow multifamily housing are R-3, R-4, R-5, C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-W, C-DMU, and MU-R

under that size.” Another emphasized the need to look at the development capacity, citing a project on 13,000 square foot plot with 62 one-bedrooms, feasible only because it has 6 stories (typically not possible in Berkeley).

#### *Parks and open spaces, restricted by Measure L*

In 1986, Berkeley residents passed Measure L, the Berkeley Public Parks and Open Space Preservation Ordinance, ensuring that all existing City open space would be preserved (not developed). Measure L requires a vote of the people to use or to develop a public open space or park for any purpose other than public parks or open space, unless a State of Emergency has been declared. In this context, the Homeless Shelter Crisis declared by City Council in 2016 does not qualify as a State of Emergency, and would not supersede Measure L. Staff consulted with Parks to confirm that 23 properties larger than 10,000 square feet are restricted under Measure L. Staff did not ask Parks to review the following properties in hillside zones due to topographical constraints on development: Grotto Rock Park, Indian Rock Park, Remillard Park, Cragmont Park, and Great Stone Face Park.

#### *Current Use*

Berkeley is largely built out, and most City-owned properties have buildings and active uses. Staff prioritized properties that do not have any structures, followed by properties that are active City facilities, and finally properties leased to non-City entities. Staff did not review the 21 leases noted in the property inventory, and did not assess the development potential of the sites once the leases expire, as that was beyond the scope of the current analysis.

#### Properties Less Suitable for Development

The remaining 113 properties were considered less suitable for development because they did not meet enough of the priority criteria. More than half of the remaining properties were eliminated because they fell below the threshold of 10,000 square feet (49 properties) or because they are actively used open space or parks and are protected under Measure L (22 properties, excluding the Santa Fe ROW). Other properties were eliminated because of their current use, including a number of City facilities on lots larger than 15,000 square feet. Attachment 2 includes a list of every City-owned property over 15,000 square feet in area.

#### ENVIRONMENTAL SUSTAINABILITY

Any site would require environmental analysis to assess its suitability for development, and identify contaminants or issues needing remediation.

#### POSSIBLE FUTURE ACTION

Staff will continue to work with BRIDGE Housing and the Berkeley Food and Housing Project on the redevelopment of the Berkeley Way Parking Lot. Staff plan to report back to City Council with a recommendation on the disposition of two former



Referral Response: Analysis of City-Owned Property  
for Potential for Housing Development

INFORMATION CALENDAR  
February 14, 2017

Redevelopment Agency properties the City owns on 5<sup>th</sup> Street. Staff welcome any additional information that could further update the property information shown in Attachment 3.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Fiscal impacts of future action will depend on the course of action identified. Developing new affordable housing on City-owned land will require additional City funding contributions.


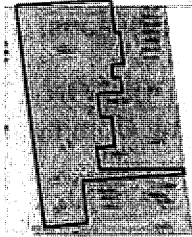

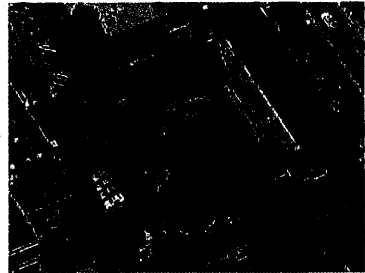
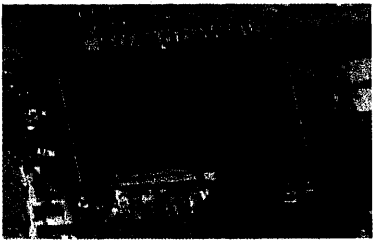
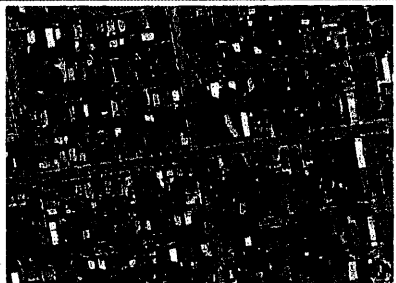
CONTACT PERSON

Jenny Wyant, Community Development Project Coordinator, HHCS, 510-981-5228

Attachments:

- 1: Selected Property List
2. City Properties Larger Than 15,000 SF
3. Inventory of City Properties
4. Original Referral Report from April 5, 2016

Selected Property List

| Priority Group | Name (Address)                                                         | Zoning       | Lot SF | Current Use    | Image                                                                                 | Bldg SF |
|----------------|------------------------------------------------------------------------|--------------|--------|----------------|---------------------------------------------------------------------------------------|---------|
| 1              | Berkeley Way Parking Lot<br>(2012 Berkeley Way)                        | C-DMU Buffer | 40,945 | Parking Lot    |    |         |
| 1              | Elmwood Parking Lot<br>(2642 Russell, 5 parcels)                       | C-E          | 27,374 | Parking Lot    |    |         |
| 2              | Telegraph-Channing Garage and Shops<br>(2425 Channing Way)             | C-T          | 32,685 | Parking Garage |   | 189,867 |
| 2              | West Berkeley Service Center<br>(1900 Sixth St)                        | MUR          | 31,020 | City Facility  |  |         |
| 3              | North Bowling Green<br>(portion of City Corp Yard, 1324 Allston)       | R-2          | 21,000 | City Facility  |  | 46,604  |
| 3              | Santa Fe Right of Way<br>(Ward, Derby, Carleton, and Blake, 6 parcels) | R-1/R-2      | 75,086 | ROW            |   |         |

**Attachment 2:  
All City-Owned Properties Larger Than 15,000 SF**

**City Facilities**

- Berkeley Fire Station Number 5 (2680 Shattuck Ave)
- Berkeley Fire Station Number 6 (999 Cedar St)
- Berkeley Fire Warehouse (1011 Folger Ave)
- Berkeley Police Department / Old City Hall (2100 / 2134 MLK Jr. Way)
- Berkeley Public Library – Central Branch (2090 Kittredge St)
- Berkeley Public Library-North Branch (1170 The Alameda)
- Berkeley Transfer Station (1201 Second St)
- City Corp Yard (1326 Allston Way)
- City Office Building (1947 Center St.)
- Civic Center Building (2180 Milvia St)
- Fire Department Station No.2 (2029 Berkeley Way)
- Firehouse Number 7 (3000 Shasta Ave)
- North Berkeley Senior Center (1901 Hearst Ave)
- North Bowling Green (part of City Corp Yard, 1324 Allston)
- South Berkeley Senior Center (2939 Ellis St)
- West Berkeley Service Center (1900 Sixth St)

**Existing Affordable Housing**

- Oceanview Garden Apartments (1816 Sixth St)
- University Avenue Cooperative Homes Apartments (Addison at Sacramento)
- William Byron Rumford Senior Plaza (3012 Sacramento St)

**Leased Properties**

- Berkeley Black Repertory Group Theater (3201 Adeline St)
- Berkeley Recycling Center (669 Gilman St)
- Nia House Learning Center (2234 Ninth St)
- Veterans Memorial Building (1931 Center St)
- Women's Daytime Drop-In Center (2218 Acton St)

**Parking Lots/Garages**

- Berkeley Way Parking Lot (2012 Berkeley Way)
- Center Street Garage (2025 Center St)
- Elmwood Parking Lot (2642 Russell)
- Oxford Plaza Parking Garage (2165 Kittredge)
- Telegraph-Channing Garage and Shops (2425 Channing Way)

### **Parks and Open Space**




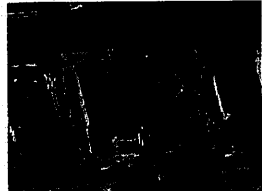




- Aquatic Park\* (80 Bolivar Dr)
- Berkeley Way Mini Park (1294 Berkeley Way)
- Cedar Rose Park\* (1300 Rose St)
- Codornices Park and Berkeley Rose Garden (1201 Euclid Ave)
- Community Garden (1308 Bancroft Way)
- Cragmont Rock Park (960 Regal Rd)
- Dorothy Bolte Park (540 Spruce St)
- George Florence Park (2121 Tenth St)
- Glendale- La Loma Park (1310 La Loma Ave)
- Great Stoneface park (1930 Thousand Oaks Blvd)
- Greg Brown Park (1907 Harmon St)
- Grotto Rock Park (879 Santa Barbara Rd)
- Grove Park (1730 Oregon St)
- Harrison Park (1100 Fourth St)
- Hillside Open Space on Euclid Ave
- Indian Rock Park (950 Indian Rock Ave)
- James Kenney Park\* (1720 Eighth St)
- John Hinkel Park (41 Somerset Pl)
- Live Oak Park\* (1301 Shattuck Ave)
- Marina\*/Cesar Chavez Park (11 Spinnaker Way)
- MLK Jr. Civic Center Park (2151 Martin Luther King Jr Way)
- Ohlone Park (1701 Hearst Ave)
- Remillard Park (80 Poppy Ln)
- San Pablo Park (2800 Park St)
- Strawberry Creek Park (1260 Allston Way)
- Terrace View Park (1421 Queens Rd)
- Virginia-McGee Totland (1644 Virginia St)
- Willard Park (2730 Hillegass Ave)

*\*A portion of the property is leased to a local organization.*



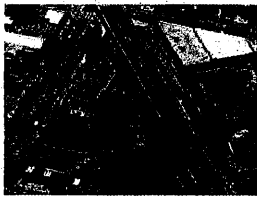




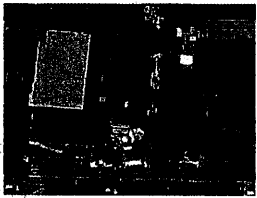
### **Other**

- Santa Fe Right of Way (approx. 1400 Carleton)
- Sidewalk and Road (Ashby between Harper and MLK Jr. Way)
- Roundabout (Parkside Dr)
- Sojourner Truth Court (former Santa Fe ROW)
- West St (between Lincoln and Delaware)



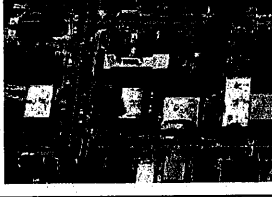
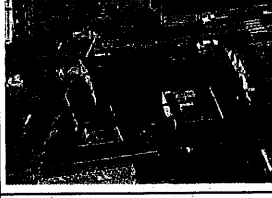

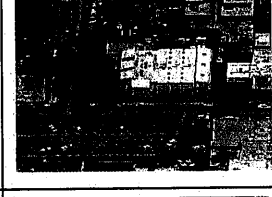

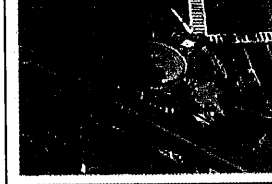
Attachment 3:  
Inventory of City Properties

| Name (Address)                                            | Zoning        | Lot SF | Current Use   | Notes                                                | Image                                                                               | APN                            | Bldg SF | Leased? | Tenant | End Lease Term |
|-----------------------------------------------------------|---------------|--------|---------------|------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------|---------|---------|--------|----------------|
| 1631 5th Street                                           | MUR           | 5,525  | Other         | Former RDA property. Vacant lot.                     |    | 057 211701100                  |         |         |        |                |
| 1654 5th Street                                           | MULI/<br>MUR  | 5,300  | Other         | Former RDA property. Vacant, single-family home.     |    | 057 211602300                  |         |         |        |                |
| 1817-1819 Fourth Street                                   | C-W           | 12,500 | Other         | 2 parcels. Former RDA properties. Leased for retail. |    | 057 209901400<br>057 209901500 | 10,070  |         |        |                |
| 63rd Street Mini Park<br>(1615 63rd St)                   | R-2A          | 8,100  | Park          |                                                      |   | 052 152201100                  |         |         |        |                |
| Abandoned Rail ROW<br>(1018 Ashby Ave)                    | MULI          | 11,450 | ROW           | 2 parcels.                                           |  | 053 163300300<br>053 163300400 |         |         |        |                |
| Abandoned Rail ROW<br>(between Heinz and Ashby, at Ninth) | MULI/ C-<br>W | 11,855 | ROW           | Potential extension of Emeryville Greenway?          |  | 053 165200300                  |         |         |        |                |
| Abandoned Rail ROW<br>(near 920 Flogr)                    | MULI          | 743    | ROW           | At Berkeley-Emeryville City Line along Greenway.     |  | 052 151201002                  |         |         |        |                |
| Ann Chandler Public Health Center<br>(830 University Ave) | C-W           | 14,700 | City Facility |                                                      |  | 056 196600100                  |         |         |        |                |

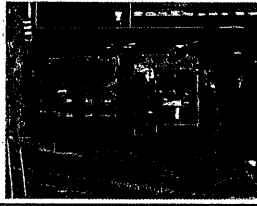
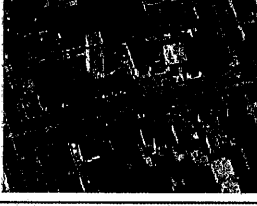

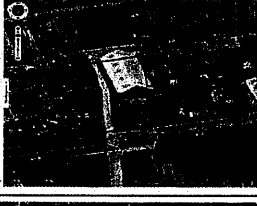


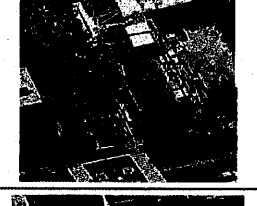

Attachment 3:  
Inventory of City Properties

| Name (Address)                               | Zoning                                                                  | Lot SF  | Current Use | Notes                                                  | Image                                                                               | APN                                                                                                                                                                                     | Bldg SF | Leased?        | Tenant                                                            | End Lease Term |
|----------------------------------------------|-------------------------------------------------------------------------|---------|-------------|--------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------------|-------------------------------------------------------------------|----------------|
| Aquatic Park<br>(80 Bolivar Dr)              | Along MM/<br>MUL/C-<br>DMU<br>Buffer/R-<br>2A/No<br>zoning<br>available | 739,878 | Park        | 12 parcels                                             |    | 060 251300101<br>054 177100100<br>060 250700101<br>060 250700102<br>054 175200100<br>054 175200201<br>054 177200100<br>054 177100200<br>060 252700101<br>056 194900601<br>056 194800300 |         | Yes, a portion | Bay Area Outreach<br>Recreation Program;<br>Waterside<br>Workshop | 7/31/2021      |
| BART ROW<br>(Adeline at Alcatraz)            | Zoning<br>not<br>found, in<br>between<br>C-SA/ R-<br>2A                 | 5,553   | ROW         |                                                        |    | 052 153200600                                                                                                                                                                           |         |                |                                                                   |                |
| BART ROW<br>(Gilman to Neilson)              | C-N/ R-<br>1A/ R-2                                                      | 7,350   | Other       |                                                        |    | 060 239107502                                                                                                                                                                           |         |                |                                                                   |                |
| Bateman Mall<br>(3027 Colby St)              | R-2A/ R-3                                                               | 9,501   | Park        |                                                        |   | 052 157405906                                                                                                                                                                           |         |                |                                                                   |                |
| Becky Temko Tot Park<br>(2424 Roosevelt Ave) | R-2                                                                     | 6,760   | Park        |                                                        |  | 055 190701100                                                                                                                                                                           |         |                |                                                                   |                |
| Berkeley 75<br>(1521 Alcatraz Ave, A,B,C,D)  | R-3                                                                     | 7,150   | Leased      | scattered site<br>affordable<br>housing<br>development |  | 052 152000800                                                                                                                                                                           |         | Yes            | Berkeley 75 Housing<br>Partners LP - c/o<br>Related California    | 2/1/2084       |
| Berkeley 75<br>(1605 Stuart St C)            | R-2                                                                     | 6,750   | Leased      | scattered site<br>affordable<br>housing<br>development |  | 054 173001400                                                                                                                                                                           |         | Yes            | Berkeley 75 Housing<br>Partners LP                                | 5/12/2083      |
| Berkeley 75<br>(1812 A,B,C Fairview St)      | R-2A                                                                    | 6,500   | Leased      | scattered site<br>affordable<br>housing<br>development |  | 052 153001800                                                                                                                                                                           |         | Yes            | Berkeley 75 Housing<br>Partners LP                                | 5/12/2083      |

Inventory of City Properties


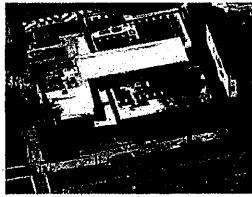




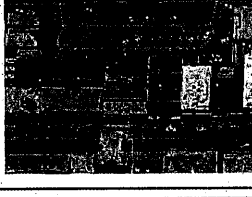

| Name (Address)                                              | Zoning       | Lot SF | Current Use   | Notes                                         | Image                                                                               | APN                                             | Bldg SF | Leased? | Tenant                          | End Lease Term |
|-------------------------------------------------------------|--------------|--------|---------------|-----------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------|---------|---------|---------------------------------|----------------|
| Berkeley 75<br>(2231, 2231A, 2231B, 2235 Eighth St)         | R-1A         | 6,500  | Leased        | scattered site affordable housing development |    | 056 197001507                                   |         | Yes     | Berkeley 75 Housing Partners LP | 5/12/2083      |
| Berkeley 75<br>(3016 Harper St A, B)                        | R-2A         | 4,893  | Leased        | scattered site affordable housing development |    | 053 160200600                                   |         | Yes     | Berkeley 75 Housing Partners LP | 5/12/2083      |
| Berkeley Adult Day Health Center<br>(1890 Alcatraz Ave)     | C-SA         | 9,404  | Other         |                                               |    | 052 152702401                                   | 4,425   |         |                                 |                |
| Berkeley Black Repertory Group Theater<br>(3209 Adeline St) | C-SA         | 17,097 | Leased        | 3 parcels                                     |   | 052 152902100<br>052 152902200<br>052 152902300 | 8,000   | Yes     | Black Repertory Group           | 5/30/2023      |
| Berkeley Fire Station Number 1<br>(2442 Eighth St)          | R-1A         | 10,260 | City Facility |                                               |  | 056 193901902                                   | 5,260   |         |                                 |                |
| Berkeley Fire Station Number 2<br>(2029 Berkeley Way)       | C-DMU Buffer | 23,977 | City Facility |                                               |  | 057 205100901                                   | 13,685  |         |                                 |                |
| Berkeley Fire Station Number 3<br>(2710 Russell St)         | R-2          | 9,359  | City Facility |                                               |  | 052 156702601                                   | 5,100   |         |                                 |                |
| Berkeley Fire Station Number 4<br>(1900 Marin Ave)          | R-1H/ R-1A   | 12,623 | City Facility |                                               |  | 061 257302600                                   | 5,442   |         |                                 |                |

Page 28 of 27  
Attachment 3:  
Inventory of City Properties




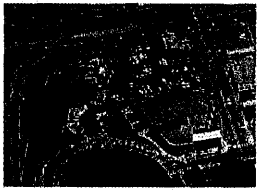

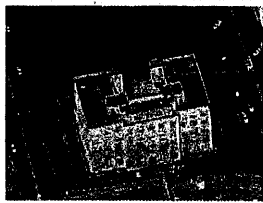


| Name (Address)                                                          | Zoning                 | Lot SF  | Current Use   | Notes                                                                                          | Image                                                                               | APN                             | Bldg SF | Leased? | Tenant                                                                                                                   | End Lease Term |
|-------------------------------------------------------------------------|------------------------|---------|---------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------|---------|---------|--------------------------------------------------------------------------------------------------------------------------|----------------|
| Berkeley Fire Station Number 5<br>(2680 Shattuck Ave)                   | C-SA                   | 17,300  | City Facility |                                                                                                |    | 055 181900301                   | 9,302   |         |                                                                                                                          |                |
| Berkeley Fire Station Number 6<br>(999 Cedar St)                        | R-1A                   | 26,000  | City Facility |                                                                                                |    | 059 231201200                   | 8,346   |         |                                                                                                                          |                |
| Berkeley Fire Station Number 7<br>(3000 Shasta Ave)                     | R-1H                   | 129,277 | City Facility | from BMC. RealQuest Pro and City site indicate that EBMUD is owner of larger parcel, not City. |    | 063 316001305<br>063 316003700  |         |         |                                                                                                                          |                |
| Berkeley Fire Warehouse<br>(1011 Folger Ave)                            | MULI                   | 24,425  | City Facility |                                                                                                |   | 053 163403000                   | 8,021   |         |                                                                                                                          |                |
| Berkeley Police Department / Old City Hall<br>(2100 / 2134 MLK Jr. Way) | R-2                    | 144,480 | City Facility |                                                                                                |  | 057 201701601                   | 122,783 | Yes     | Building Opportunities for Self Sufficiency (BOSS) - McKinley House; County of Alameda; Berkeley Unified School District | 6/30/2013      |
| Berkeley Public Library - Central Branch<br>(2090 Kittredge St)         | C-DMU Corridor         | 25,141  | City Facility |                                                                                                |  | 057 202801701                   | 75,000  |         |                                                                                                                          |                |
| Berkeley Public Library - Claremont Branch<br>(2940 Benvenue Ave)       | R-2A                   | 11,652  | City Facility | 2 parcels                                                                                      |  | 052 157301600,<br>052 157301700 | 7,434   |         |                                                                                                                          |                |
| Berkeley Public Library<br>(2031 Bancroft Way)                          | C-DMV Buffer/ Corridor | 14,133  | City Facility |                                                                                                |  | 057 202800500                   | 30,000  |         |                                                                                                                          |                |


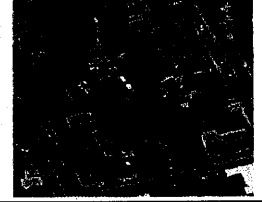
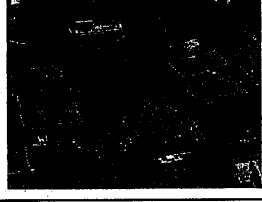


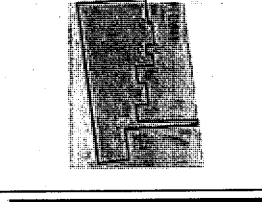




Attachment 3:  
Inventory of City Properties

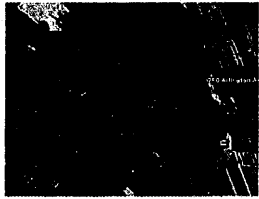





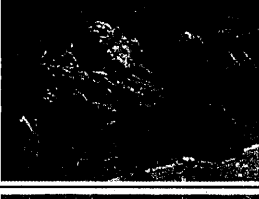

| Name (Address)                                               | Zoning       | Lot SF  | Current Use   | Notes      | Image                                                                               | APN                                                                               | Bldg SF | Leased? | Tenant                                                              | End Lease Term |
|--------------------------------------------------------------|--------------|---------|---------------|------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------|---------|---------------------------------------------------------------------|----------------|
| Berkeley Public Library-North Branch<br>(1170 The Alameda)   | R-1          | 17,668  | City Facility |            |    | 061 260503500                                                                     | 10,591  |         |                                                                     |                |
| Berkeley Public Library-South Branch<br>(1901 Russell St)    | R-2A         | 13,444  | City Facility |            |    | 053 167901601                                                                     | 5,250   |         |                                                                     |                |
| Berkeley Public Library-West Branch<br>(1125 University Ave) | C-1          | 12,000  | City Facility |            |    | 057 208501100                                                                     | 9,400   |         |                                                                     |                |
| Berkeley Recycling Center<br>(669 Gilman St)                 | M            | 48,150  | Leased        |            |   | 060 236200110                                                                     | 22,595  | Yes     | Community Conservation Center Inc                                   | 8/31/1991      |
| Berkeley Transfer Station<br>(1201 Second St)                | M            | 276,531 | City Facility | 5 parcels  |  | 060 238200102<br>060 238200303<br>060 236200109<br>060 236200111<br>060 236200108 | 51,615  |         |                                                                     |                |
| Berkeley Way Mini Park<br>(1294 Berkeley Way)                | R-2A/ C-1    | 18,733  | Park          | BMC        |  | 057 208102300                                                                     | 960     |         |                                                                     |                |
| Berkeley Way Parking Lot<br>(2012 Berkeley Way)              | C-DMU Buffer | 40,945  | Parking Lot   |            |  | 057 205302201                                                                     |         |         |                                                                     |                |
| BOSS: Harrison House/ Sankofa house<br>(711 / 701 Harrison)  | MULI         | 6,486   | Leased        | HCS Leased |  | 060 238300102                                                                     |         | Yes     | Building Opportunities for Self Sufficiency (BOSS) - Harrison House | 10/31/2013     |

Attachment 3:  
Inventory of City Properties

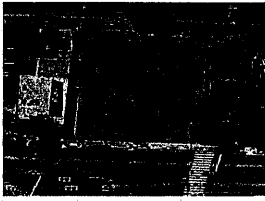
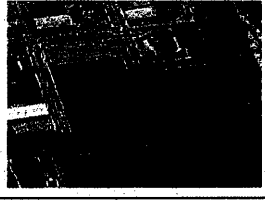

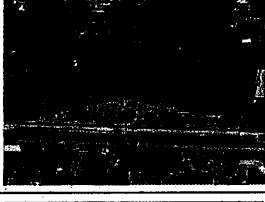
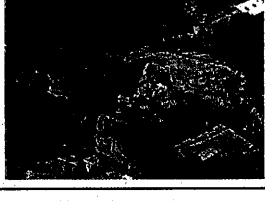

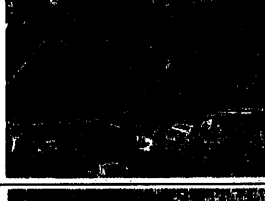
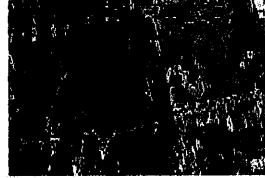
| Name (Address)                                                | Zoning       | Lot SF  | Current Use    | Notes     | Image                                                                               | APN                                                                                                                                                   | Bldg SF | Leased?        | Tenant                                                             | End Lease Term |
|---------------------------------------------------------------|--------------|---------|----------------|-----------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------------|--------------------------------------------------------------------|----------------|
| Cedar Rose Park<br>(1300 Rose St)                             | R-2          | 175,727 | Park           | 9 parcels |    | 060 241605800<br>060 241607700<br>059 228601900<br>059 228600203<br>059 229302001<br>060 242309600<br>059 228600103<br>058 213801500<br>059 228600104 |         | Yes, a portion | Alia Costa Center                                                  | No End Date    |
| Center Street Garage<br>(2025 Center St)                      | C-DMU Core   | 34,267  | Parking Garage |           |    | 057 202302003                                                                                                                                         | 175,500 |                |                                                                    |                |
| City Corp Yard<br>(1326 Allston Way)                          | R-2          | 250,072 | City Facility  |           |    | 056 199301501                                                                                                                                         | 46,604  | Yes            | Berkeley Lawn Bowling                                              | 12/31/2014     |
| City of Berkeley Animal Shelter<br>(1 Bolivar Dr)             | C-W          | 8,874   | Leased         |           |   | 060 252100201                                                                                                                                         |         | Yes            | New Cingular Wireless                                              | No End Date    |
| City Office Building<br>(1947 Center St)                      | C-DMU Buffer | 18,750  | City Facility  |           |  | 057 202200600                                                                                                                                         | 116,142 | Yes            | International Computer Science Institute; Rising Sun Energy Center | 4/30/2013      |
| Civic Center Building<br>(2180 Milvia St)                     | C-DMU Buffer | 38,808  | City Facility  |           |  | 057 202100100                                                                                                                                         | 77,145  |                |                                                                    |                |
| Codornices Park and Berkeley Rose Garden<br>(1201 Euclid Ave) | R-1H         | 470,240 | Park           | 4 parcels |  | 060 246800101<br>060 246800102<br>060 246800103<br>060 246500900                                                                                      |         |                |                                                                    |                |
| Colby St.<br>(between Ashby and Webster)                      | Next to R-3  | 13,603  | Other          | BMC       |  | 052 157308706                                                                                                                                         |         |                |                                                                    |                |

| Name (Address)                                   | Zoning           | Lot SF  | Current Use | Notes           | Image                                                                               | APN                                                                                                     | Bldg SF | Leased? | Tenant                       | End Lease Term |
|--------------------------------------------------|------------------|---------|-------------|-----------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------|---------|------------------------------|----------------|
| Community Basketball Court                       | R-1              | 11,886  | Open Space  |                 |    | 058 213903108                                                                                           |         |         |                              |                |
| Community Garden<br>(1308 Bancroft Way)          | R-2              | 38,526  | Open Space  | former rail ROW |    | 056 192203402                                                                                           |         |         |                              |                |
| Contra Costa Rock Park<br>(869 Contra Costa Ave) | R-1H             | 7,456   | Park        |                 |    | 061 257605600                                                                                           |         |         |                              |                |
| Cragmont Rock Park<br>(960 Regal Rd)             | R-1H             | 136,458 | Park        | 2 parcels       |   | 063 297500900<br>063 297501000                                                                          |         |         |                              |                |
| Dorothy Bolte Park<br>(540 Spruce St)            | R-1H             | 50,516  | Park        |                 |  | 062 293902001<br>062 293902301                                                                          |         |         |                              |                |
| Elmwood Parking Lot<br>(2642 Russell St)         | C-E              | 27,374  | Parking Lot | 6 parcels       |  | 052 156800300,<br>052 156800501,<br>052 156800601,<br>052 156800700,<br>052 156800801,<br>052 156800401 |         |         |                              |                |
| Epehsian's Children's Center<br>(1907 Harmon St) | R-2A             | 3,000   | Leased      |                 |  | 052 152901100                                                                                           |         | Yes     | Epehsian's Children's Center | No End Date    |
| Fountain Walk<br>(at Hopkins and El Dorado)      | C-N (H)/ R<br>1H | 9,678   | Other       |                 |  | 061 257100200                                                                                           |         |         |                              |                |



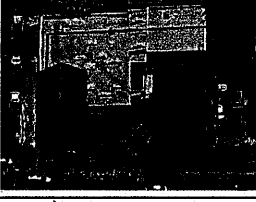

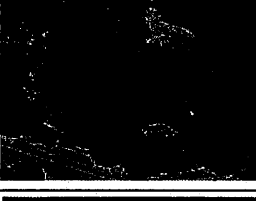



Attachment 3:  
Inventory of City Properties

| Name (Address)                                     | Zoning   | Lot SF  | Current Use | Notes     | Image                                                                                | APN                                                                               | Bldg SF | Leased? | Tenant | End Lease Term |
|----------------------------------------------------|----------|---------|-------------|-----------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------|---------|--------|----------------|
| Frederick Mini Park<br>(780 Arlington Ave)         | R-1H     | 9,925   | Park        |           |    | 062 292002300                                                                     |         |         |        |                |
| George Florence Park (2121 Tenth St)               | R-1A     | 21,600  | Park        |           |    | 056 197701900                                                                     |         |         |        |                |
| Glendale- La Loma Park<br>(1310 La Loma Ave)       | R-1H     | 129,092 | Park        | 5 parcels |    | 060 246904300<br>060 246905500<br>060 246904200<br>060 246906101<br>064 423201100 |         |         |        |                |
| Great Stone Face park<br>(1930 Thousand Oaks Blvd) | R-1H     | 30,471  | Park        |           |   | 062 292000100                                                                     |         |         |        |                |
| Greg Brown Park<br>(1907 Harmon St)                | R-2A     | 20,046  | Park        | 2 parcels |  | 052 152902601<br>052 152901002                                                    |         |         |        |                |
| Grizzly Peak Park<br>(50 Whitaker Ave)             | R-1H     | 10,692  | Park        | BMC       |  | 063 298304900                                                                     |         |         |        |                |
| Grotto Rock Park<br>(879 Santa Barbara Rd)         | R-1H     | 16,867  | Park        |           |  | 061 258204500                                                                     |         |         |        |                |
| Grove Park<br>(1730 Oregon St)                     | R-2/R-2A | 121,794 | Park        | 3 parcels |  | 053 167600101<br>053 167800101<br>053 167800102                                   |         |         |        |                |


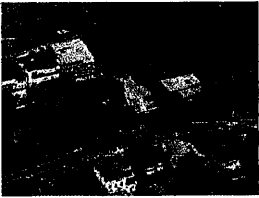



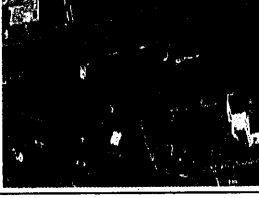


Attachment 3:  
Inventory of City Properties

| Name (Address)                                             | Zoning      | Lot SF  | Current Use | Notes                                               | Image                                                                               | APN                                                              | Bldg SF | Leased?        | Tenant            | End Lease Term |
|------------------------------------------------------------|-------------|---------|-------------|-----------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------|---------|----------------|-------------------|----------------|
| Harper Crossing<br>(3132 MLK Jr. Way)                      | R-2A/ C-SA  | 14,585  | Other       | Satellite Affordable Housing Associates development |    | 052 155101302                                                    |         |                |                   |                |
| Harrison Park<br>(1100 Fourth St)                          | MULI        | 280,341 | Park        | 4 parcels                                           |    | 060 238300102<br>060 238300200<br>060 238300300<br>060 238300400 | 9,644   |                |                   |                |
| Haskell-Mabel Mini Park<br>(1255 Haskell St)               | R-2A        | 2,658   | Park        |                                                     |    | 053 162600601                                                    |         |                |                   |                |
| Hillside Open Space on Euclid Ave<br>(near 660 Euclid Ave) | R-1H        | 21,041  | Open Space  | steep slope. Near 660 Euclid.                       |   | 063 295601701                                                    |         |                |                   |                |
| Indian Rock Park<br>(950 Indian Rock Ave)                  | R-1H        | 39,714  | Park        | 2 parcels                                           |  | 061 257802100<br>061 258401600                                   |         |                |                   |                |
| James Kenney Park<br>(1720 Eighth St)                      | R-1A        | 159,948 | Leased      |                                                     |  | 058 212200100                                                    |         | Yes, a portion | BAHIA             | 5/15/2012      |
| John Hinkel Park<br>(41 Somerset Ave)                      | R-1H        | 180,127 | Park        | 3 parcels                                           |  | 061 257900200<br>061 257900100<br>061 259803300                  |         |                |                   |                |
| Live Oak Park<br>(1301 Shattuck Ave)                       | R-2H/ R-2AH | 224,036 | Leased      |                                                     |  | 060 245503805<br>060 246601500                                   |         | Yes            | Theater First INC | 1/31/2023      |

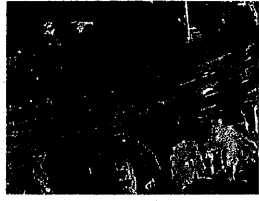

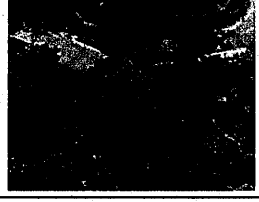





Attachment 3:  
Inventory of City Properties

| Name (Address)                                                   | Zoning              | Lot SF      | Current Use   | Notes | Image                                                                               | APN                                                              | Bldg SF | Leased?        | Tenant                                                                                                                                                                           | End Lease Term |
|------------------------------------------------------------------|---------------------|-------------|---------------|-------|-------------------------------------------------------------------------------------|------------------------------------------------------------------|---------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Lower Codornices Path<br>(at Sixth St)                           | MULI                | 2,900       | Park          |       |    | 060 238501000                                                    |         |                |                                                                                                                                                                                  |                |
| Marina/Cesar Chavez Park<br>(11 Spinnaker Way)                   | No Zoning available | 191,060,069 | Leased        |       |    | 060 254500100<br>060 254000201<br>060 252800701<br>060 253400103 | 2,529   | Yes, a portion | Berkeley yacht Club; Berkeley marine Center; Berkeley Company, Highline Kites; Cal Sailing Club; Cal adventures; Skates Restaurant; Hs Lordships; Balt Shop-oung Kim; Doubletree | 12/31/2058     |
| Mental Health Adult Clinic<br>(2640 MLK Jr Way)                  | R-2A                | 12,314      | City Facility |       |    | 054 181100300                                                    | 11,194  |                |                                                                                                                                                                                  |                |
| MLK Jr. Civic Center Park<br>(2151 Martin Luther King Jr Way)    | R-3/ C-DMU Buffer   | 121,548     | Park          |       |   | 057 202100200                                                    |         |                |                                                                                                                                                                                  |                |
| Mortar Rock Park<br>(901 Indian Rock Ave)                        | X? Next to R-1H     | 5,174       | Park          |       |  | 061 258305100                                                    |         |                |                                                                                                                                                                                  |                |
| Nia House Learning Center<br>(2234 Ninth St)                     | R-1A                | 19,855      | Leased        |       |  | 056 197000801                                                    | 7,760   | Yes            | Nia House Learning Center                                                                                                                                                        | 8/1/2053       |
| North Berkeley Senior Center<br>(1901 Hearst Ave)                | R-2A                | 32,803      | City Facility |       |  | 057 205701202                                                    |         |                |                                                                                                                                                                                  |                |
| North Bowling Green<br>(portion of City Corp Yard, 1324 Allston) | R-2                 | 21,000      | City Facility |       |  | 056 199301501                                                    | 46,604  |                |                                                                                                                                                                                  |                |

Attachment 3:  
Inventory of City Properties









| Name (Address)                                                | Zoning                     | Lot SF  | Current Use | Notes                                                                       | Image                                                                               | APN                                                                                                                                                                    | Bldg SF | Leased? | Tenant | End Lease Term |
|---------------------------------------------------------------|----------------------------|---------|-------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|--------|----------------|
| Oak Park<br>(35 Domingo Ave)                                  | R-1H                       | 9,894   | Park        |                                                                             |    | 064 424200100                                                                                                                                                          |         |         |        |                |
| Oak Ridge Steps<br>(between El Camino Real and Oak Ridge)     | R-1H                       | 1,408   | ROW         |                                                                             |    | 064 424301400                                                                                                                                                          |         |         |        |                |
| Oceanview Garden Apartments<br>(1816 Sixth St)                | MUR                        | 115,476 | Other       | Oceanview Garden Apartments. Former RDA property. 2 non-contiguous parcels. |    | 057 209801202<br>058 211801007                                                                                                                                         |         |         |        |                |
| Ohlone Park<br>(1701 Hearst Ave)                              | R-2/ R-2A                  | 300,981 | Park        | 10 Parcels                                                                  |   | 057 206702801<br>057 206600601<br>057 206503100<br>057 206400702<br>057 205601501<br>057 206700700<br>058 215002001<br>060 241403102<br>060 241707602<br>060 241101802 |         |         |        |                |
| Open Space<br>(1100 Kalins Ave)                               | R-2,<br>adjacent<br>to C-W | 5,200   | Other       | Only the open space is in Berkeley. Buildings are in Albany.                |  | 060 241000200                                                                                                                                                          |         |         |        |                |
| Open Space<br>(Santa Fe Ave at Albany border)                 | R-2                        | 1,925   | Open Space  | adjacent to BART ROW                                                        |  | 060 240906902                                                                                                                                                          |         |         |        |                |
| Open Space on California<br>(entrance to 1600 Addison condos) | R-2                        | 3,322   | Park        |                                                                             |  | 056 200500300                                                                                                                                                          |         |         |        |                |
| Open Space<br>(Hillcrest Rd)                                  | R-1H                       | 4,427   | Other       |                                                                             |  | 064 424701600                                                                                                                                                          |         |         |        |                |

Attachment 3:  
Inventory of City Properties


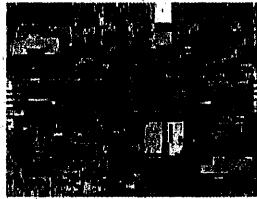
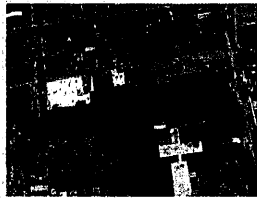
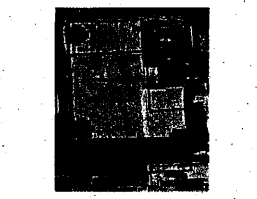

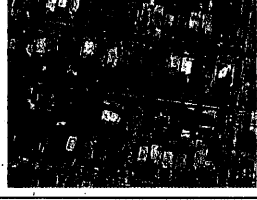
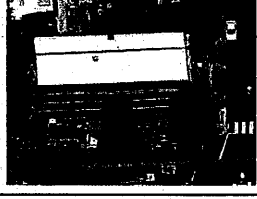

| Name (Address)                                  | Zoning     | Lot SF | Current Use    | Notes                                                                                        | Image                                                                                | APN                                             | Bldg SF | Leased? | Tenant                         | End Lease Term |
|-------------------------------------------------|------------|--------|----------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------|---------|---------|--------------------------------|----------------|
| Open Space<br>(Sutter St at Eunice St)          | R-1H       | 7,579  | Open Space     |                                                                                              |    | 061 256600600                                   |         |         |                                |                |
| Open Space<br>(Tamalpais Rd)                    | R-1H       | 1,760  | Open Space     |                                                                                              |    | 060 247303800                                   |         |         |                                |                |
| Open Space<br>(Twain Ave near Sterling Ave)     | R-1H       | 3,271  | Open Space     |                                                                                              |    | 063 298400805                                   |         |         |                                |                |
| Oxford Plaza Parking Garage<br>(2165 Kittredge) | C-DMU Core | 46,633 | Parking Garage | 2 parcels. City owns a portion of the site - parking garage. Parcel listed as 0 square feet. |   | 057 211800100<br>057 211900100                  | 46,302  |         |                                |                |
| Parking Lot<br>(Adeline and Alcatraz)           | C-SA       | 5,831  | Leased         |                                                                                              |  | 052 152801504                                   |         | Yes     | Children's First Medical Group | No End Date    |
| Presentation Park<br>(2199 California st)       | R-2        | 2,493  | Park           |                                                                                              |  | 056 200500200                                   |         |         |                                |                |
| Prince Street Mini Park<br>(1631 Prince St)     | R-2A       | 6,750  | Park           |                                                                                              |  | 053 160601000                                   |         |         |                                |                |
| Remillard Park<br>(80 Poppy Ln)                 | R-1H       | 83,734 | Park           | 3 parcels                                                                                    |  | 063 297601201<br>063 297601100<br>063 297601203 |         |         |                                |                |








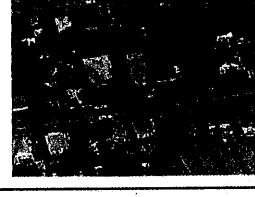
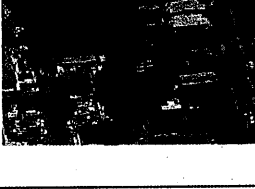
Attachment 3:  
Inventory of City Properties

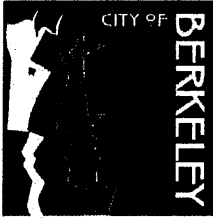
| Name (Address)                                              | Zoning         | Lot SF  | Current Use | Notes                    | Image                                                                               | APN                                                                                               | Bldg SF | Leased? | Tenant | End Lease Term |
|-------------------------------------------------------------|----------------|---------|-------------|--------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------|---------|--------|----------------|
| Roundabout<br>(Parkside Drive)                              | R-1H           | 16,767  | Open Space  |                          |    | 064 424404200                                                                                     |         |         |        |                |
| San Pablo Park<br>(2800 Park st)                            | R-1            | 518,647 | Park        |                          |    | 053 166500100                                                                                     |         |         |        |                |
| Santa Fe Right of Way<br>(approx. 1400 Carleton)            | R-1/R-2        | 75,086  | ROW         | 6 parcels                |    | 054 179302700<br>054 178303500<br>054 17830360<br>054 179402800<br>054 173502000<br>054 179002800 |         |         |        |                |
| Sidewalk and Road<br>(Ashby between Harper and MLK Jr. Way) | R-2A/ C-SA     | 16,500  | Other       |                          |   | 053 160100402                                                                                     |         |         |        |                |
| Sidewalk<br>(Le Conte Ave at La Loma Ave)                   | R-2AH          | 2,957   | Other       |                          |  | 058 220400100                                                                                     |         |         |        |                |
| Small Parcel<br>(Ashby Ave, between Harper and Ellis)       | R-2A           | 222     | Other       |                          |  | 053 160200401                                                                                     |         |         |        |                |
| small plaza<br>(Henry and Hearst)                           | R-2A           | 1,620   | Other       |                          |  | 057 205101602                                                                                     |         |         |        |                |
| Sojourner Truth Court<br>(former Santa Fe ROW)              | R-3/ R-1/ C-SA | 36,110  | ROW         | includes some open space |  | 054 173702000                                                                                     |         |         |        |                |

Attachment 3:  
Inventory of City Properties

| Name (Address)                                                               | Zoning          | Lot SF  | Current Use       | Notes                                                                      | Image                                                                               | APN                                                                                                                                  | Bldg SF | Leased? | Tenant                                                                                                                                                                                                                                                     | End Lease Term |
|------------------------------------------------------------------------------|-----------------|---------|-------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| South Berkeley Senior Center<br>(2939 Ellis St)                              | R-2A            | 21,690  | City Facility     | 3 parcels                                                                  |    | 053 160302100<br>053 160302200<br>053 160302300                                                                                      |         |         |                                                                                                                                                                                                                                                            |                |
| Spiral gardens<br>(2850 Sacramento St)                                       | R-1/ C-SA       | 12,423  | Leased            |                                                                            |    | 053 166903000                                                                                                                        |         | Yes     | Spiral Gardens<br>Community Garden                                                                                                                                                                                                                         | 6/30/2008      |
| Strawberry Creek Park<br>(1260 Allston Way)                                  | R-2/ R-2A       | 147,999 | Park              | 3 parcels                                                                  |    | 056 199000700<br>056 199100200<br>056 199000403                                                                                      |         |         |                                                                                                                                                                                                                                                            |                |
| Telegraph-Channing Garage and Shops<br>(2425 Channing Way)                   | C-T             | 32,685  | Parking<br>Garage |                                                                            |   | 055 187900601                                                                                                                        | 189,867 |         |                                                                                                                                                                                                                                                            |                |
| Terrace View Park<br>(1421 Queens Rd)                                        | R-1H            | 39,724  | Park              |                                                                            |  | 060 248504601                                                                                                                        |         |         |                                                                                                                                                                                                                                                            |                |
| Tevlin Street<br>(north of Gillman)                                          | R-1A            | 7,438   | Other             |                                                                            |  | 060 241701900                                                                                                                        |         |         |                                                                                                                                                                                                                                                            |                |
| University Avenue Cooperative Homes<br>Apartments<br>(Addison at Sacramento) | R-4             | 50,842  | Leased            | Resources for<br>Community<br>Development<br>affordable<br>housing project |  | 056 199600401<br>056 199602401<br>056 199601000<br>056 199600600<br>056 199600900<br>056 199600200<br>056 199602800<br>056 199600300 |         | Yes     | UACH, LP                                                                                                                                                                                                                                                   | 11/15/2080     |
| Veterans Memorial Building<br>(1931 Center St)                               | C-DMU<br>Buffer | 24,819  | Leased            |                                                                            |  | 057 202202000                                                                                                                        | 33,254  | Yes     | Building<br>Opportunities for<br>Self-Sufficiency<br>(BOSS); Dorothy Day<br>House; Option<br>Recovery Services;<br>Berkeley Food and<br>Housing Project;<br>Berkeley place;<br>American Legion<br>Post 7; Disabled<br>American Vets, The<br>Ecology Center | Mo to mo       |

Attachment 3:  
Inventory of City Properties

| Name (Address)                                         | Zoning                    | Lot SF  | Current Use   | Notes                                                                      | Image                                                                               | APN                                             | Bldg SF | Leased? | Tenant                                                                                                                         | End Lease Term |
|--------------------------------------------------------|---------------------------|---------|---------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------|---------|---------|--------------------------------------------------------------------------------------------------------------------------------|----------------|
| Virginia-McGee Totland<br>(1644 Virginia St)           | R-2                       | 16,248  | Park          |                                                                            |    | 058 215700100                                   |         |         |                                                                                                                                |                |
| West Berkeley Service Center<br>(1900 Sixth St)        | MUR                       | 31,020  | City Facility |                                                                            |    | 057 209700201                                   |         |         |                                                                                                                                |                |
| West St.<br>(between Lincoln and Delaware)             | In<br>between<br>R-2/ R-1 | 33,048  | Other         | BMC.<br>3 parcels                                                          |    | 058 213602400<br>058 213701800<br>058 213501900 |         |         |                                                                                                                                |                |
| Willard Park<br>(2730 Hilllegass Ave)                  | R-2                       | 111,000 | Park          |                                                                            |   | 054 171102700                                   |         |         |                                                                                                                                |                |
| William B Rumford Senior Plaza<br>(3012 Sacramento St) | C-SA                      | 76,666  | Leased        | Resources for<br>Community<br>Development<br>affordable<br>housing project |  | 053 161401800                                   | 47,424  |         | South Berkeley<br>Cmty Housing Dev<br>Corp - William Byron<br>Rumford Sr. Plaza<br>(Resources for<br>Community<br>Development) | 8/26/2070      |
| Women's Day Time Drop-In Center<br>(2213 Byron St)     | R-2                       | 4,800   | Leased        |                                                                            |  | 056 198403000                                   | 3,173   | Yes     | Women's Day Time<br>Drop-In Center                                                                                             | 12/24/2023     |
| Women's Daytime Drop-In Center<br>(2218 Acton St)      | R-2                       | 21,085  | Leased        | Adjacent to City<br>Corp Yard                                              |  | 056 199300600                                   | 594     | Yes     | Women's Daytime<br>Drop In Center                                                                                              | 2/18/2018      |



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR

April 5, 2016

To: Honorable Mayor and Members of the City Council  
From: Councilmember Susan Wengraf  
Subject: Analyzing All City-Owned Properties for Potential for Housing Development

RECOMMENDATION

Request that the City Manager explore the opportunity for the City of Berkeley to build housing on city-owned property: conduct an inventory of city owned properties and return to City Council as soon as possible with an evaluation and analysis of those properties that are appropriate for the development of affordable housing.

BACKGROUND

Across the state of California, urban centers are experiencing a crisis in housing availability at all levels of affordability. The crisis is very severe in the Bay Area. Lack of funds and subsidies from the state and federal government has exacerbated the obstacles to developing housing at all levels of affordability. In addition, the scarcity and the high cost of land in the Bay Area and in Berkeley, specifically, is an enormous barrier to producing affordable housing. Berkeley needs to optimize its limited resources now and look to partner with housing developers to build housing on city-owned land.

The City of Berkeley has a unique opportunity. The two senior centers, "North", on MLK and Hearst, and "South" on Ellis and Ashby and the Service Center on 6<sup>th</sup> Street are all in need of significant renovation. Now is the time to evaluate these properties to determine if it is feasible to create a mixed-use, housing/community center on these sites prior to spending millions of dollars on the current structures.

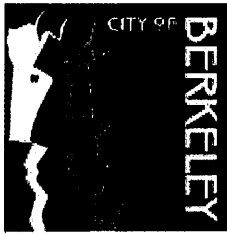
All City owned properties should be explored and evaluated for their potential as sites for housing development.

In addition, the Berkeley Unified School District owns property that has the potential to be developed as housing. The City of Berkeley should work closely with the BUSD to encourage them to move forward with their own analysis of potential housing sites that are currently under- utilized.

This severe housing crisis calls for all publicly owned land to be evaluated and considered.

FINANCIAL IMPLICATIONS: Staff time

CONTACT: Councilmember Susan Wengraf Council District 6 510-981-7160



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
May 16, 2017

To: Honorable Mayor and Member of the City Council  
From: Councilmembers Susan Wengraf, Kate Harrison, Linda Maio and Ben Bartlett  
Subject: Budget Referral: Feasibility Study for the Construction of Affordable Senior Housing

RECOMMENDATION:

Refer to the budget referral process a feasibility study that evaluates the financial requirements and analyzes the site/context yield of the construction of affordable housing for seniors on the sites of North Berkeley Senior Center, West Berkeley Service Center and South Berkeley Senior Center.

FINANCIAL IMPLICATIONS:

\$100,000

BACKGROUND:

The demographic for people over 65 is increasing in Berkeley. By 2030, the population of residents over 65 will be more than 26,000. The number one concern expressed by seniors is their ability to be able to stay housed in Berkeley, as they get older.

Berkeley has an opportunity to provide affordable senior housing by building over the senior or service centers. Since the city owns the land, a public/private partnership for the construction and management is an excellent possibility.

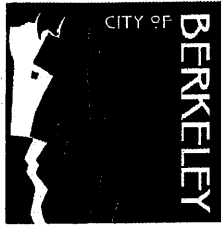
As the city moves forward with planning the expenditures from Measure T1, we should be sure that resources used on improving our current facilities do not pre-empt the possibility of future development at these three sites.

ENVIRONMENTAL SUSTAINABILITY

No adverse effect on the environment.

CONTACT PERSON

Councilmember Susan Wengraf Council District 6 510-981-7160



Planning and Development Department  
Health, Housing and Community Services Department

March 7, 2019

To: Honorable Members of the Land Use, Housing, and Economic Development Committee

From: Timothy Burroughs, Director, Planning and Development Department  
Kelly Wallace, Interim Director, Health, Housing and Community Services Department

Subject: Process for Considering Proposals to Develop the West Berkeley Senior Center Site for Senior Housing

**SUMMARY**

The Committee is considering a referral that would direct the City Manager to issue a Request for Proposals (RFP) for the development of the West Berkeley Service Center site (located at 1900 Sixth Street) into a senior housing and services project, consistent with Age Friendly Berkeley recommendations. The Committee discussed this item at its February 20, 2019 meeting and requested that staff come to the March 7, 2019 Committee meeting with additional information.

Specifically, the Committee requested an estimate of the staff time required to conduct a basic analysis of the development potential for the West Berkeley Service Center site. The Committee also requested input from staff on the appropriate procurement process for soliciting ideas and proposals from housing developers for potential future development of the site.

**STAFF TIME NEEDED:**

Land Use staff recommend that the analysis of development potential at the site include build-out scenarios for a three-, four-, five- and six-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if Density Bonus waivers and concessions are requested, or if Use Permits are used to modify Development Standards. The proposed analysis would take approximately 40-60 hours of staff time.

**PROCUREMENT PROCESS:**

Staff recommends that Council consider:

- Complete any rezoning before issuing an RFP. If the zoning changes for the site are not yet settled, this may inhibit the number of interested developers. This sequence would also avoid the duplicate time and expense of designing two projects (one responding to the current zoning, one responding to the revised zoning). Completing this process first will also mean that the RFP responses are

based on more current information, since predevelopment work could proceed immediately after a contract award.

- A Request for Proposals (RFP), as opposed to a Request for Information (RFI), may be the best tool to use for soliciting development concepts from housing developers if Council wishes to use this process to award a contract, such as a Disposition and Development Agreement. An RFI is typically used to collect information from many potential bidders in anticipation of releasing a request for bids, to inform the request. An RFP is an excellent tool to use when the City wants bidders to apply their creative thinking to the proposed project and wants to award a contract. The RFP can ask the bidders to respond to multiple City priorities. Since identifying and analyzing options to develop the site will require an investment of staff time from respondents, developers are more likely to respond with more fully developed proposals if the process is used to award a contract.
- As a precursor to developing an RFP, it would help staff to understand Council's priorities for the site, particularly what project components are most important, such as maximizing the number of affordable units for seniors, providing deeply affordable units, inclusion of community services space, a memory care facility, etc. Understanding the ranking of Council priorities will help staff and bidders evaluate trade-offs and enable more responsive proposals, making the process more efficient for the City and developer alike.

#### CONTACT PERSONS

Timothy Burroughs, Director, Planning and Development Department, 510-981-7437  
Kelly Wallace, Interim Director, Health, Housing and Community Services Department,  
510-981-5107



**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR  
FEBRUARY 13, 2024

To: Honorable Mayor and Members of the City Council

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

Subject: Establishing a Black Arts and Culture District in the Adeline Corridor

### RECOMMENDATION

Adopt a resolution designating the Adeline Corridor as the Black Arts and Culture District. Include members of Healthy Black Families and Equitable Black Berkeley in the Planning Committee to emphasize community involvement and focus on arts, culture, and well-being for South Berkeley residents. Establish a Black Arts and Culture Center.

### CURRENT SITUATION

Meetings with Healthy Black Families and Equitable Black Berkeley representatives are ongoing to help with the vision of what the Black Arts and Culture District will be.

### BACKGROUND

The Adeline Corridor's development has been in the making for years to increase affordable housing, preserve historic structures, and increase economic growth. This area is located between Dwight Way to 62nd street with a focus on improvement while keeping its charm and legacy. By 2024, Healthy Black Families will have established their headquarters at 2001 Ashby Street, which will be a space for community members to receive health care with a focus on community programming with this larger facility.

### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

- [City of Berkeley Arts and Culture Plan, 2018-2027](#)
- [EIFD](#) - Proposal of creating Enhanced Infrastructure Financing Districts (EIFD) to assist with funding elements of the Adeline Corridor Plan and future projects. (2021)

### CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Reached out to Healthy Black Families and Equitable Black Berkeley.

### RATIONALE FOR RECOMMENDATION

Establishing this district would uplift members of the South Berkeley community with the development of affordable housing, thriving new businesses, and encouraging learning through the arts. Having a Black Arts and Culture Center creates a safe place and gathering area with a focus on encouraging young artists and bringing economic prosperity. This district will draw more Black families to Berkeley and encourage Cal alumni to stay after graduation with home-buying opportunities.

## IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

- Look for funding support from The Civic Arts Grant program.
- Work with Berkeley Cultural Trust to help engage community support for this new district.

## ENVIRONMENTAL SUSTAINABILITY

Studies have yet to be conducted.

## FISCAL IMPACTS

There are no direct fiscal impacts to the City of Berkeley related to the adoption of the Black Arts and Culture District.

## OUTCOMES AND EVALUATION

Establishing a Black Arts and Culture District in South Berkeley will create a vibrant community for citizens and visitors. The arts encourage civic participation, give a voice to diverse perspectives, promote intercultural communication, and enhance Berkeley's economy and physical environment. Berkeley's rich history of supporting the arts and social justice activism will flourish in a Black Arts and Culture District.

## CONTACT PERSON

Vice Mayor Ben Bartlett  
James Chang  
Tina R. Posner

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)  
[tposner@cityofberkeley.info](mailto:tposner@cityofberkeley.info)

## ATTACHMENTS AND MATERIALS



Office of the City Manager

PUBLIC HEARING  
February 13, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning & Development Department

Subject: Appeal of Landmarks Preservation Commission Decision – Approval of Structural Alteration Permit #LMSAP22022-0005 for 1960 San Antonio Avenue/645 Arlington Avenue- Spring Estate

### RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to approve a Structural Alteration Permit (SAP) to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house; excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood, contingent upon rehabilitation of the historic gymnasium building, and dismiss the appeal.

### SUMMARY

The LPC approved the SAP in June 2023. The action was appealed by the property owner because they object to Conditions of Approval #15 and #16 that require a Historic Preservation Treatment Plan (COA #15) and rehabilitation of the historic gymnasium building that is located on of the Landmark site (COA #16).

### FISCAL IMPACTS OF RECOMMENDATION

None.

### CURRENT SITUATION AND ITS EFFECTS

The current property owner purchased the property in 2020 and initiated repair work with a building permit in 2022. On June 1, 2022, Bahadour Zarrin (applicant/contractor) submitted a SAP application seeking approval to demolish the existing detached garage, remove the auditorium building extension on top of the southwest terrace of the Spring Mansion (main building), and concrete walls, concrete steps, and the fountain near the San Antonio Avenue entrance; repair concrete walkways, retaining walls, railings, and balusters north, south, and west of the mansion; rehabilitate the room

below the auditorium; modify the driveway area off of San Antonio Avenue; and add a pool, pool house, and new garage. The work proposed under the SAP will remove non-historic features and a non-historic addition, repair concrete features that are part of the Landmark, and add new buildings to accommodate the needs of the new owner.

LPC opened the first SAP hearing on August 4, 2022, and continued the matter without discussion pending submittal of a complete application and recommendation for final action. A neighbor shared concerns related to the condition of the site and public noticing procedures. Another neighbor expressed support for the project.

On March 2, 2023 LPC resumed the hearing, provided comments and direction to the applicant, and continued the matter pending receipt of the revised application submittal in response to their comments. At this meeting, two neighbors expressed concerns about the poor condition of the gymnasium building and a non-historic building, located on a separate parcel under the same ownership.

A letter was received from a neighbor in May 2023, expressing concerns about the neglect of the property, and the size of the proposed garage.

On June 1, 2023, LPC conducted a public hearing for the SAP after staff posted the requisite notice not less than ten days prior. LPC discussed the project and approved the SAP by a vote of 8-0-0-1 (Yes: Adams, Crandall, Enchill, Finacom, Linvill, Montgomery, Schwartz, Twu; No: None; Abstain: None; Absent: Leuschner).

On October 30, 2023 staff issued the Notice of the Decision, and on November 13, 2023 the property owner filed an appeal for City Council review. The original applicant (contractor) is no longer involved with this project. The City Clerk set the matter for review by the Council on February 13, 2024. The Appellant was informed of the hearing date by letter on November 20, 2023.

In accordance with BMC Section 23.404.040(B), on or before January 30, 2024 staff posted the public hearing notice of the Council hearing at the site and nearby, and mailed notices to property owners and occupants within 300 feet of the project site, and the appellant. The Council must conduct a public hearing to resolve the appeal.

### BACKGROUND

The City Landmark Spring Estate consists of a grand main building designed by John Hudson Thomas in the Beaux-Arts architectural style. It was completed in 1912 and features concrete and iron architectural features, terraces to the west, north, and south, and stairs and walkways leading to Arlington Avenue. The Landmark includes a gymnasium building adjacent to Arlington Avenue and an additional single-family dwelling (1984 San Antonio Avenue) known as the carriage house, which is on a separate parcel and under separate ownership.

### Historically Significant Features:

- Mansion with concrete and iron architectural features
- Terraces and balustrades to the front, rear, and side of the mansion
- Fountain west of the mansion
- Stairs and walkway to Arlington Avenue
- Statues, urns, retaining walls in the Beaux Arts style
- Gymnasium at Arlington Avenue
- Carriage house at San Antonio Avenue (1984 San Antonio Avenue)
- Design landscape and hardscape features original to the estate

LPC designated the property as a City Landmark in 2000 (see Attachment 4, designation record). The designation excluded several site features, including a building addition on the original southwest terrace of the Spring Mansion, garden sheds, tennis courts, a fountain and entrance features at the east, adjacent to San Antonio Avenue, the detached, two-car garage, and a residence at 639 Arlington Avenue.

The gymnasium and residence at 639 Arlington Avenue are in poor condition, and much of the grounds have been neglected, with failing or damaged retaining walls and overgrown vegetation. The condition of the property does not comply with BMC Chapter 3.24.290, for *good repair and maintenance required*. A rehabilitation plan was required as a Condition of Approval (COA#15; page 6, Attachment 1) to ensure that the gymnasium is rehabilitated and the site is brought into compliance with the standards of the Landmarks Preservation Ordinance.

For additional project background, please see Attachment 3, the June 1, 2023 LPC staff report for this project.

### RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letter and staff's responses are detailed below. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the appeal letter (Attachment 2) for the full text.

**Issue 1: Rehabilitation of the gymnasium is not feasible due to a “lack of structural and material integrity, lack of historical and architectural character, generations of neglect, and safety concerns” (Attachment 2, page 1).**

Response 1: The appellant has provided a property inspection report from a structural engineer, which concludes that the building is “not structurally sound and needs to be demolished” (Attachment 2, page 16). The building does not meet current building code requirements as it was constructed in 1929, and the foundation may appear imperfect with superficial cracks. However, evidence has not been submitted indicating that the building is infeasible to repair.

The report provided by the appellant describes the current condition of the building but does not offer a remedy to the condition, other than demolition. Planning and Development Department staff find that demolition is not necessary and that a qualified professional can stabilize the building, and thus the structural integrity of the building can be restored through repair and rehabilitation. From a historic preservation perspective, the building retains material integrity since the exterior materials date from the time of its construction (*National Register Bulletin 15*, page 45)<sup>1</sup>. Rehabilitation of the building is feasible, and demolition is not required.

The best practices in cultural resources preservation anticipates that repair and rehabilitation of neglected structures may be extensive and provides guidelines for the dutiful restoration of built resources. The primary guidance for the treatment of cultural resources is found in *The Secretary of the Interior’s (SOI) Standards for the Treatment of Historic Properties 2017*).<sup>2</sup>

The SOI defines *Rehabilitation* as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.”

*Preservation* is defined as the “act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.”

It is evident when viewing the property from Arlington Avenue that the gymnasium has been neglected. The *Standards* recommend *rehabilitation* if extensive repair and replacement are required, and *preservation* if distinctive materials and features are

---

<sup>1</sup> “National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation,” National Park Service, 1997, [https://www.nps.gov/subjects/nationalregister/upload/NRB-15\\_web508.pdf](https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf).

<sup>2</sup> Anne E. Grimmer, “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstruction Historic Buildings,” National Park Service, 2017, <https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf>.

intact and convey the building's historical significance. Standard 6 of the *Standards for Preservation* states that the "existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture."

Furthermore, the *Guidelines for Preserving Historic Buildings* state that *preservation* is the appropriate treatment when the objective of the project is to retain the building as it currently exists. Either rehabilitation and/or preservation of the gymnasium is necessary since the building is part of the Landmark, and maintenance of Landmarks is a requirement of BMC Section 3.24.290, *good repair and maintenance required*.

LPC included COAs #15 and 16 as project-specific requirements to prioritize the rehabilitation of the gymnasium along with the significant investment into the property that is represented by the scope of the SAP. The LPC's decision aligns with the City's Landmark Preservation Ordinance and the SOI Standards for the treatment of this City Landmark site. The appellant has not provided evidence that the gymnasium is infeasible to repair and, therefore, staff recommends that the City Council uphold the LPC's decision to include COAs #15 and #16, and dismiss this appeal point.

**Issue 2: The gymnasium should be removed due to public safety concerns (Attachment 2, page 1).**

Response 2: The Building Official has not cited the gymnasium as a risk to public health and safety. The property owner may secure the building to prevent trespassers from entering, and thereby address safety concerns without removing the historic resource.

The building is part of the Landmark designation and its removal has not been contemplated or assessed as part of the approved SAP, which focused on demolition of the detached garage and some failing terrace features. Such a request would likely engender a full environmental review pursuant to the California Environmental Quality Act (CEQA).

City Council may consider this course of action, or uphold the LPC's decision to require rehabilitation of the gymnasium, as part of the approved expansion project. Removal of the structure is not necessary to address potential safety concerns. Staff concludes that this appeal point is without merit and recommends that Council dismiss it.

**Issue 3: The report from the historical architect, Mark Hulbert of Preservation Architecture, finds no evidence that supports the historical significance of the gymnasium (Attachment 2, page 1).**

Response 3: The appellant has provided a report from a historical architect that argues that the gymnasium is not "rehabilitation worthy" (Attachment 2, pages 2-3). Staff disagrees, and find that since the gymnasium is included in the Landmark, it must be

rehabilitated before the owners can construct the new buildings that are included in the SAP. The Notice of Decision (NOD) from the July 10, 2000 LPC meeting states that the LPC approved Landmark designation for the property. The gymnasium building is included in the Landmark since it contributes to the “historical, cultural and architectural value of the site” (Attachment 4, page 8).

As noted above, the condition of the property does not comply with BMC Section 3.24.290, *good repair and maintenance required*. Per BMC Section 3.24.290(B) "good repair" means the prevention of structural decay or structural failure, or the prevention of irreparable damage to the major historic or architectural features of the structure. Furthermore, pursuant to BMC Section 3.24.290(C), *good repair and maintenance* applies to all portions of the property that are included in the Landmark designation. Rehabilitation of the gymnasium is required because the gymnasium is part of the Landmark.

Staff recommends that Council dismiss this appeal point.

#### ENVIRONMENTAL SUSTAINABILITY

The project approved by the LPC is in compliance with all applicable State and local environmental requirements, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

#### ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 3.24.300(E), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the LPC’s decision, or (3) remand the matter to the LPC. If Council remands the decision, then Council must also specify which issues shall be reconsidered.

#### Action Deadline:

Pursuant to BMC Section 3.24.300(F), if the disposition of this appeal has not been determined within 30 days of the date that City Council closed this hearing (not including Council recess), then the LPC decision shall be deemed affirmed and the appeal shall have been denied.

#### CONTACT PERSONS

Jordan Klein, Director, Planning & Development Department, (510) 981-7534  
Anne Hersch, Land Use Planning Manager, (510) 981-7411  
Allison Riemer, Associate Planner, (510) 981-7433

#### Attachments:

1. Draft Resolution
  - Exhibit A: Findings and Conditions
  - Exhibit B: Project Plans, received May 15, 2023
2. Appeal Letter, received November 13, 2023



3. June 1, 2023 LPC Staff Report
4. Landmark Application and Notice of Decision for the John Hopkins Spring Estate
5. Index to Administrative Record
6. Administrative Record
7. Public Hearing Notice

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

AFFIRMING THE LANDMARKS PRESERVATION COMMISSION (LPC) APPROVAL OF STRUCTURAL ALTERATION PERMIT (SAP) #LMSAP2022-0005 TO RESTORE THE TERRACE, REMOVE THE NON-HISTORIC BUILDING ADDITION, AND REPAIR RAILINGS AND WALKWAYS OF THE SPRING MANSION; DEMOLISH THE DETACHED, NON-HISTORIC GARAGE AND CONSTRUCT A NEW TEN-CAR GARAGE; DEMOLISH AND REPLACE THE NON-HISTORIC DRIVEWAY, RETAINING WALLS AND STAIRS ON THE EAST SIDE OF THE PROPERTY; CONSTRUCT A NEW, DETACHED POOL HOUSE, EXCAVATE AND INSTALL A NEW SWIMMING POOL; AND COMPLETE LANDSCAPE IMPROVEMENTS AT A CITY LANDMARK RESIDENTIAL PROPERTY IN THE HILLSIDE NEIGHBORHOOD, CONTINGENT UPON REHABILITATION OF THE HISTORIC GYMNASIUM BUILDING, AND DISMISS THE APPEAL.

WHEREAS, on June 1, 2022 contractor Bahadour Zarrin submitted a Structural Alteration Permit to demolish the detached garage, the building on top of the southwest terrace, and concrete features near the San Antonio Avenue entrance; repair concrete features north, south, and west of the mansion; rehabilitate an addition below the southwest terrace; modify the driveway area off of San Antonio Avenue; and add a pool, pool house, and new garage; and

WHEREAS, on August 4, 2022 the Landmarks Preservation Commission opened the SAP hearing and continued the matter without discussion while awaiting receipt of a complete application and recommendation for final action; and

WHEREAS, on March 2, 2023 LPC resumed the hearing, provided comments and direction to the applicant, and continued the matter pending receipt of the revised application submittal in response to comments provided; and

WHEREAS, on May 22, 2023 staff posted the public hearing notice of the LPC hearing at the site and nearby, and mailed notices to property owners and occupants within 300 feet of the project site; and

WHEREAS, on June 1, 2023 LPC conducted a public hearing for the SAP. LPC discussed the project and approved the SAP by a vote of 8-0-0-1; and

WHEREAS, on October 30, 2023 staff issued the Notice of the Decision for the SAP; and

WHEREAS, on November 13, 2023 the decision was appealed to City Council by the property owner, Abbas Mash; and

WHEREAS, the City Clerk set the matter for review by the Council on February 13, 2024 and the Appellant was informed of the hearing date by letter on November 20, 2023; and

WHEREAS, on or before January 30, 2024 staff posted the public hearing notice of the Council hearing at the site and nearby, and mailed notices to property owners and occupants within 300 feet of the project site, and the appellant; and

WHEREAS, on February 13, 2024 the Council held a public hearing to consider the LPC'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 City Council of the City of Berkeley that the City Council adopts the findings made by the LPC in Exhibit A affirming the LPC decision to approve Structural Alteration Permit #LMSAP2022-0005, adopts the Conditions of Approval in Exhibit A, approving the project plans contained in Exhibit B, and dismisses the appeal.

Exhibits

- A: Findings and Conditions of Approval
- B: Project Plans, received May 15, 2023

## Attachment 1, Exhibit A

---

### Findings and Conditions

#### **1960 San Antonio Avenue/645 Arlington Avenue – The Spring Estate**

**Structural Alteration Permit (#LMSAP2022-0005) to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring Mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house, excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood, contingent upon rehabilitation of the historic gymnasium building.**

#### **CEQA FINDINGS**

1. The project is limited to design review and historic preservation consideration and 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 15331 (“Historic Resource Restoration/Rehabilitation”) and Section 15303 (“New Construction”) of the CEQA Guidelines. 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**

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 proposal to rehabilitate the property and add additional residential accessory structures would retain and continue the historic residential use of the property.
2. The historic character of the Spring Estate will be retained and preserved with proposed repairs and replacement of distinctive features, such as the concrete walkways, retaining walls, railings, and balusters north, south, and west of the mansion. The proposed new buildings and structures would generally be located south of the mansion and, would not be readily visible from the public right-of-way.

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. The proposed garage, pool house, and pool will have a contemporary design, and will be distinguished from the historic components of the estate.
4. No changes to this property that have acquired historical significance in their own right, have been identified, or are of concern for this project.
5. This project would not negatively affect distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize this property.
6. Deteriorated historic features of this property will be repaired where feasible, and replaced when repair is not feasible. The historic gymnasium will be rehabilitated (see Condition of Approval 13).
7. Chemical 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 protected and/or preserved in place per the City's standard conditions and procedures for new construction and excavation.
9. Overall, the new construction would be differentiated and yet compatible with the Spring Estate. The proposed project would retain and would not destroy the historic materials and features of the Spring Estate. The new structures have been designed in a contemporary style with selected materials and finishes that are different than -- and also compatible with -- the Beaux-Arts mansion and features.
10. The proposed new buildings would be constructed south of the mansion, near the side property line; if the new buildings were removed in the future, the essential form and integrity of the Spring Estate would be unimpaired.

#### **LANDMARK PRESERVATION ORDINANCE FINDINGS**

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 proposal includes rehabilitation of the concrete features around the mansion, and would not adversely affect the historic exterior features.
  - B. The new work would not be readily visible from the public right-of-way, and would be subordinate to the mansion. Therefore, the proposed changes would not adversely affect the special character of this estate designed by John Hudson Thomas.
  - C. As conditioned herein, the historic gymnasium building will be rehabilitated and the property brought into compliance with the Ordinance requirement to maintain designated sites in good repair; BMC Section 3.24.290.



## STANDARD CONDITIONS

---

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 Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

### 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.

6. 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.
  
7. 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.

8. 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.
9. 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.

#### **ADDITIONAL CONDITIONS**

The following additional conditions are attached to this Permit and are project specific:

10. **Garage Height.** The garage shall have a maximum elevation of 490 feet, and the elevation point shall be noted in the plans.
11. **Garage Trellis.** The trellis on the garage shall not be metal. The trellis material shall be noted in the plans.

12. **Palm Trees.** All healthy palm trees shall be retained on site.
13. **Historic Sign and Stairs at the Arlington Entrance.** The sign and stairs at the Arlington Avenue entrance to the property shall be restored. Photos showing the restored sign and stairs will be required before a Certificate of Occupancy is issued for new buildings.
14. This Structural Alteration Permit is contingent upon Use Permit approval for the project.
15. **Historic Preservation Treatment Plan.** Prior to submittal of any building permit for this project, the applicant shall provide a site-specific historic preservation treatment plan for rehabilitation of the historic gymnasium building, main building terrace and concrete features throughout the site. The plan shall be prepared and implemented by or under the direct supervision of a Preservation Architect who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for Historic Architecture and Architectural History. This treatment plan shall define conditions assessment and documentation, protection, and monitoring requirements, and procedures to be implemented during restoration of the gymnasium, terrace, and concrete features, shall confirm structural conditions, and recommend preservation activities, protection measures, and procedures to be implemented. The building permit plan set shall demonstrate compliance with the treatment plan.
16. **Rehabilitation of Historic Gymnasium.** Submittal of a building permit application to rehabilitate the gym is required prior to Landmarks plan check approval of any building permits for new buildings or structures.
17. **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.
18. **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.
19. **Details and Materials.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit building details, color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
20. 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.
21. All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

- 22.** Exterior lighting shall be downcast and not cause glare on the public right-of-way and abutting parcels.
- 23.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.
- 24.** 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.

## GENERAL NOTES

- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING BUILDING CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO STARTING WORK. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY REPORT TO THE DESIGNER-OF-RECORD FOR CLARIFICATION.
- CONTRACTOR SHALL ADHERE TO ALL CODES, RULES AND REGULATION GOVERNING CONSTRUCTION, BUILDING ACCESS, AND THE USE OF FACILITIES AS SET BY FEDERAL, STATE, AND LOCAL CODES, AND BUILDING DEPARTMENT AGENCIES.
- IT IS THE PURPOSE OF THE DRAWINGS TO SHOW THE GENERAL APPRRANGEMENT/LAYOUT OF WALLS WITHIN THE PROPOSED STRUCTURE. ELEMENTS OF WORK THAT ARE TO BE CONSTRUCTED ON A DESIGN-BUILD BASIS SHALL BE APPROVED BY THE CITY/COUNTY BEFORE START OF CONSTRUCTION.
- LARGE SCALE DRAWINGS SHALL TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS; DETAILS TAKE PRECEDENCE OVER ALL. CONTRACTOR SHALL NOTIFY ENGINEER OF CONFLICTS IN WRITING PRIOR TO COMMENCEMENT OF WORK. DRAWINGS ARE NOT TO BE SCALED FOR ANY REASON.
- ALL DIMENTIONS ARE TAKEN FRIM FACE OF STUD OR CENTERLINE OF STUD AS SHOWN FOR NEW CONSTRUCTION UNLESS OTHERWISE NOTED. DIMENSIONS SHALL BE TAKEN FROM FACE OF FINISH UNLESS OTHERWISE NOTED.
- ALL WORK SHALL BE PERFORMED IN AN APPROVED WORKMANLIKE MANNER.
- CONTRACTOR SHALL COORDINATE THE LOCATION OF THE LIGHTING, HVAC OUTLETS, ALONG WITH THE CEILINGS AND SOFFITTS BEFORE CONSTRUCTION BEGINS.
- CONTRACTOR SHALL COMPLY WITH CURRENT APPLICABLE LOCAL ORDINANCES FOR UTILITY SERVICES.
- CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED FEES, PERMITS, AND INSPECTION ASSESSED BY ANY GOVERNMENTAL AGENCY OR UTILITY COMPANY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILIES, WHERE ENCOUNTERED, MAKE ALL NECESSARY ARRANGEMENTS FOR SUPPORT, SHORE-UP, RE-ROUTE OR PROVIDE UTILITY DISCONNECTIONS AS REQUIRED BY APPLICABLE PUBLIC OR PRIVATE UTILITY COMPANIES.
- THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL TAKE CAUTION WHEN WORKING AROUND THE EXISTING UTILITIES AND UNDERGROUND LINES.
- AT ALL TIMES, THE CONTRACTOR SHALL BE TOTALLY RESPONSIBLE FOR CONDITIONS OF THE SITE, INCLUDING THE SAFETY OF PERSONS AND PROPERTY, ALSO DESIGN ADEQUACY AND SAFETY OF ERECTION BRACING DURING SHORING, TEMPORARY, ETC. ENGINEER'S JOB SITE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES.
- THE CONTRACTOR SHALL WARRANT THAT ALL MATERIALS AND WORKMANSHIP ARE IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS. ANY AND ALL CHANGES MUST HAVE THE ENGINEER'S APPROVAL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPARING AND COORDINATING ALL DRAWINGS FOR PROPER FIT AND ATTACHMENT OF ALL PARTS. DETAILS NOT SHOWN, NOR DETAILED ON DRAWINGS, NOR CALLED FOR IN THESE NOTES SHALL BE CONSTRUCTED TO THE SAME SIZE AND CHARACTER AS FOR SIMILAR CONDITIONS WHICH ARE SHOWN, DETAILED, OR SPECIFIED.
- THE CONTRACTOR SHALL COORDINATE WITH OWNER ALL NON ITEMS NOT SHOWN ON DRAWINGS.
- THE CONTRACTOR SHALL COORDINATE ALL SUBCONTRACTORS UNDER HIS HIRE, AND SHALL COORDINATE WITH ANY SUBCONTRACTORS UNDER SEPARATE HIRE BY OWNER TO MAINTAIN EFFICIENT WORKMANLIKE PROGRESS OF THE WORK. THE CONTRACTOR SHALL COORDINATE THE OMITTED, BLOCKED OUT OR RELOCATED WITHOUT PRIOR APPROVAL WITH ENGINEER.
- THE CONTRACTORS AND SUBCONTRACTORS OF EACH TRADE SHALL KEEP PREMISES CLEAN AT ALL TIME AND SHALL REMOVE ALL RUBBISH AS OFTEN AS REQUIRED (AT LEAST WEEKLY) FOR THE CONTRACTION AND FOR THE CONVENIENCE OF THE OWNER
- PROTECTIVE MEASURES SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT THE ADJACENT PROPERTY AT ALL TIMES DURING CONSTRUCTION. PROTECTIVE MEASURES SHALL BE TAKEN BY THE CONTRACTOR SO AS NOT TO CAUSE ANY MUD, SILT, OR DEBRIS ONTO PUBLIC OR ADJACENT PRIVATE PROPERTY.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN OF ALL TEMPORARY AND SHORING TO SUSTAIN ALL CONSTRUCTION LOADS, SOIL PRRESSURE, LATERAL, AND ANY OTHER LOADS THAT THE STRUCTURE MAY BE SUBJECTED.
- ALL PARTITIONS SHALL BE BRACED TO ABOVE STUCTURE PER REQUIREMENTS OF LOCAL BUILDING CODE.
- THE PROPOSED BUILDING SHALL BE CONNECTED TO THE STREET SEWER. SEE CIVIL PLANS FOR PROPOSED SANITARY SEWER PIPING AND CLEANOUTS.
- A SEPARATE INSPECTION BY THE COUNTY BUILDING INSPECTOR IS REQUIRED TO DETERMINE THE DEPTH AND CLEANLINESS OF THE HOLES REQUIRED FOR EPOXY BOLTS BEFORE THEY ARE INSTALLED.

## PROJECT DATA

|                     |                                               |
|---------------------|-----------------------------------------------|
| ADDRESS:            | 1960 SAN ANTONIO AVENUE,<br>BERKELEY CA 94707 |
| APN:                | 62-2916-60-4                                  |
| LOCAL JURISDICTION: | BERKELEY                                      |
| OCCUPANCY CLASS:    | R3                                            |
| BASE ZONING:        | R1-H                                          |
| CONSTRUCTION TYPE:  | VB NON SPRINKLERED                            |

|                                                                              |        |        |
|------------------------------------------------------------------------------|--------|--------|
| EXISTING PRIMARY BUILDING FOOTPRINT                                          | 6572   | SQ.FT. |
| TOTAL BUILDING FOOTPRINT                                                     | 12969  | SQ.FT. |
| BUILDING HEIGHT                                                              | 30     | FT.    |
| BUILDING STORIES                                                             | 2      |        |
| TOTAL LOT AREA                                                               | 120873 | SQ.FT. |
| NUMBER OF BUILDINGS ON LOT (EXISTING)                                        | 5      |        |
| NUMBER OF BUILDINGS ON LOT (PROPOSED)                                        | 6      |        |
| NUMBER OF PARCELS ON LOT (EXCLUDES PARCEL 4, 639 ARLINGTON, SHOWN ON SURVEY) | 3      |        |
| NUMBER OF PARKING SPACES (EXISTING)                                          | 2      |        |
| NUMBER OF PARKING SPACES (PROPOSED)                                          | 10     |        |

### EXISTING LOT COVERAGE

|                     |       |        |
|---------------------|-------|--------|
| MAIN BUILDING       | 6540  | SQ.FT. |
| COVERED PORCH 1     | 277   | SQ.FT. |
| COVERED PORCH 2     | 519   | SQ.FT. |
| GYM                 | 2200  | SQ.FT. |
| GAME ROOM/CAFETERIA | 1868  | SQ.FT. |
| GARAGE              | 443   | SQ.FT. |
| SHED                | 235   | SQ.FT. |
| TOTAL EXISTING AREA | 12082 | SQ.FT. |

EXISTING LOT COVERAGE  %

### PROPOSED LOT COVERAGE

|                     |       |        |
|---------------------|-------|--------|
| MAIN BUILDING       | 6540  | SQ.FT. |
| COVERED PORCH 1     | 277   | SQ.FT. |
| COVERED PORCH 2     | 519   | SQ.FT. |
| GYM                 | 2200  | SQ.FT. |
| GAME ROOM           | 1321  | SQ.FT. |
| GARAGE              | 2000  | SQ.FT. |
| SHED                | 235   | SQ.FT. |
| POOL HOUSE          | 641   | SQ.FT. |
| TOTAL EXISTING AREA | 13733 | SQ.FT. |

TOTAL LOT COVERAGE  SQ.FT.  
PROPOSED LOT COVERAGE  %

# SPRING MANSION

## 1960 SAN ANTONIO AVENUE BERKELEY, CA 94707



## PROJECT DIRECTORY

**OWNER:**  
ABBAS MASH  
1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**DESIGNER:**  
PAYMUN BUILDING AND DEVELOPMENT  
IN COLLABORATION WITH  
JONATHAN RACHMAN DESIGN  
25 ORINDA WAY, SUITE 200  
ORINDA, CA 94563  
TEL: 925-587-2140

**ARCHITECT:**  
PAYMUN BUILDING AND DEVELOPMENT  
IN COLLABORATION WITH  
EDIT  
25 ORINDA WAY, SUITE 200  
ORINDA, CA 94563  
TEL: 925-587-2140

**LANDSCAPE ARCHITECT:**  
DON WIHLBORG DESIGN  
13 SEMINOLE AVE  
CORTE MADERA, CA 94925  
TEL: 415 924 4466

**STRUCTURAL ENGINEER:**  
ADVANCED ENGINEERING  
3381 WALNUT BLVD, SUITE 220  
BRENTWOOD, CA 94513  
TEL: 925 516 3502

**GENERAL CONTRACTOR:**  
PAYMAN BUILDING AND DEVELOPMENT  
25 ORINDA WAY, SUITE 200  
ORINDA, CA 94563  
TEL: 925-587-2140

## SHEET INDEX

|        |                                                    |
|--------|----------------------------------------------------|
| A010   | PROJECT DATA                                       |
| A020   | GENERAL INFORMATION                                |
| L1     | IRRIGATION PLAN                                    |
| L2     | IRRIGATION DETAIL                                  |
| L3     | IRRIGATION DETAILS & LEGEND                        |
| L4     | PLANTING PLAN                                      |
| L5     | PLANTING DETAILS & LEGEND                          |
| L6     | GRADING & DRAINAGE                                 |
| A050   | LOT COVERAGE - EXISTING & PROPOSED                 |
| A060   | PHOTOS                                             |
| A070   | PHOTOS (MAIN HOUSE)                                |
| A080   | PHOTOS (OUTDOOR)                                   |
| A100 4 | SITE PLAN - EXISTING                               |
| A101   | SITE PLAN - PROPOSED                               |
| A101B  | ENLARGED SITE PLAN                                 |
| A101C  | SITE PLAN - SIMPLIFIED                             |
| A102   | MAIN 1ST FLOOR PLAN - EXISTING & PROPOSED          |
| A103   | MAIN 2ND FLOOR PLAN - EXISTING & PROPOSED          |
| A104 4 | MAIN ROOF PLAN - EXISTING & PROPOSED               |
| A105   | POOL HOUSE PLANS - PROPOSED                        |
| A105A  | GARAGE PLANS - PROPOSED                            |
| A106   | GYMNASIUM PLANS - EXISTING                         |
| A107   | GAME ROOM PLANS & ELEVATIONS - EXISTING & PROPOSED |
| A108 4 | CAFETERIA - DEMOLITION                             |
| A109   | POOL EQUIPMENT ROOM PLAN, ELEVATION & SECTION      |
| A201   | MAIN ELEVATIONS WEST - EXISTING & PROPOSED         |
| A202   | MAIN ELEVATIONS EAST - EXISTING & PROPOSED         |
| A203   | MAIN ELEVATIONS NORTH & SOUTH - EXISTING           |
| A204 4 | POOL HOUSE ELEVATION - PROPOSED                    |
| A205   | GARAGE ELEVATIONS - PROPOSED                       |
| A206   | GYMNASIUM ELEVATIONS - EXISTING                    |
| A301   | SITE SECTIONS                                      |
| A302   | SITE SECTIONS                                      |
| A901 4 | SHADOW STUDY                                       |
| A902   | GARAGE AND POOL HOUSE RENDERING                    |

## BUILDING CODE

|                                 |      |                                |      |
|---------------------------------|------|--------------------------------|------|
| CALIFORNIA BUILDING CODE        | 2022 | CALIFORNIA ENERGY CODE         | 2022 |
| CALIFORNIA MECHANICAL CODE      | 2022 | CALIFORNIA RESIDENTIAL CODE    | 2022 |
| CALIFORNIA PLUMBING CODE        | 2022 | CALIFORNIA GREEN BUILDING CODE | 2022 |
| CALIFORNIA ELECTRICAL CODE      | 2022 | CALIFORNIA FIRE CODE           | 2022 |
| CITY OF BERKELEY MUNICIPAL CODE |      |                                |      |

## SCOPE OF WORK

SCOPE OF WORK INVOLVES :

- CONSTRUCTION OF A NEW GARAGE, POOL, POOL HOUSE, POOL DECK, DRIVEWAY, AND LANDSCAPING
- INTERIOR REMODEL OF MAIN BUILDING ON 1ST AND 2ND FLOORS UNDER A SEPERATE PERMIT
- GLASS REPLACEMENT OF MAIN BUILDING WINDOWS, FRAMES TO REMAIN.

**PAYMUN™**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

PROJECT DATA

**SCALE**

AS INDICATED

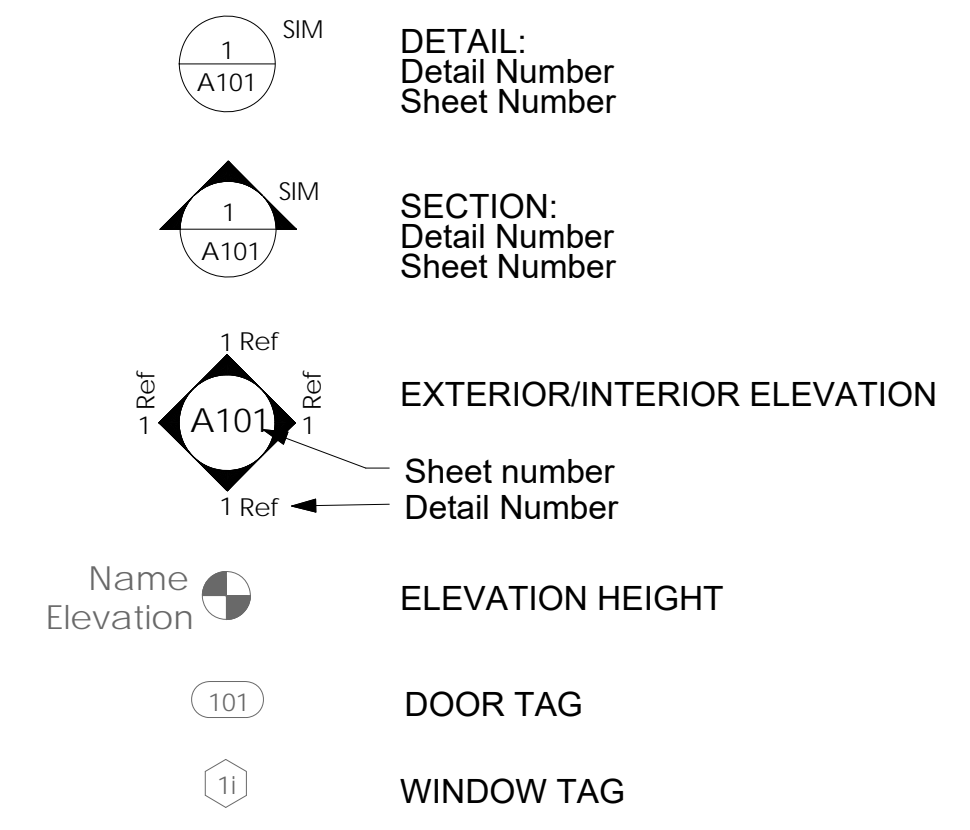
**SHEET NUMBER**

**A010**

# ABBREVIATIONS

|         |                           |          |                                    |        |                        |
|---------|---------------------------|----------|------------------------------------|--------|------------------------|
| &       | AND                       | GALV.    | GALVANIZED                         | REINF  | REINFORCED             |
| ANGLE   | ANGLE                     | G.B.     | GRAB BAR                           | REQ    | REQUIRED               |
| @       | AT                        | GL.      | GLASS                              | REV    | REVISION               |
| ⌒       | CENTERLINE                | GND.     | GROUND                             | RGTR   | REGISTER               |
| /       | DIAMETER                  | GYP. BD. | GYPSUM BOARD                       | RM     | ROOM                   |
| #       | POUND OR NUMBER           | H.B.     | HOSE BIBB                          | RWD    | REDWOOD                |
| ABV.    | ABOVE                     | H.C.     | HOLLOW CORE                        | S      | SOUTH                  |
| ACOUS.  | ACOUSTICAL                | H.M.     | HOLLOW METAL                       | S.C.   | SOLID CORE             |
| A.D.    | AREA DRAIN                | H.R.     | HAND RAIL                          | S.E.D  | SEE ELECTRICAL DWGS    |
| A.T.    | ACOUSTIC TILE             | H.W.     | HOT WATER                          | S.J    | SEISMIC JOINT          |
| ADJ.    | ADJUSTABLE                | HDR      | HEADER                             | S.S.   | STAINLESS STEEL        |
| AGGR.   | AGGREGATE                 | HR       | HOUR                               | S.S.D  | SEE STRUCTURAL DWGS    |
| AL.     | ALUMINUM                  | I.D.     | INSIDE DIAMETER                    | SCHED  | SCHEDULE               |
| APPROX. | APPROXIMATE               | INSUL    | INSULATION                         | SECT   | SECTION                |
| ARCH.   | ARCHITECTURAL             | INT      | INTERIOR                           | SHGT   | SHEATHING              |
| ASB.    | ASBESTOS                  | JAN      | JANITOR                            | SHT    | SHEET                  |
| ASPH.   | ASPHALT                   | KIT      | KITCHEN                            | SIM    | SIMILAR                |
| BD.     | BOARD                     | LAM      | LAMINATE                           | SL     | SKY LIGHT              |
| BITUM   | BITUMEN                   | LAV      | LAVATORY                           | SPEC   | SPECIFICATION          |
| BLDG.   | BUILDING                  | LBS      | POUNDS                             | SPF    | SPRAY FOAM INSULATION  |
| BLK.    | BLOCK                     | LTG      | LIGHTING                           | SQ     | SQUARE                 |
| BM      | BEAM                      | M.D.F.   | MEDIUM DENSITY FIBERBOARD MATERIAL | STD    | STANDARD               |
| BOT.    | BOTTOM                    | MATL     | MATERIAL                           | STL    | STEEL                  |
| BSE.    | BASE                      | MAX      | MAXIMUM                            | STOR   | STORAGE                |
| CAB.    | CABINET                   | MECH     | MECHANICAL                         | STRUC  | STRUCTURAL             |
| C.B.    | CATCH BASIN               | MFR      | MANUFACTURER                       | SUSP   | SUSPENDED              |
| CEM.    | CEMENT                    | MH       | MANHOLE                            | T      | TREAD                  |
| CER.    | CERAMIC                   | MIN      | MINIMUM                            | T.O.   | TOP OF                 |
| C.I.    | CAST IRON                 | MISC     | MISCELLANEOUS                      | T.O.P. | TOP OF PLATE           |
| C.B.    | CORNER BOARD              | MTD      | MOUNTED                            | T.O.S. | TOP OF SLAB            |
| CLG.    | CEILING                   | MTL      | METAL                              | T.O.W. | TOP OF WALL            |
| CLKG.   | CAULKING                  | MUL      | MULLION                            | TEL    | TELEPHONE              |
| CLO.    | CLOSET                    | N        | NEW                                | TEMP   | TEMPERED               |
| CLR.    | CLEAR                     | N        | NORTH                              | THK    | THICK                  |
| C.O.    | CLEAN OUT                 | N.I.C.   | NOT IN CONTRACT                    | TYP    | TYPICAL                |
| COL.    | COLUMN                    | N.T.S.   | NOT TO SCALE                       | UNF    | UNFINISHED             |
| EMER.   | EMERGENCY                 | NO       | NUMBER                             | UON    | UNLESS OTHERWISE NOTED |
| ENCL.   | ENCLOSURE                 | NOM      | NOMINAL                            | UR     | URINAL                 |
| E.P.    | ELECTRIC PANELBOARD       | O.C.     | ON CENTER                          | V.C.T  | VINYL COMPOSITION TILE |
| EQ.     | EQUAL                     | O.D.     | OUTSIDE DIAMETER                   | VAR    | VARIES                 |
| EQUIP.  | EQUOPMENT                 | OFF      | OFFICE                             | W      | WEST                   |
| E.W.P.  | ELECTRIC WATER COOLER     | OPER     | OPERABLE                           | W.C.   | WATER CLOSET           |
| EXPO    | EXPOSURE                  | OPNG     | OPENING                            | W.G.   | WATER GLASS            |
| EXP.    | EXPANSION                 | OPP      | OPPOSITE                           | W.M.   | WALL MOUNT             |
| EXT.    | EXTERIOR                  | P.LAM.   | PLASTIC LAMINATE                   | W.O.   | WHERE OCCURS           |
| F.A.    | FIRE ALARM                | P.T.     | PRESSURE TREATED                   | W.R.   | WATER RESISTANT        |
| F.B.    | FLAT BAR                  | PAV      | PAVING                             | W.W.F  | WIRE WELDED FABRIC     |
| F.D.    | FLOOR DRAIN               | PERF     | PERFORATED                         | W.W.M  | WOVEN WIRE MESH        |
| FON.    | FOUNDATION                | PERP     | PERPENDICULAR                      | W/D    | WASHER / DRYER         |
| F.E.    | FIRE EXTINGUISHER         | PL       | PLATE                              | W/O    | WITHOUT                |
| F.E.C.  | FIRE EXTINGUISHER CABINET | PL       | PROPERTY LINE                      | WD     | WOOD                   |
| F.H.C.  | FIRE HOSE CABINET         | PLYWD    | PLYWOOD                            | WDW    | WINDOW                 |
| FIN.    | FINISH                    | PROP     | PROPERTY                           | WP     | WATERPROOFING          |
| FL.     | FLASHING                  | PT       | PAINT                              | WT     | WEIGHT                 |
| FLUOR.  | FLUORESCENT               | PVC      | POLYVINYL CHLORIDE                 |        |                        |
| F.O.C.  | FACE OF CABINET           | QTY      | QUANTITY                           |        |                        |
| F.O.F   | FACE OF FINISH            | R        | RISER                              |        |                        |
| F.O.S.  | FACE OF STUDS             | R.C.     | RESILIENT CHANNEL                  |        |                        |
| FPRF    | FIREPROOF                 | R.C.P    | REFLECTED CEILING PLAN             |        |                        |
| F.S.    | FULL SIZE                 | R.D.     | ROOF DRAIN                         |        |                        |
| FT.     | FOOT OR FEET              | R.O.     | ROUGH OPENING                      |        |                        |
| FTG.    | FOOTING                   | R.W.L    | RAIN WATER LEADER                  |        |                        |
| FURR.   | FURRING                   | RAD      | RADIUS                             |        |                        |
| FUT.    | FUTURE                    | REF      | REFERENCE                          |        |                        |
| GA.     | GAGE                      | REFR     | REFRIGERATOR                       |        |                        |

# SYMBOLS



# WUI

## WILDLAND-URBAN INTERFACE FIRE ZONE NOTES :

PRIOR TO BUILDING PERMIT FINAL APPROVAL, THE PROPERTY SHALL BE IN COMPLIANCE WITH THE VEGETATION MANAGEMENT REQUIREMENTS PRESCRIBED IN CALIFORNIA FIRE CODE SECTION 4906, INCLUDING CALIFORNIA PUBLIC RESOURCES CODE 4291 OR CALIFORNIA GOVERNMENT CODE SECTION 51182 PER CRC R337.1.5. BUILDING IS LOCATED IN AN LRA HIGH FIRE HAZARD SEVERITY ZONE. ALL EXTERIOR MATERIALS AND CONSTRUCTION METHODS SHALL MEET EXTERIOR WILDFIRE EXPOSURE STANDARDS.

## R337 WORKSHEET

THIS PROJECT IS LOCATED IN A LOCAL RESPONSIBILITY AREA VERY HIGH FOR WILDFIRE PROTECTION, ROOFING, ATTIC VENTILATION, EXTERIOR WALLS, WINDOWS, EXTERIOR DOORS, DECKING, FLOORS, AND UNDERFLOOR PROTECTION TO MEET CRC R337 REQUIREMENTS.

### ITEM

DECKING MATERIALS  
 EXTERIOR WINDOWS  
 EXTERIOR SIDINGS AND SHEATHINGS  
 EXTERIOR DOORS

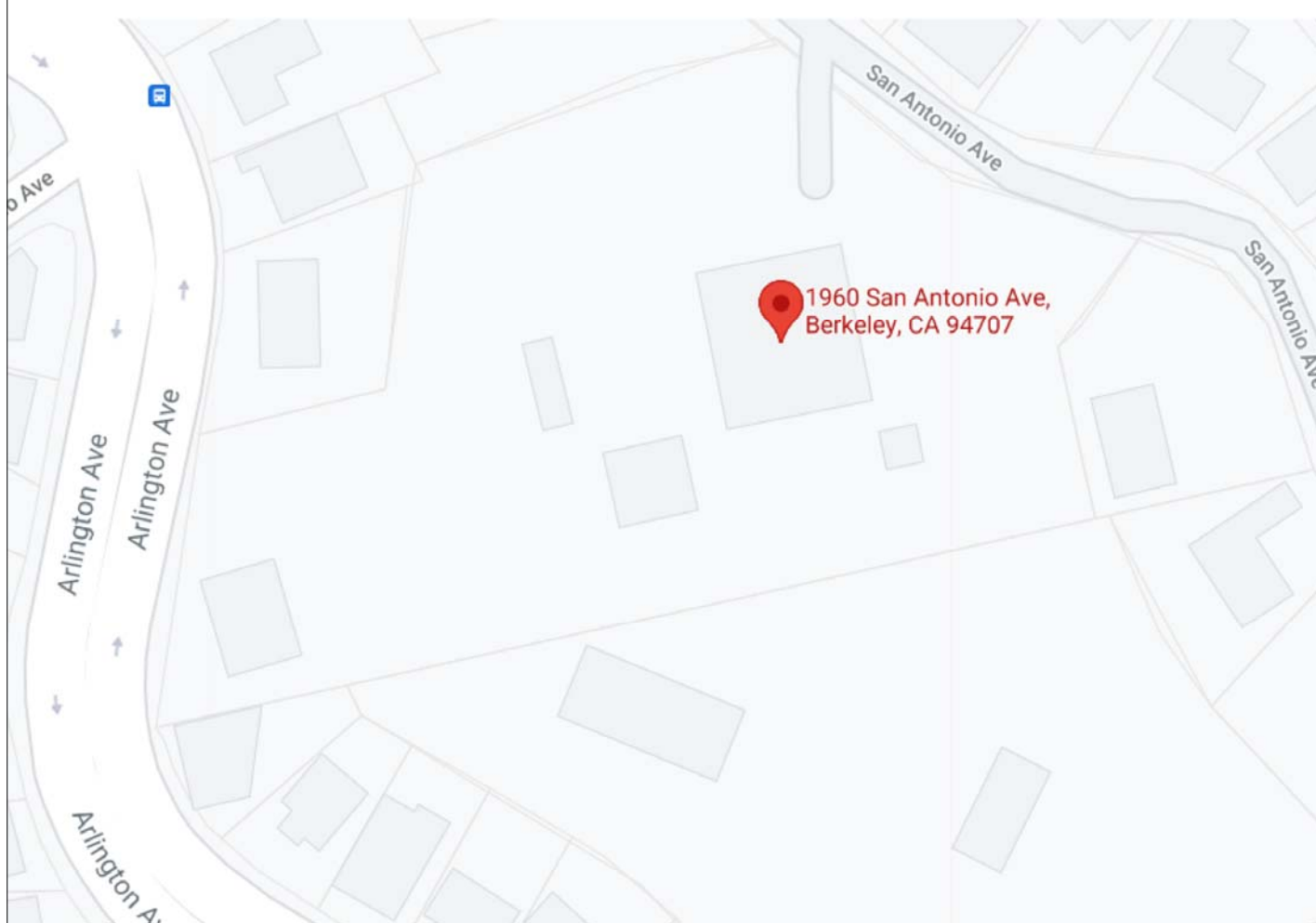
UNDER EAVE  
 UNDERFLOOR  
 VENTILATION  
 ROOF

### MATERIAL

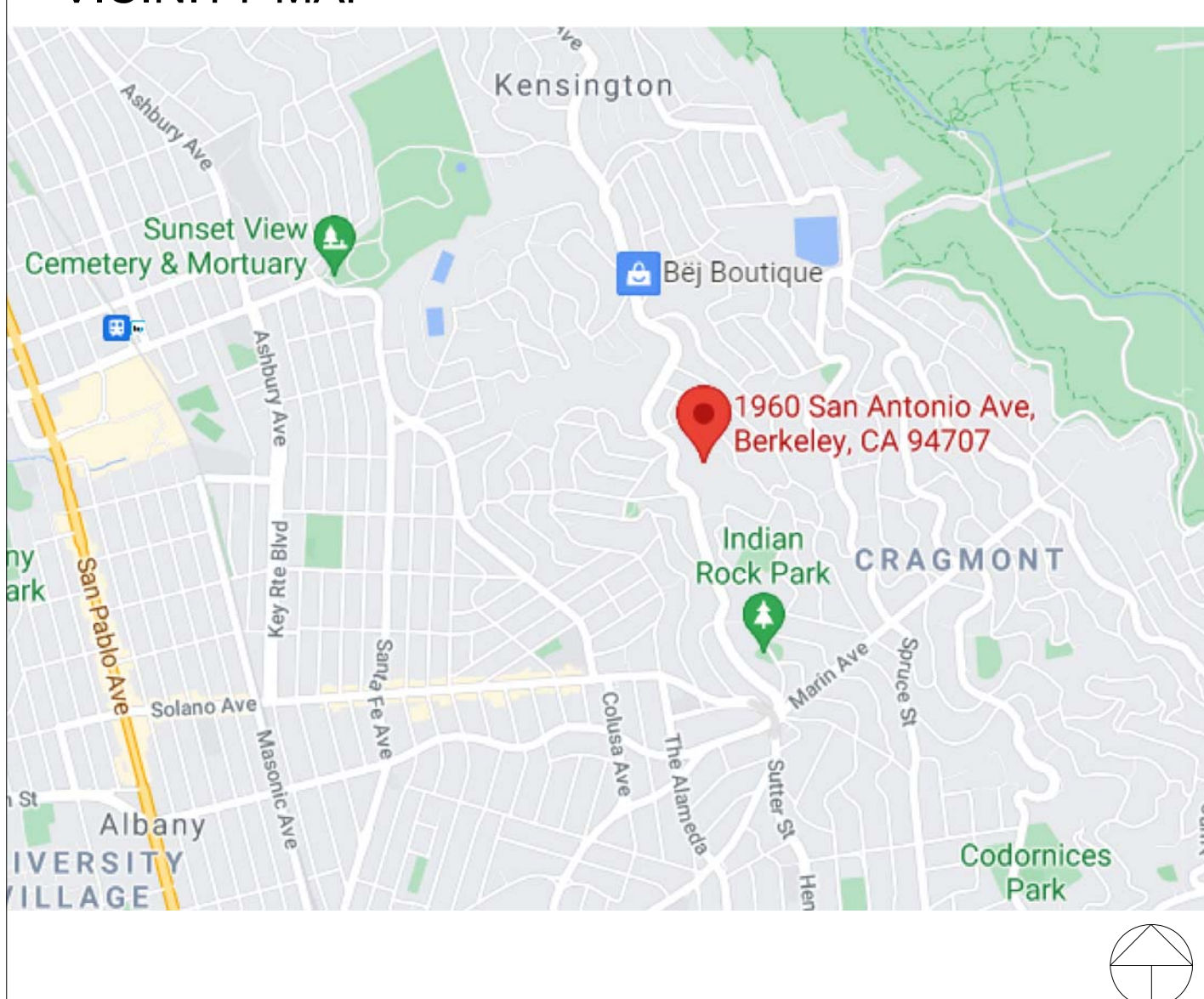
MASONRY OR CERAMIC  
 MULTI-PANE GLAZING WITH ONE PANE TEMPERED  
 1" THICK STUCCO WITH 1 HOUR FIRE RATING  
 MULTI-PANE GLAZING WITH ONE PANE TEMPERED  
 WOOD GARAGE AND WOOD EXTERIOR DOORS TO BE MIN 1 3/8" THICK SOLD CORE  
 IGNITION RESISTANT  
 IGNITION RESISTANT  
 CLOSED, NO VENTS  
 CLASS A - MODIFIED BITUMIN, SLATE AT POOL HOUSE OR APPROVED EQUAL

# MAPS

## AERIAL MAP



## VICINITY MAP



# TREE PROTECTION

- ANY ROOT PRUNING REQUIRED FOR CONSTRUCTION PURPOSES SHALL RECEIVE THE PRIOR APPROVAL OF AND BE SUPERVISED BY THE CONSULTING ARBORIST. ROOTS SHOULD BE CUT WITH A SAW TO PROVIDE A FLAT AND SMOOTH CUT. REMOVAL OF ROOTS LARGER THAN 2 IN. IN DIAMETER SHOULD BE AVOIDED.
- IF ROOTS 2 IN. AND GREATER IN DIAMETER ARE ENCOUNTERED DURING SITE WORK AND MUST BE CUT TO COMPLETE THE CONSTRUCTION, THE CONSULTING ARBORIST MUST BE CONSULTED TO EVALUATE EFFECTS ON THE HEALTH AND STABILITY OF THE TREE AND RECOMMEND TREATMENT.
- FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCES SHALL BE 6 FT. CHAIN LINK WITH POSTS SUNK INTO THE GROUND OR EQUIVALENT.
- THE TREE TREE PROTECTION ZONE SHOWN ON ALL PLANS SHALL BE FENCED TO ENCLOSE THE ENTIRE AREA (FIGURE 1). NO GRADING, EXCAVATION, CONSTRUCTION OR STORAGE OF MATERIALS SHALL OCCUR WITHIN THAT ZONE. NO UNDERGROUND SERVICES INCLUDING UTILITIES, SUB-DRAINS, WATER OR SEWER SHALL BE PLACED IN THE TREE PROTECTION ZONE. NO MOTORIZED EQUIPMENT SHALL BE USED IN THE TREE PROTECTION ZONE. THE LIMITS OF THE TREE PROTECTION ZONE WILL BE ADJUSTED FOLLOWING REVIEW OF GRADING AND CONSTRUCTION PLANS. FOR DESIGN PURPOSES, THE TREE PROTECTION ZONE SHALL BE DEFINED AS THE TREE DRIPLINE.

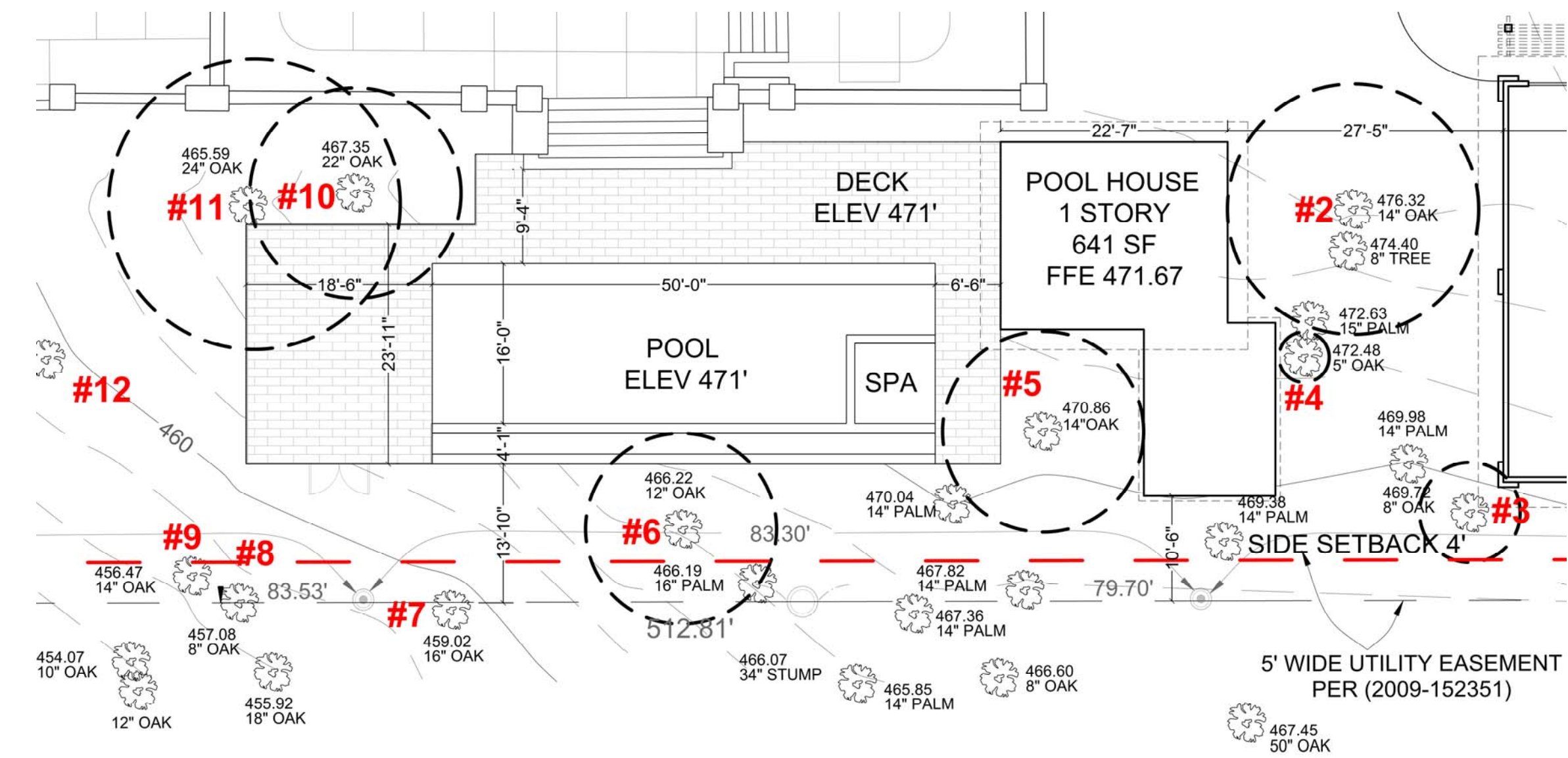


FIGURE 1. THE BLACK DOTTED LINES ARE THE TREE PROTECTION ZONE. WORK IN THIS AREA IS PROHIBITED.

# PAYMUN

25 Orinda way, Suite#200  
 Orinda, CA 94563  
 Tel: (925) 587-2140

Ben@paymun.com

## LEAD DESIGN CONSULTANT

PAYMUN BUILDING &  
 DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
 SADAF DAYLAMI

## PROJECT

SPRING MANSION

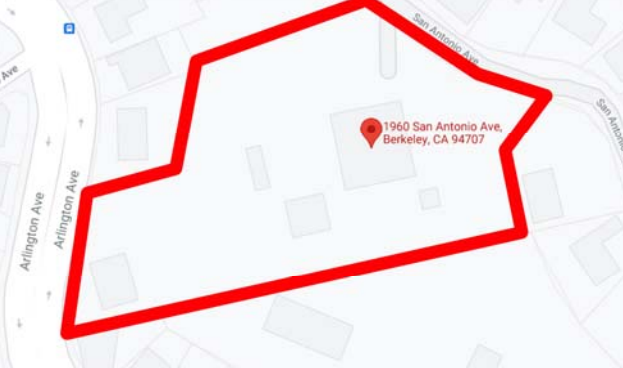
## OWNER(S)

ABBAS MASH

## NOTES

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

## LOCATION



## ADDRESS

1960 SAN ANTONIO AVENUE  
 BERKELEY, CA 94707

## AREA

## ORIENTATION

## SHEET TITLE

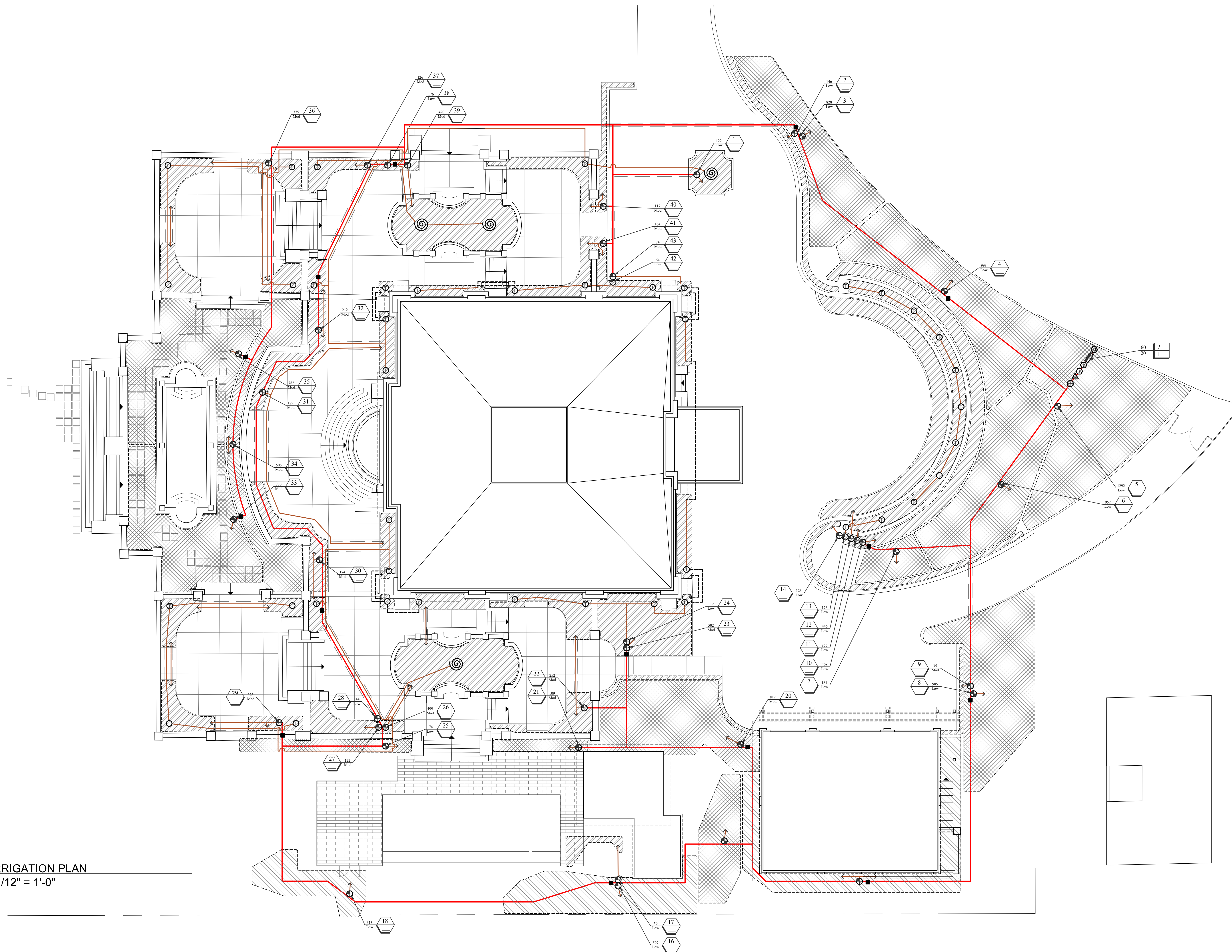
## GENERAL INFORMATION

## SCALE

AS INDICATED

## SHEET NUMBER

A020



① IRRIGATION PLAN  
1/12" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

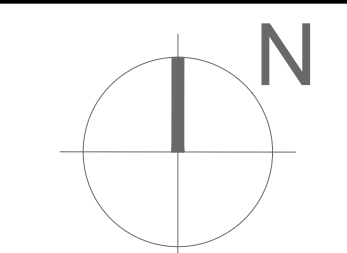


**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

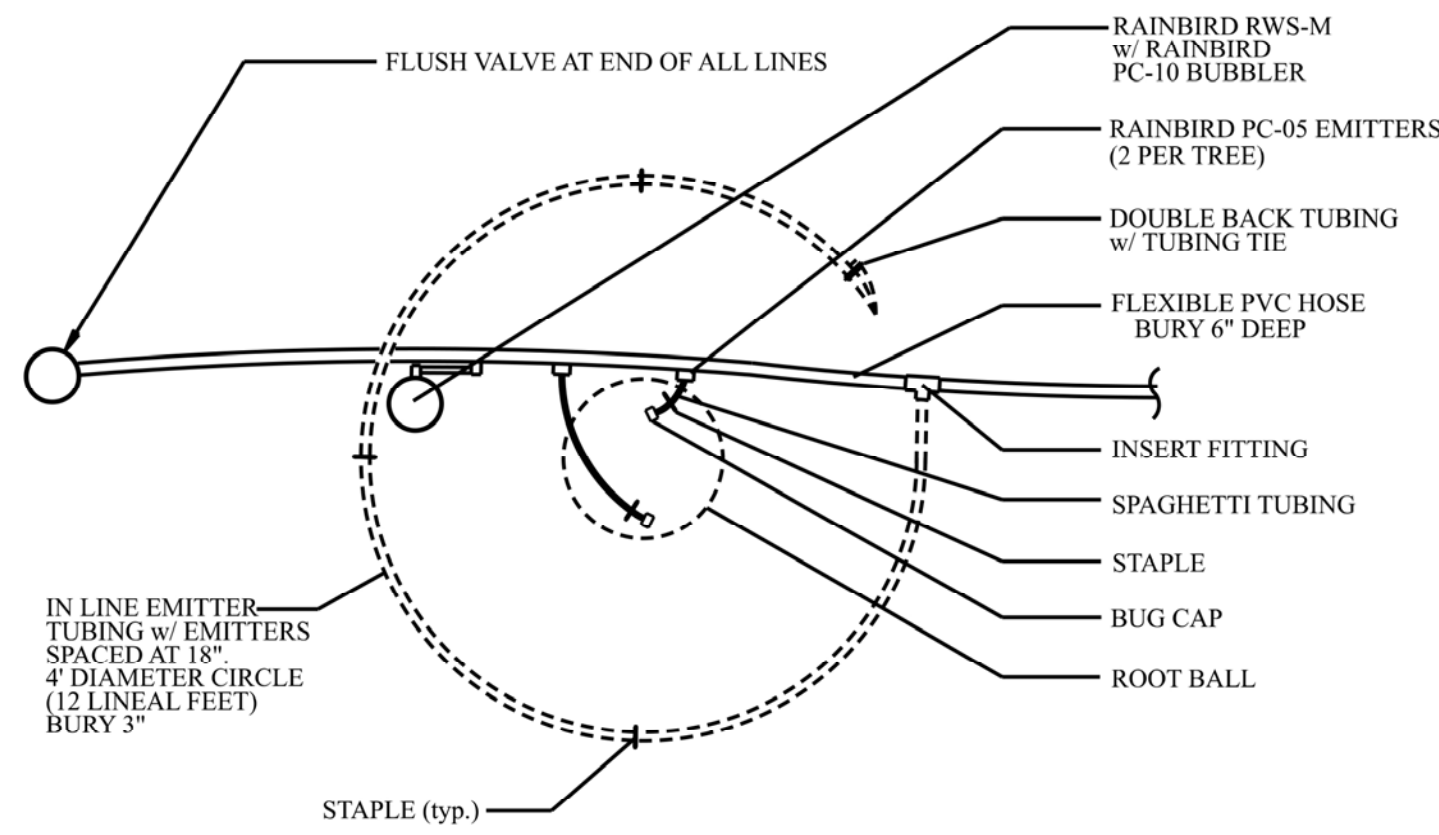
IRRIGATION PLAN

**SCALE**

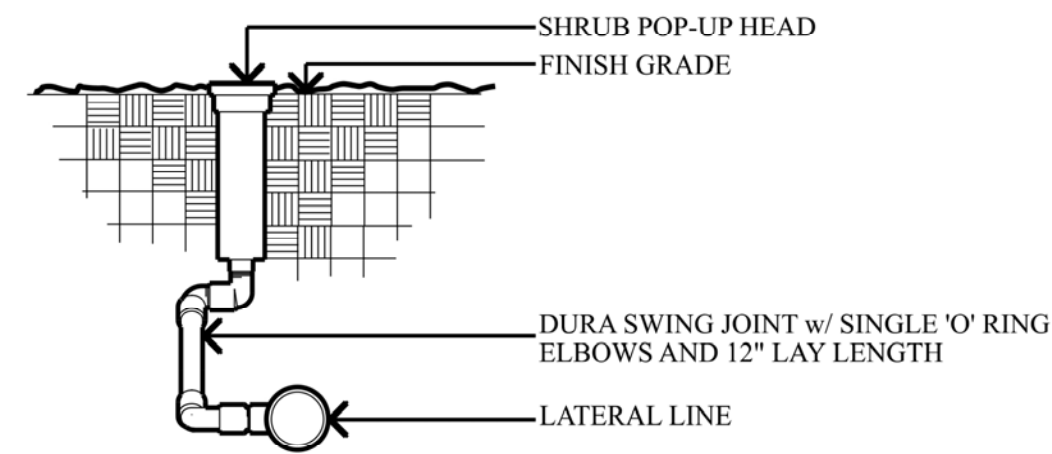
AS INDICATED

**SHEET NUMBER**

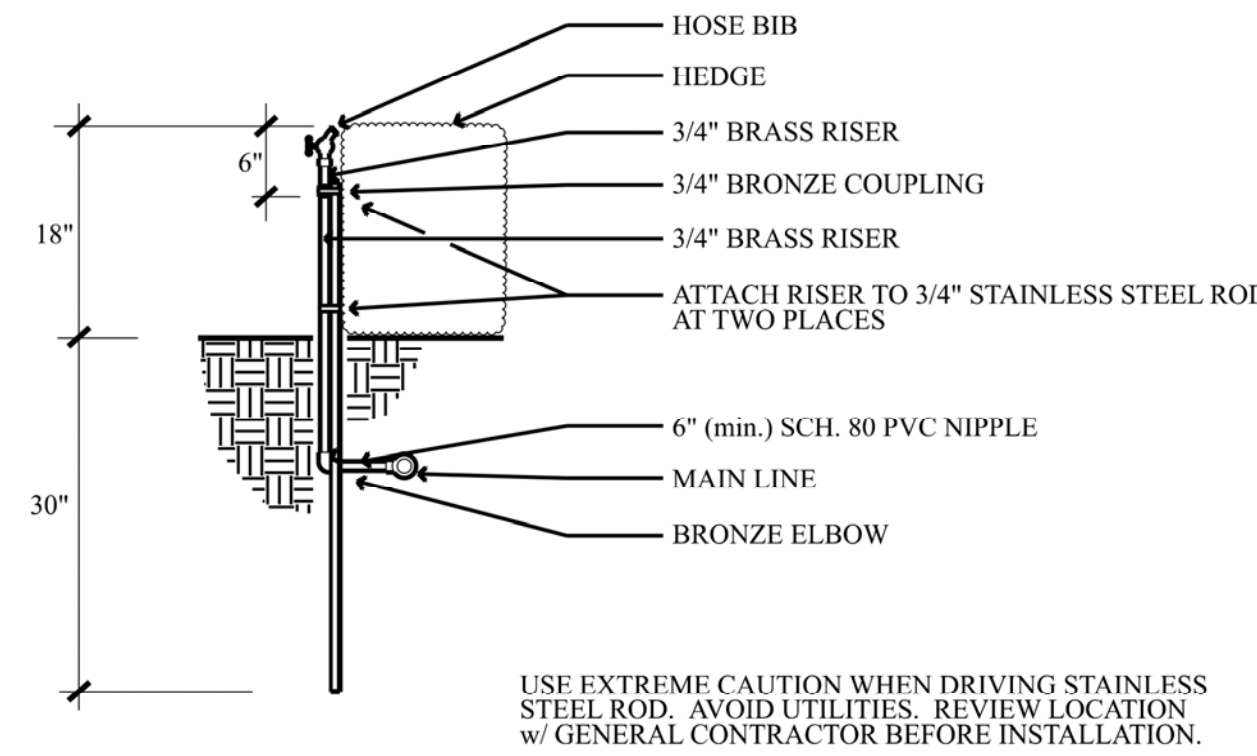
**L.1**



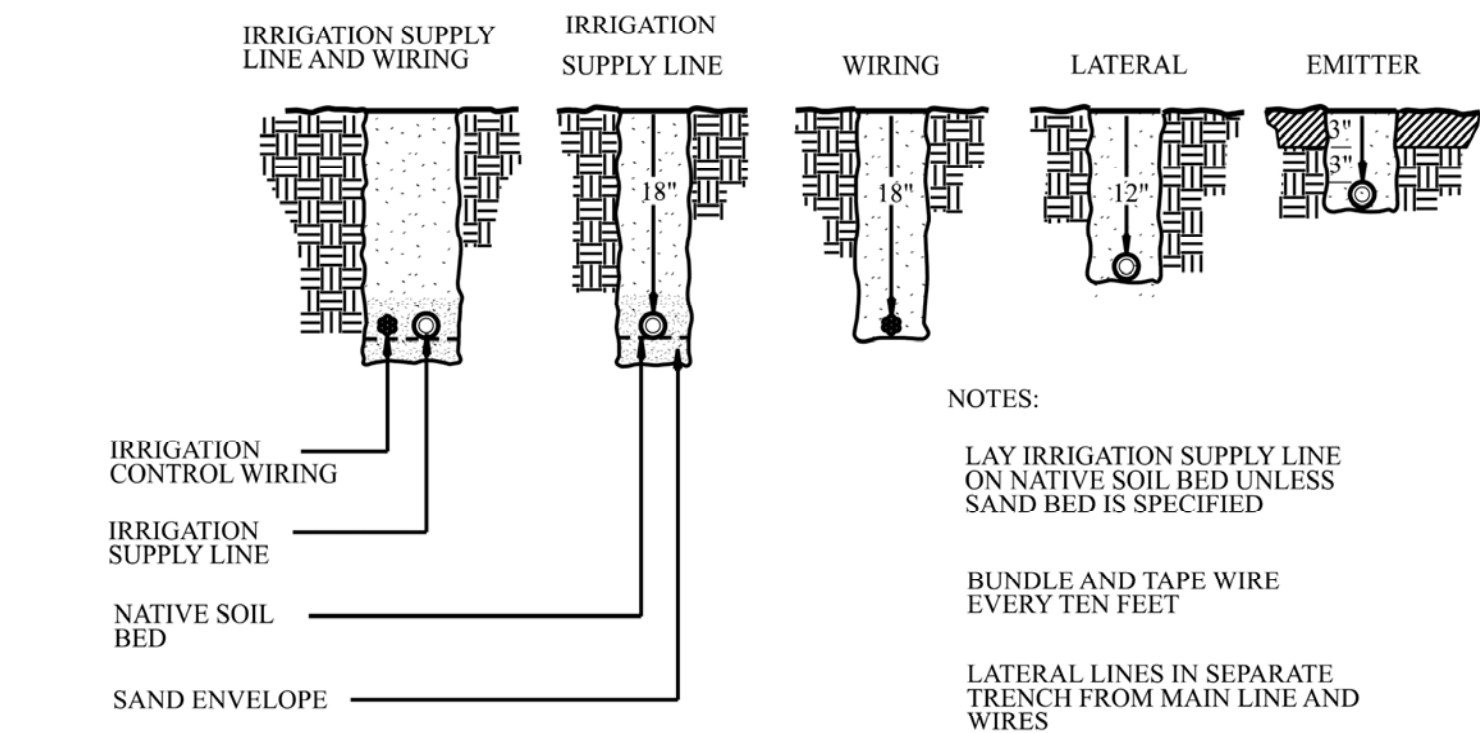
TREE EMITTER LAYOUT (36 gph)



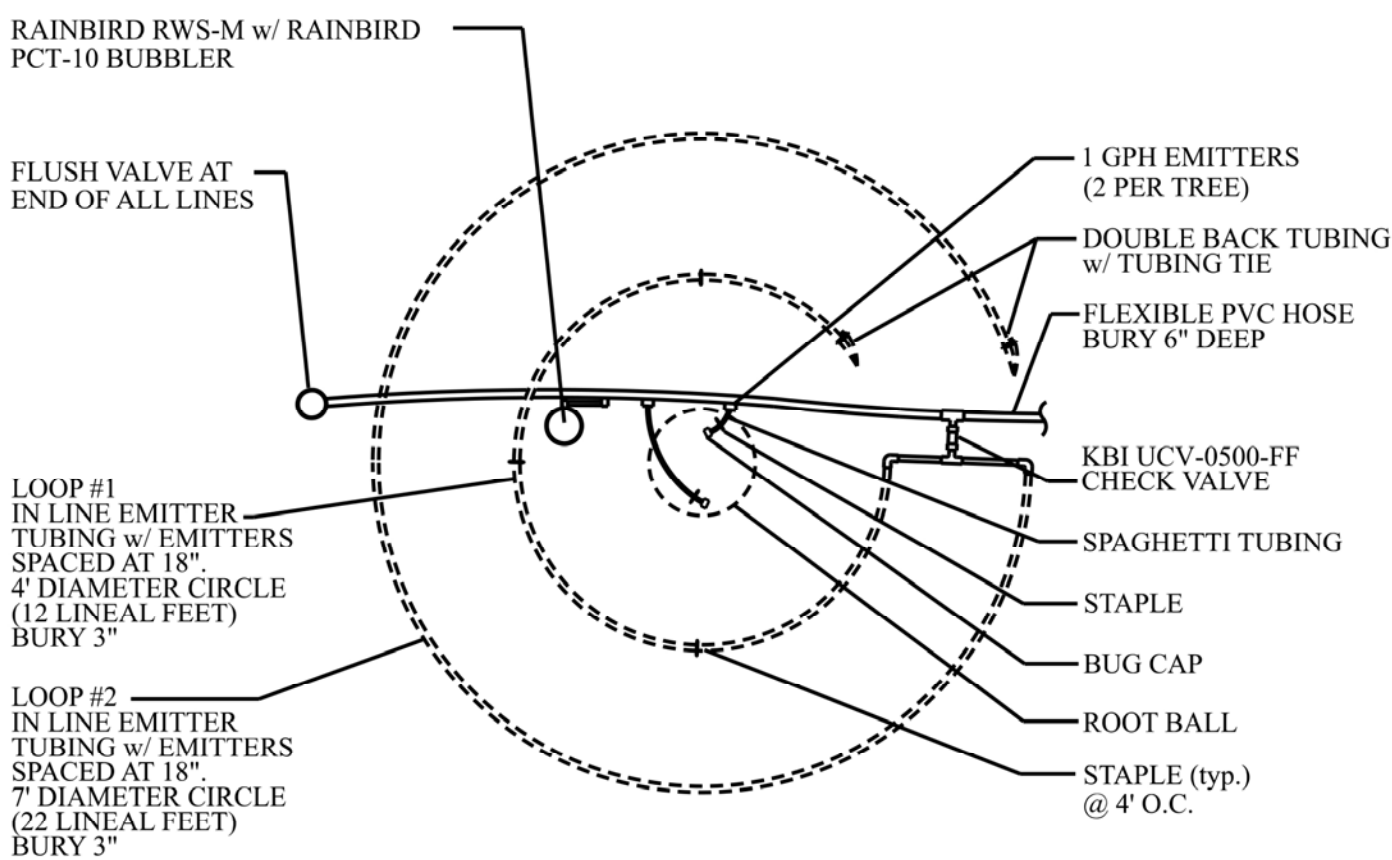
SHRUB POP-UP SPRAY HEAD



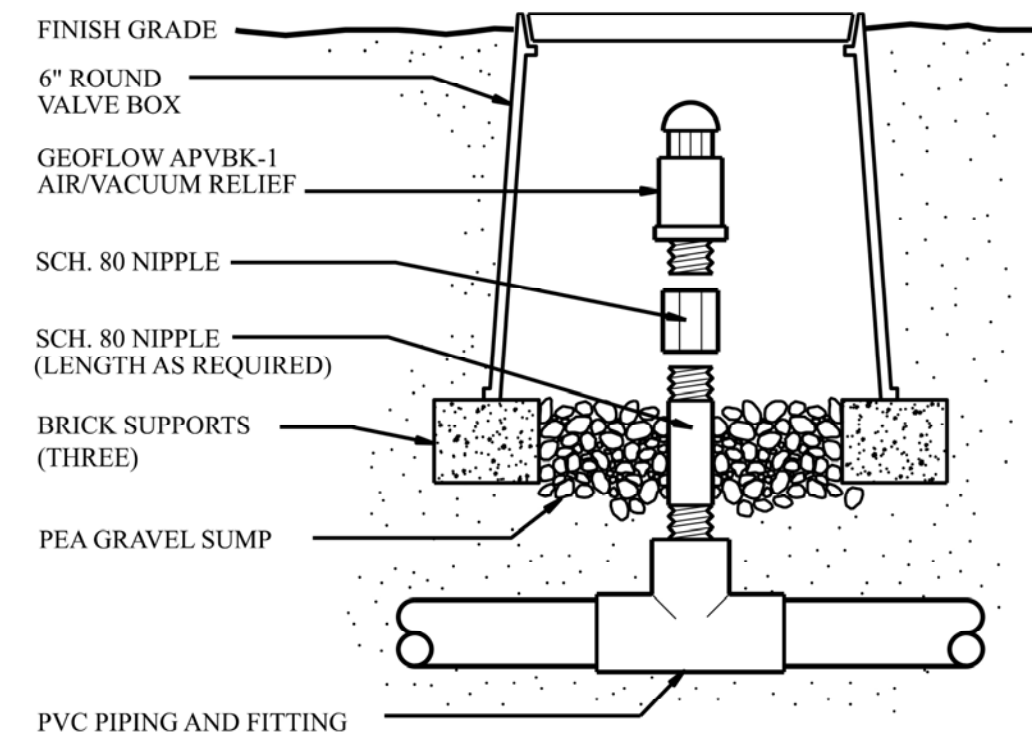
HOSE BIB



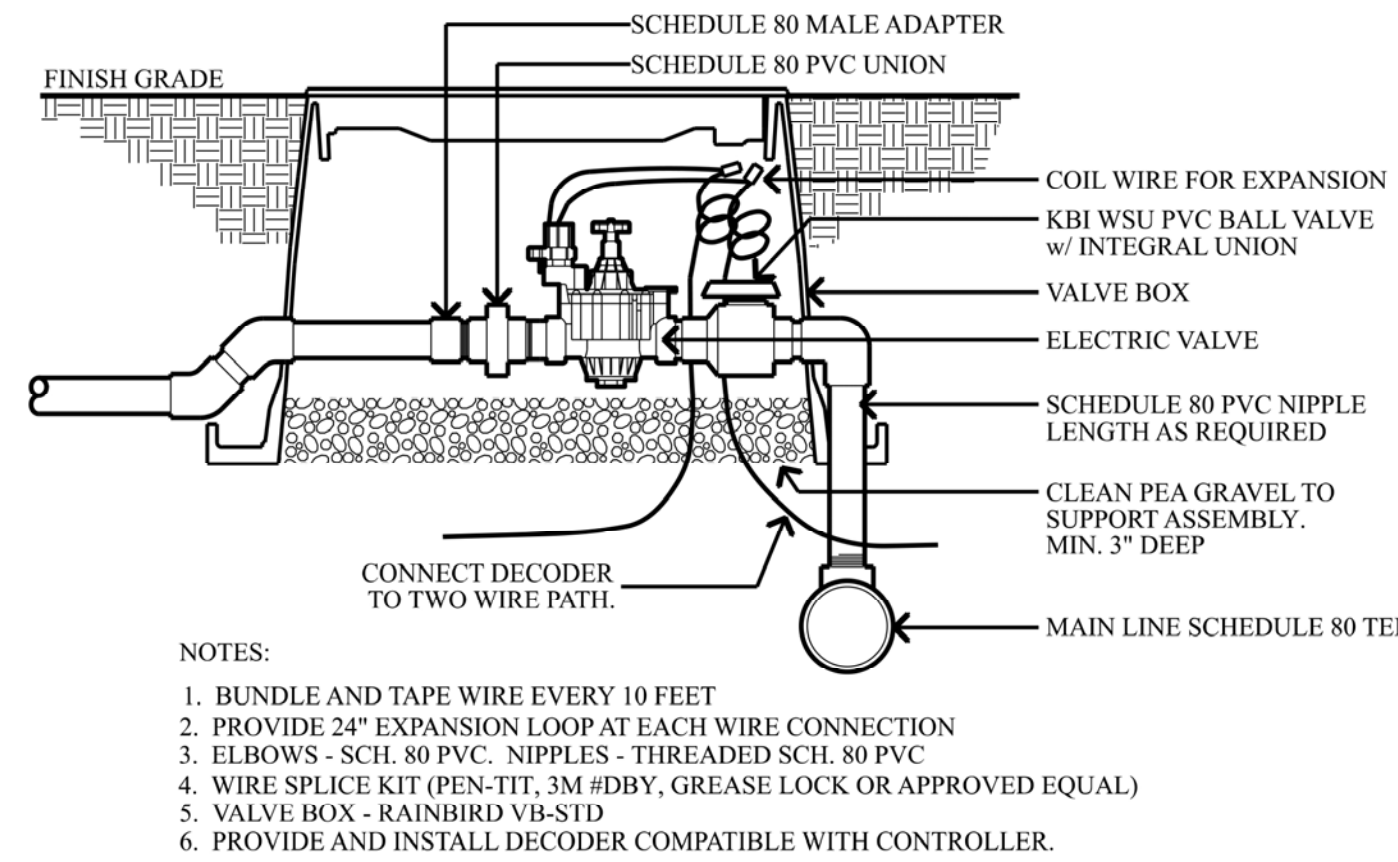
TRENCHING AND INSTALLATION



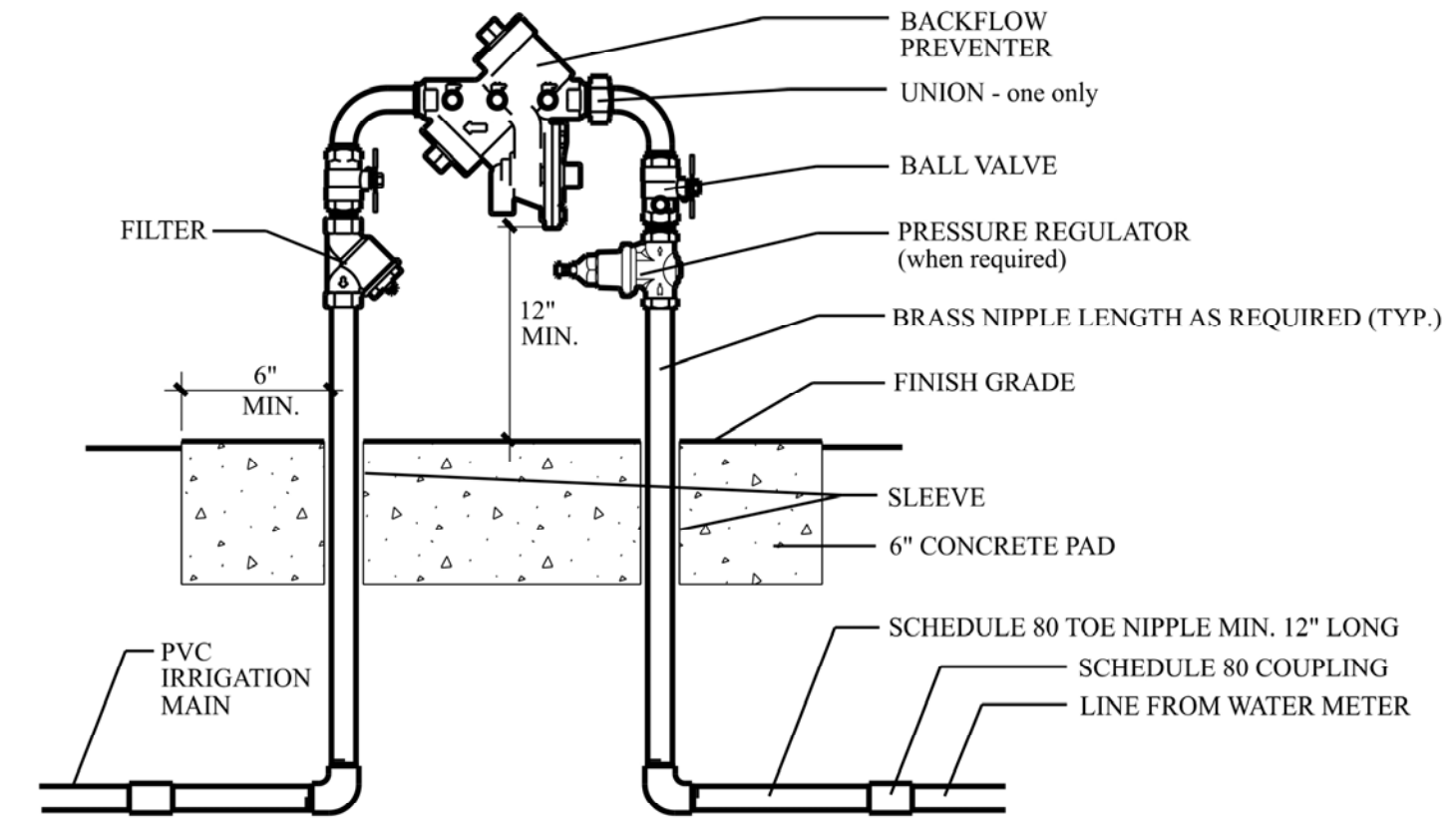
TREE EMITTER LAYOUT - LARGE (33 gph)



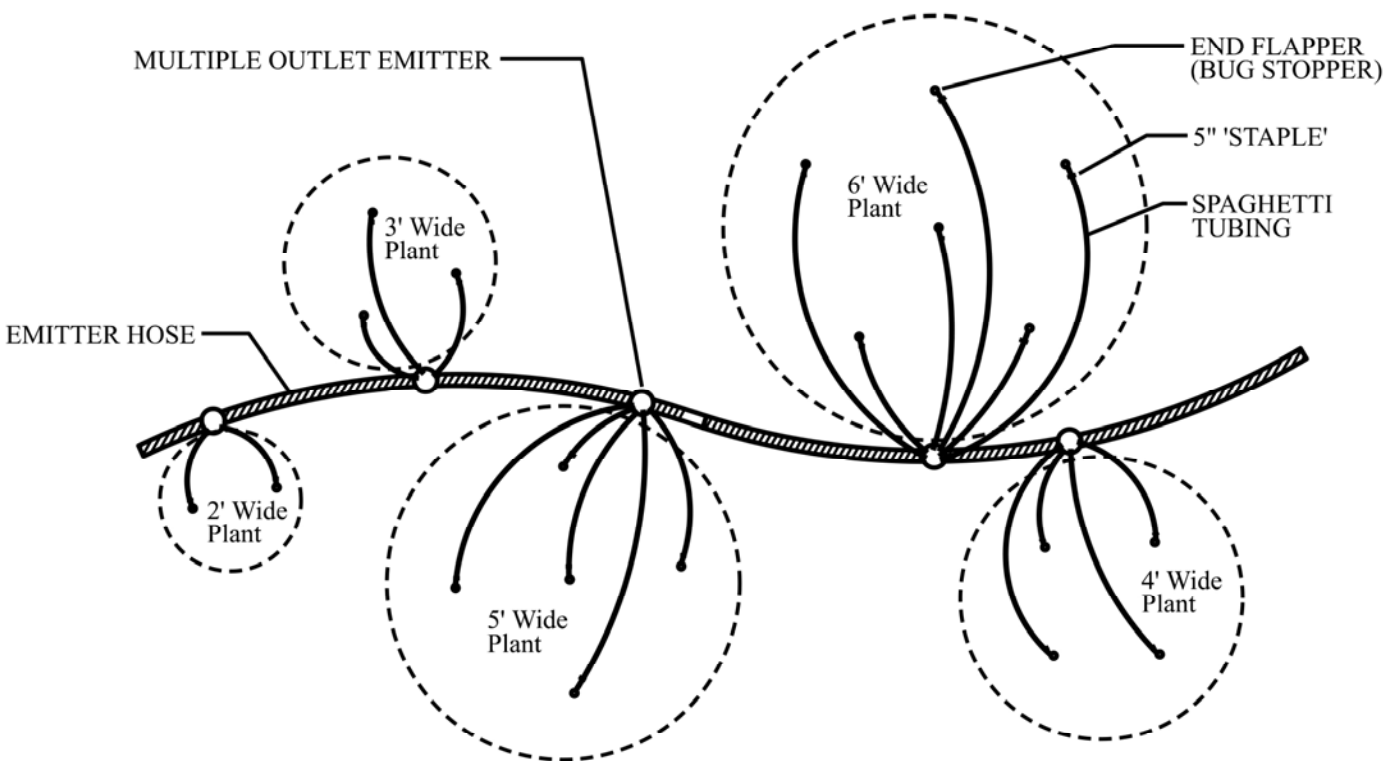
1" AIR/VACUUM RELIEF



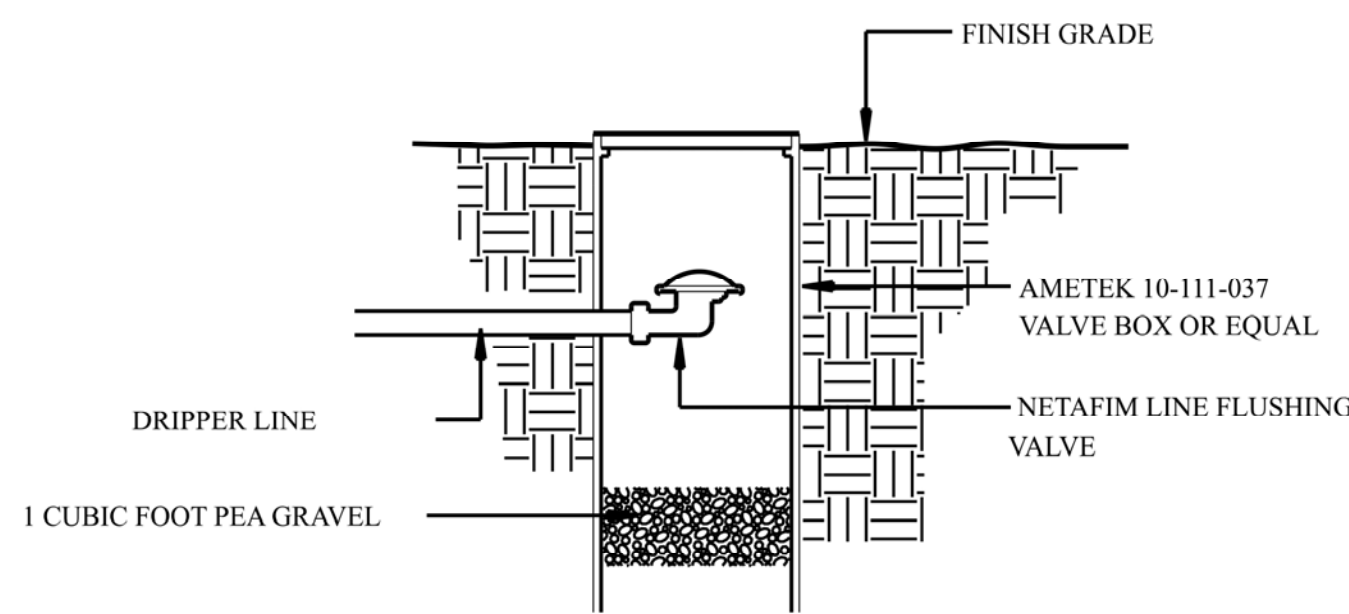
REMOTE CONTROL VALVE - TWO WIRE



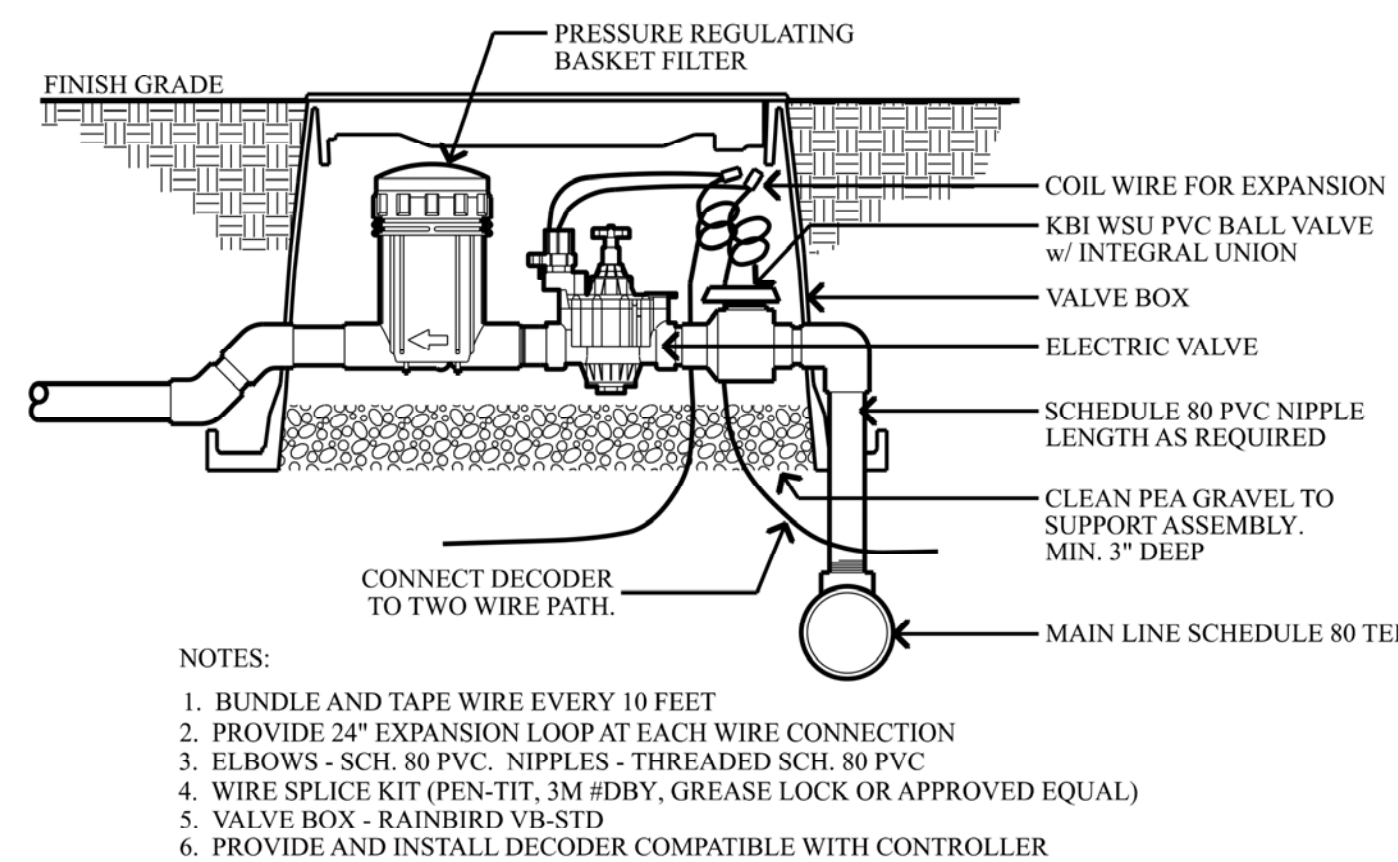
REDUCED PRESSURE BACKFLOW PREVENTER



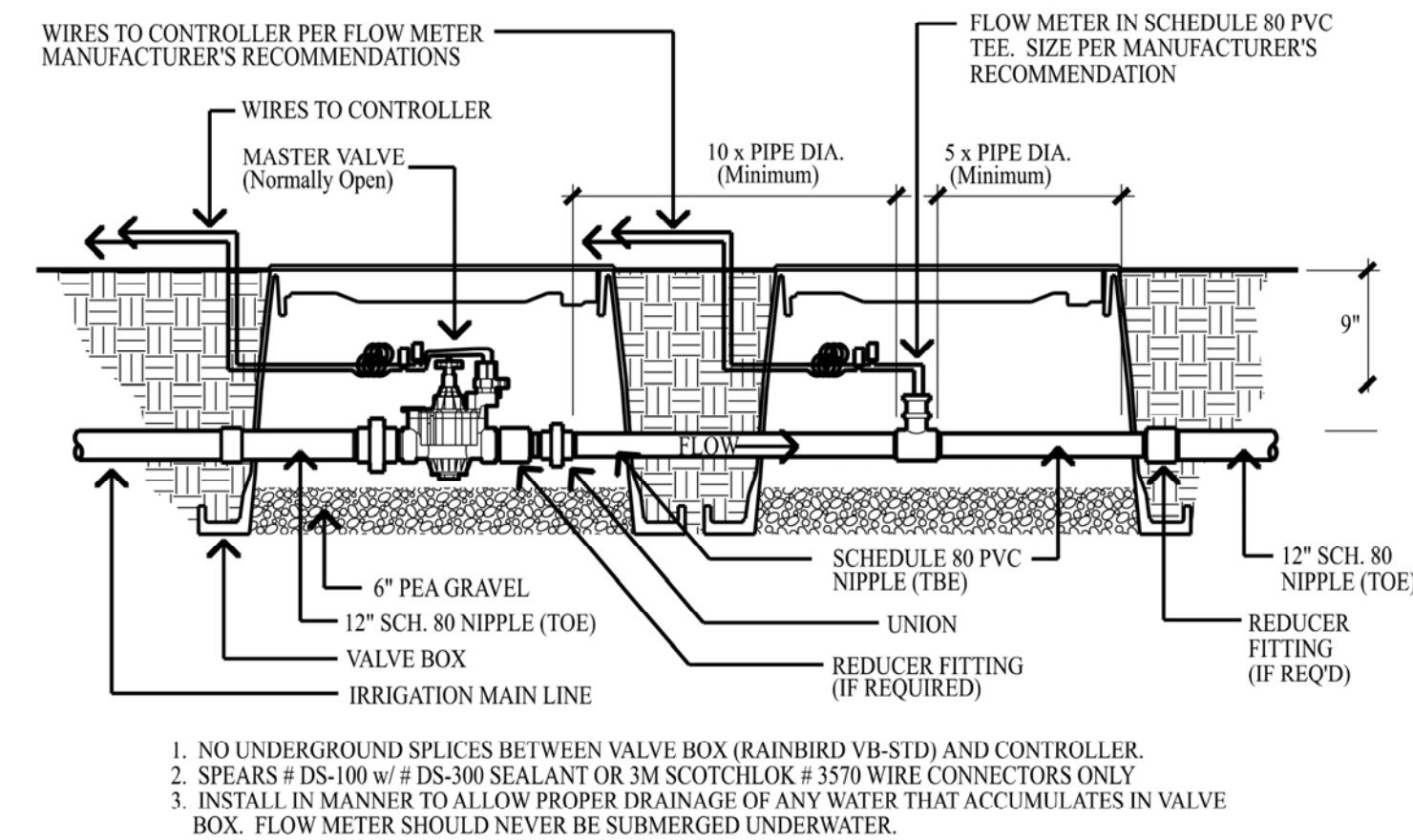
MULTIPLE OUTLET EMITTER



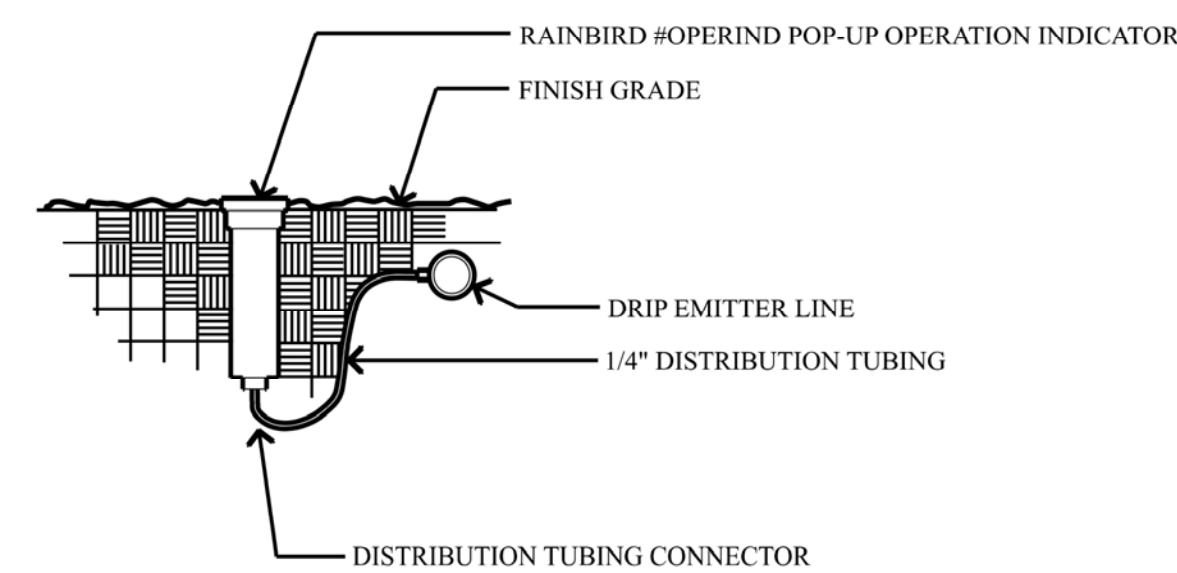
LINE FLUSHING VALVE



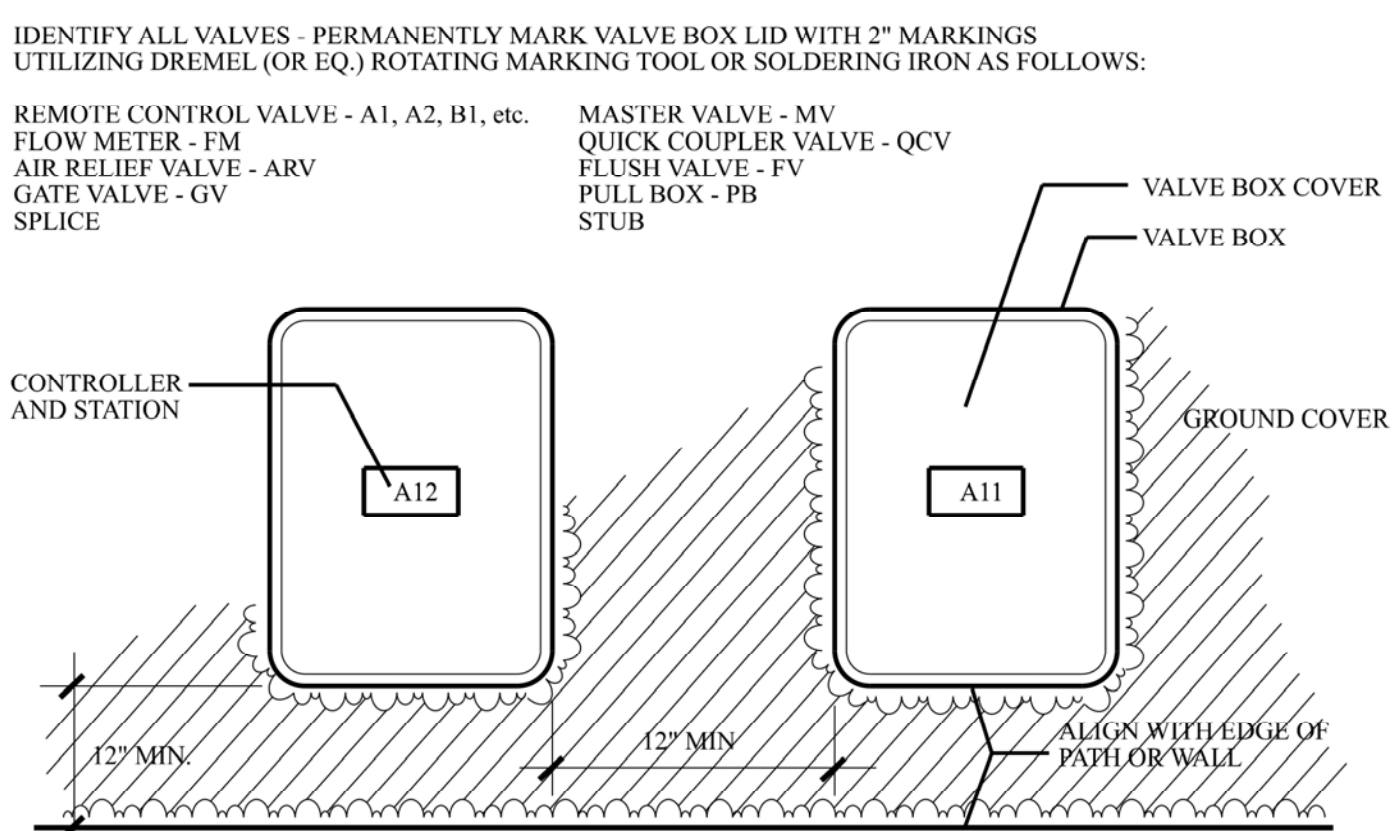
EMITTER REMOTE CONTROL VALVE - TWO WIRE



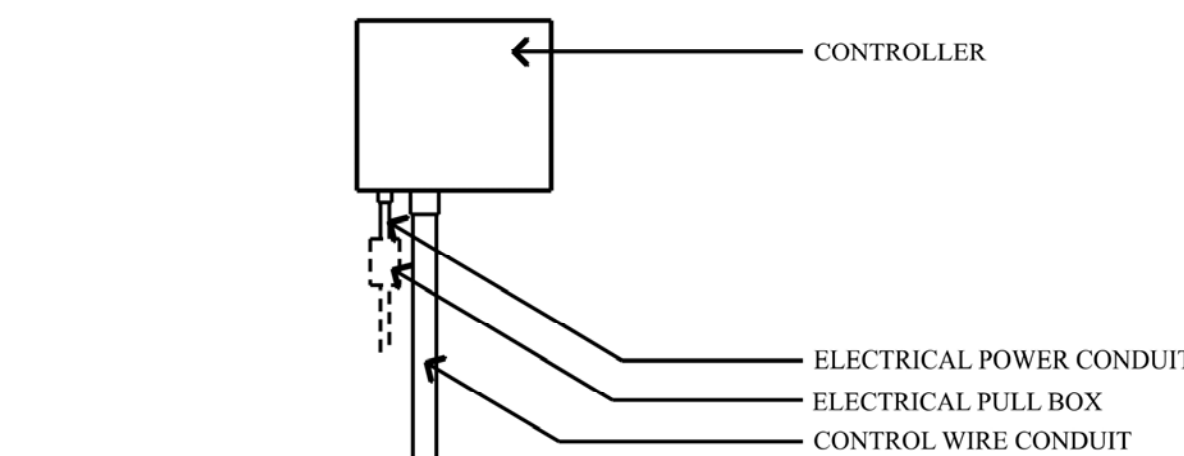
MASTER VALVE & FLOWMETER RUN



EMITTER LINE POP-UP OPERATION INDICATOR

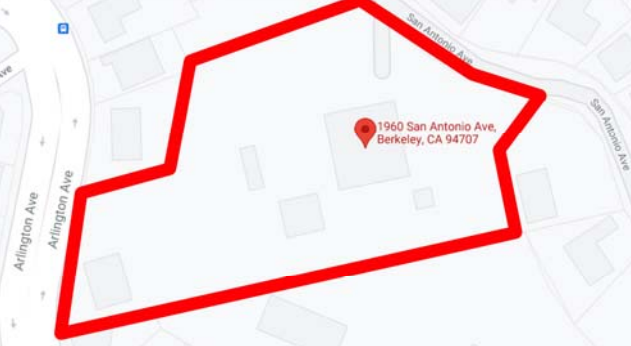


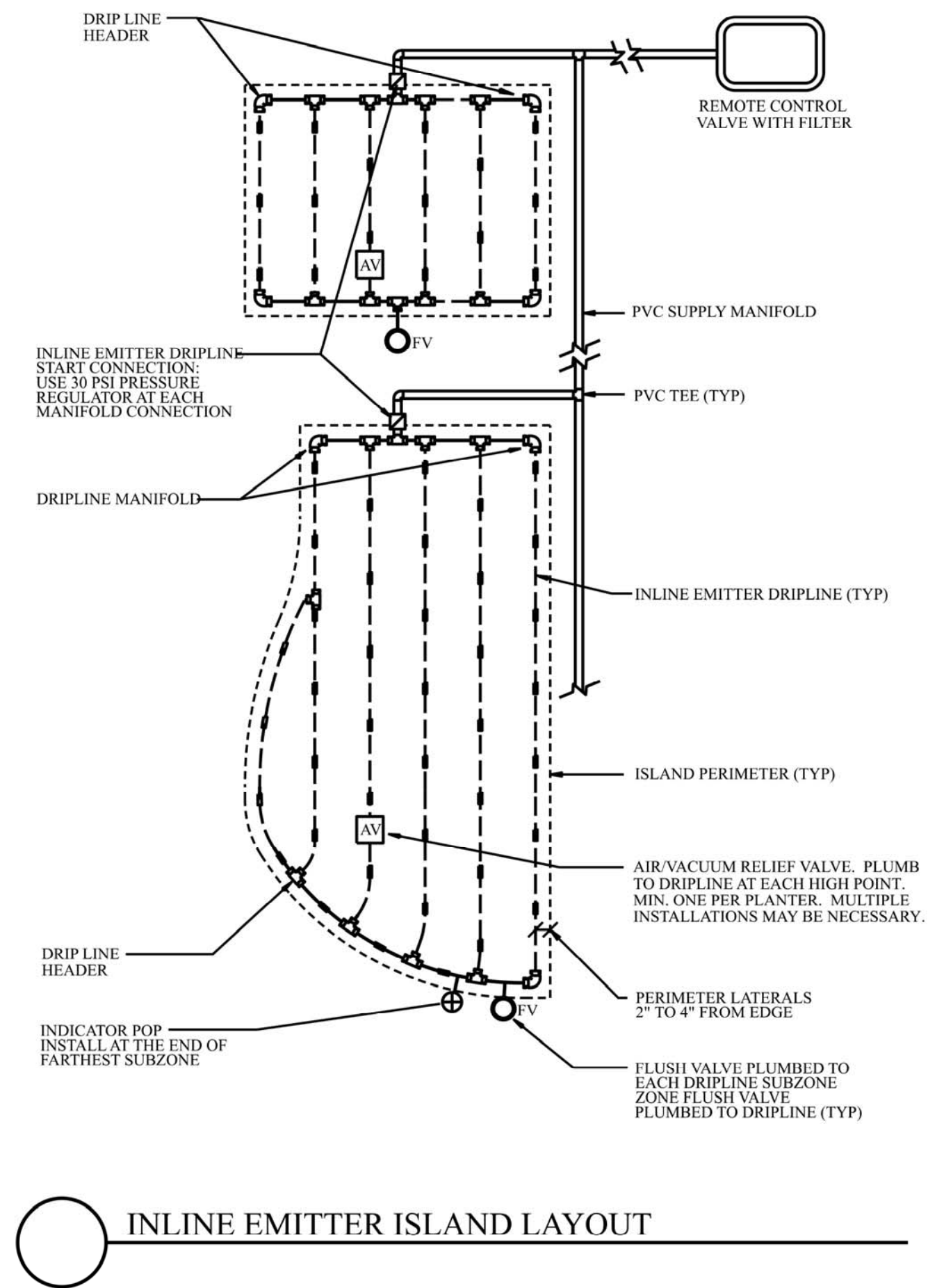
VALVE BOXES



WALL MOUNT CONTROLLER

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |





○ INLINE EMITTER ISLAND LAYOUT

IRRIGATION LEGEND

| Description               | MANUFACTURER | Item Number                                     | Pop Height | Misc. Info.                         | GPM       | at PSI | Radius |
|---------------------------|--------------|-------------------------------------------------|------------|-------------------------------------|-----------|--------|--------|
| Shrub Rotator             | Hunter       | PROS-12-PRS40-CV-MP1000                         | 12"        |                                     | 0.19-0.75 | 40     | 14     |
| Shrub Rotator             | Hunter       | PROS-12-PRS40-CV-MP2000                         | 12"        |                                     | 0.40-1.47 | 40     | 19     |
| Shrub Rotator             | Hunter       | PROS-12-PRS40-CV-MP3000                         | 12"        |                                     | 0.86-3.64 | 40     | 30     |
| Tree Emitter Layout       |              | See details                                     |            |                                     |           |        |        |
| Tree Emitter Layout Large |              | See details                                     |            |                                     |           |        |        |
| Root Watering System      | Rainbird     | RWS (see tree emitter detail)                   |            | 18", PCT-10 Emitter                 |           |        |        |
| Multi Outlet Emitter      | Rainbird     | XBT-20-6                                        |            | 2.0 GPH per Emitter Outlet          |           |        |        |
| Emitter                   | Rainbird     | PC-10                                           |            |                                     |           | 10 gph |        |
| Controller                | Hunter       | HC - 2 wire                                     |            | w/ Solar-Sync, connect to Wi-Fi     |           |        |        |
| Flow Sensor               | CST          | FDL-T10-001                                     |            | 1" Flow Meter                       | 0.86-52   |        |        |
| Backflow Preventer        | Wilkins      | 975XL2U                                         |            | 1"                                  |           |        |        |
| Filter                    | Amiad        | Super 1"                                        |            |                                     |           |        |        |
| Control Valve             | Rainbird     | PESB-PRS-D Series                               |            |                                     |           |        |        |
| Control Zone Kit          | Rainbird     | XZC-150-PRB-COM                                 |            | Zones over 15 gpm                   |           |        |        |
| Control Zone Kit          | Rainbird     | XZC-100-PRB-COM                                 |            | Zones between 5 and 15 gpm          |           |        |        |
| Control Zone Kit          | Rainbird     | XZC-75-PRF                                      |            | Zones under 5 gpm                   |           |        |        |
| Master Valve              | Griswold     | 2000 Series                                     |            | Normally Open, line size            |           |        |        |
| Hose Bib                  |              |                                                 |            |                                     |           |        |        |
| Emitter Flush Valve       | Netafim      |                                                 |            | Automatic Flush                     |           |        |        |
| Emitter Air Relief Valve  | Netafim      |                                                 |            | At all high points of emitter zones |           |        |        |
| Emitter Pop-up Indicator  | Rainbird     | OPERIND                                         |            | One at end of each zone             |           |        |        |
| Main Line Pipe            |              | Schedule 40                                     |            |                                     |           |        |        |
| Lateral Line Pipe         |              | Schedule 40                                     |            |                                     |           |        |        |
| Emitter Line Pipe         |              | AR Flexible PVC                                 |            | 1"                                  |           |        |        |
| In Line Emitter Tubing    | Rainbird     | XFS-09-18 Sub-Surface Dripline w/ copper shield |            | 18" pipe spacing                    | 0.9 GPH   |        |        |
| Drip Line Header          | Rainbird     | XQF-10 Dripline Header                          |            |                                     |           |        |        |
| Sleeve                    |              | Schedule 40                                     |            | w/ size                             |           |        |        |
| Buried Pipe w/o Sleeve    |              | Copper                                          |            |                                     |           |        |        |
| Existing Pressure         |              |                                                 |            |                                     |           |        |        |
| Min. Design Pressure      |              |                                                 |            |                                     |           |        |        |
| Max. System GPM           |              |                                                 |            |                                     |           |        |        |
| Backflow Size             |              |                                                 |            |                                     |           |        |        |

Maximum Applied Water Allowance (MAWA)  
 $(0.00162)(0.55 \times LA/Landscape\ Area) + (0.45 \times SFA/Special\ Land\ Use\ Area) = 215,883$   
 Eto = 39.0  
 Factor = 0.62  
 LA = 26,233  
 SFA = 0

Estimated Total Water Use (ETWU)  
 $(0.00067)(9954)(10) - SFA = 239,355$

| Hydrexzone Type | Value | Irrigation Method | Plant Type | Hydrexzone Area (HA) | Percent of Landscape | Plant Factor (PF) | Special Landscape Area (SLA) | Irrigation Efficiency (IE) | PF x HA | ETWU    | MAWA    | Overs/Under MAWA | Application Rate (In./Hr.) | Operating Pressure (PSI) |
|-----------------|-------|-------------------|------------|----------------------|----------------------|-------------------|------------------------------|----------------------------|---------|---------|---------|------------------|----------------------------|--------------------------|
| Shrub           | 1     | drip              | Low        | 122                  | 0.5%                 | 0.3               | 0                            | 0.80                       | 37      | 3,106   | 6,622   | 510              | 1.5                        | 30                       |
| Shrub           | 2     | drip              | Low        | 146                  | 0.6%                 | 0.3               | 0                            | 0.80                       | 44      | 3,324   | 3,952   | 618              | 1.70                       | 30                       |
| Shrub           | 3     | MP Rotor          | Low        | 838                  | 3.3%                 | 0.3               | 0                            | 0.75                       | 248     | 8,008   | 11,012  | 3,003            | 1.5                        | 40                       |
| Shrub           | 4     | MP Rotor          | Low        | 993                  | 3.3%                 | 0.3               | 0                            | 0.75                       | 298     | 9,604   | 13,205  | 3,602            | 1.5                        | 40                       |
| Shrub           | 5     | MP Rotor          | Low        | 1,200                | 4.6%                 | 0.3               | 0                            | 0.75                       | 360     | 12,000  | 17,183  | 5,183            | 1.5                        | 40                       |
| Low Water Grass | 6     | MP Rotor          | Low        | 952                  | 3.6%                 | 0.3               | 0                            | 0.75                       | 286     | 9,208   | 12,661  | 3,453            | 1.5                        | 40                       |
| Shrub           | 7     | MP Rotor          | Low        | 181                  | 0.7%                 | 0.3               | 0                            | 0.75                       | 54      | 1,773   | 2,407   | 634              | 1.5                        | 40                       |
| Shrub           | 8     | MP Rotor          | Low        | 965                  | 3.6%                 | 0.3               | 0                            | 0.75                       | 289     | 9,573   | 13,100  | 3,527            | 1.5                        | 40                       |
| Shrub           | 9     | drip              | Mod        | 35                   | 0.1%                 | 0.5               | 0                            | 0.80                       | 18      | 1,229   | 492     | 63               | 1.70                       | 30                       |
| Shrub           | 10    | drip              | Low        | 408                  | 1.5%                 | 0.3               | 0                            | 0.80                       | 122     | 3,700   | 5,426   | 1,726            | 1.5                        | 30                       |
| Shrub           | 11    | drip              | Low        | 355                  | 1.3%                 | 0.3               | 0                            | 0.80                       | 107     | 3,219   | 4,721   | 1,502            | 1.5                        | 30                       |
| Shrub           | 12    | drip              | Low        | 446                  | 1.6%                 | 0.3               | 0                            | 0.80                       | 134     | 4,044   | 5,931   | 1,887            | 0.45                       | 30                       |
| Trees           | 13    | drip              | Low        | 176                  | 0.6%                 | 0.3               | 0                            | 0.80                       | 53      | 2,256   | 2,241   | 745              | 1.5                        | 30                       |
| Shrub           | 14    | drip              | Low        | 125                  | 0.5%                 | 0.3               | 0                            | 0.80                       | 37      | 1,115   | 3,636   | 520              | 1.5                        | 30                       |
| Shrub           | 15    | drip              | Low        | 668                  | 2.5%                 | 0.3               | 0                            | 0.80                       | 200     | 6,657   | 8,884   | 2,227            | 0.45                       | 30                       |
| Shrub           | 16    | drip              | Low        | 597                  | 2.2%                 | 0.3               | 0                            | 0.80                       | 179     | 5,413   | 7,940   | 2,526            | 0.45                       | 30                       |
| Shrub           | 17    | drip              | Low        | 59                   | 0.2%                 | 0.3               | 0                            | 0.80                       | 18      | 1,335   | 285     | 200              | 1.70                       | 30                       |
| Shrub           | 18    | drip              | Low        | 313                  | 1.1%                 | 0.3               | 0                            | 0.80                       | 94      | 2,838   | 4,143   | 1,304            | 0.45                       | 30                       |
| Low Water Grass | 19    | MP Rotor          | Low        | 356                  | 1.3%                 | 0.3               | 0                            | 0.75                       | 107     | 3,443   | 4,734   | 1,291            | 1.5                        | 40                       |
| Shrub           | 20    | MP Rotor          | Mod        | 812                  | 3.1%                 | 0.3               | 0                            | 0.75                       | 406     | 13,089  | 10,799  | -2,291           | 0.45                       | 40                       |
| Shrub           | 21    | spray             | Mod        | 109                  | 0.4%                 | 0.5               | 0                            | 0.75                       | 55      | 3,753   | 4,450   | 697              | 1.70                       | 30                       |
| Shrub           | 22    | drip              | Mod        | 252                  | 0.9%                 | 0.6               | 0                            | 0.80                       | 151     | 4,520   | 3,351   | -1,169           | 1.5                        | 30                       |
| Shrub           | 23    | drip              | Mod        | 500                  | 1.8%                 | 0.6               | 0                            | 0.80                       | 301     | 9,304   | 6,676   | -2,628           | 1.5                        | 30                       |
| Trees           | 24    | drip              | Low        | 112                  | 0.4%                 | 0.3               | 0                            | 0.80                       | 34      | 1,036   | 1,489   | 474              | 1.70                       | 30                       |
| Shrub           | 25    | spray             | Low        | 154                  | 0.5%                 | 0.3               | 0                            | 0.75                       | 52      | 3,485   | 2,314   | -1,171           | 1.70                       | 30                       |
| Shrub           | 26    | drip              | Mod        | 499                  | 1.8%                 | 0.6               | 0                            | 0.80                       | 299     | 9,049   | 6,616   | -2,433           | 1.70                       | 30                       |
| Shrub           | 27    | drip              | Mod        | 122                  | 0.4%                 | 0.3               | 0                            | 0.80                       | 61      | 1,844   | 1,622   | -222             | 1.70                       | 30                       |
| Trees           | 28    | drip              | Low        | 144                  | 0.5%                 | 0.3               | 0                            | 0.80                       | 43      | 1,308   | 1,916   | 609              | 1.5                        | 30                       |
| Shrub           | 29    | drip              | Mod        | 323                  | 1.2%                 | 0.6               | 0                            | 0.80                       | 194     | 5,858   | 4,296   | -1,562           | 1.70                       | 30                       |
| Shrub           | 30    | drip              | Mod        | 174                  | 0.6%                 | 0.6               | 0                            | 0.80                       | 104     | 3,155   | 2,314   | -841             | 1.5                        | 30                       |
| Shrub           | 31    | drip              | Mod        | 179                  | 0.6%                 | 0.6               | 0                            | 0.80                       | 107     | 3,246   | 2,381   | -965             | 1.5                        | 30                       |
| Shrub           | 32    | drip              | Mod        | 212                  | 0.8%                 | 0.6               | 0                            | 0.80                       | 127     | 3,845   | 2,819   | -1,025           | 1.5                        | 30                       |
| Shrub           | 33    | MP Rotor          | Mod        | 780                  | 2.9%                 | 0.6               | 0                            | 0.75                       | 408     | 13,089  | 10,373  | -2,716           | 1.5                        | 40                       |
| Shrub           | 34    | spray             | Mod        | 500                  | 1.8%                 | 0.6               | 0                            | 0.75                       | 304     | 9,788   | 6,729   | -3,059           | 1.70                       | 30                       |
| Shrub           | 35    | MP Rotor          | Mod        | 782                  | 2.9%                 | 0.6               | 0                            | 0.75                       | 409     | 13,127  | 10,400  | -2,727           | 0.45                       | 40                       |
| Shrub           | 36    | drip              | Mod        | 325                  | 1.2%                 | 0.6               | 0                            | 0.80                       | 127     | 3,861   | 2,867   | -994             | 1.5                        | 30                       |
| Shrub           | 37    | drip              | Mod        | 126                  | 0.4%                 | 0.6               | 0                            | 0.80                       | 76      | 2,285   | 1,626   | -659             | 1.5                        | 30                       |
| Shrub           | 38    | drip              | Low        | 176                  | 0.6%                 | 0.3               | 0                            | 0.80                       | 53      | 1,596   | 2,341   | 745              | 0.45                       | 30                       |
| Shrub           | 39    | drip              | Mod        | 420                  | 1.5%                 | 0.6               | 0                            | 0.80                       | 252     | 7,617   | 5,586   | -2,031           | 0.45                       | 30                       |
| Shrub           | 40    | drip              | Mod        | 117                  | 0.4%                 | 0.6               | 0                            | 0.80                       | 70      | 2,121   | 1,556   | -565             | 1.5                        | 30                       |
| Shrub           | 41    | drip              | Mod        | 164                  | 0.6%                 | 0.6               | 0                            | 0.80                       | 98      | 2,974   | 2,181   | -793             | 1.5                        | 30                       |
| Trees           | 42    | drip              | Low        | 64                   | 0.2%                 | 0.3               | 0                            | 0.80                       | 23      | 580     | 851     | 271              | 1.5                        | 30                       |
| Shrub           | 43    | drip              | Mod        | 74                   | 0.3%                 | 0.6               | 0                            | 0.80                       | 44      | 1,341   | 884     | -457             | 1.5                        | 30                       |
|                 |       |                   |            | 16,233               |                      |                   | 0                            |                            |         | 210,355 | 215,883 | 5,528            |                            |                          |

| Water Use Percentage of Area | Value  |
|------------------------------|--------|
| No Water Area                | 0      |
| Low Water Area               | 9,670  |
| Mod. Water Area              | 6,565  |
| High Water Area              | 0      |
| Total Area                   | 16,233 |

No and Low water area = 99.6%

PAYMUN

25 Orinda way, Suite#200  
 Orinda, CA 94563  
 Tel: (925) 587-2140

Ben@paymun.com

LEAD DESIGN CONSULTANT

PAYMUN BUILDING &  
 DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
 SADAF DAYLAMI

PROJECT

SPRING MANSION

OWNER(S)

ABBAS MASH

NOTES

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

LOCATION



ADDRESS

1960 SAN ANTONIO AVENUE  
 BERKELEY, CA 94707

AREA

ORIENTATION

SHEET TITLE

IRRIGATION  
 DETAILS & LEGEND

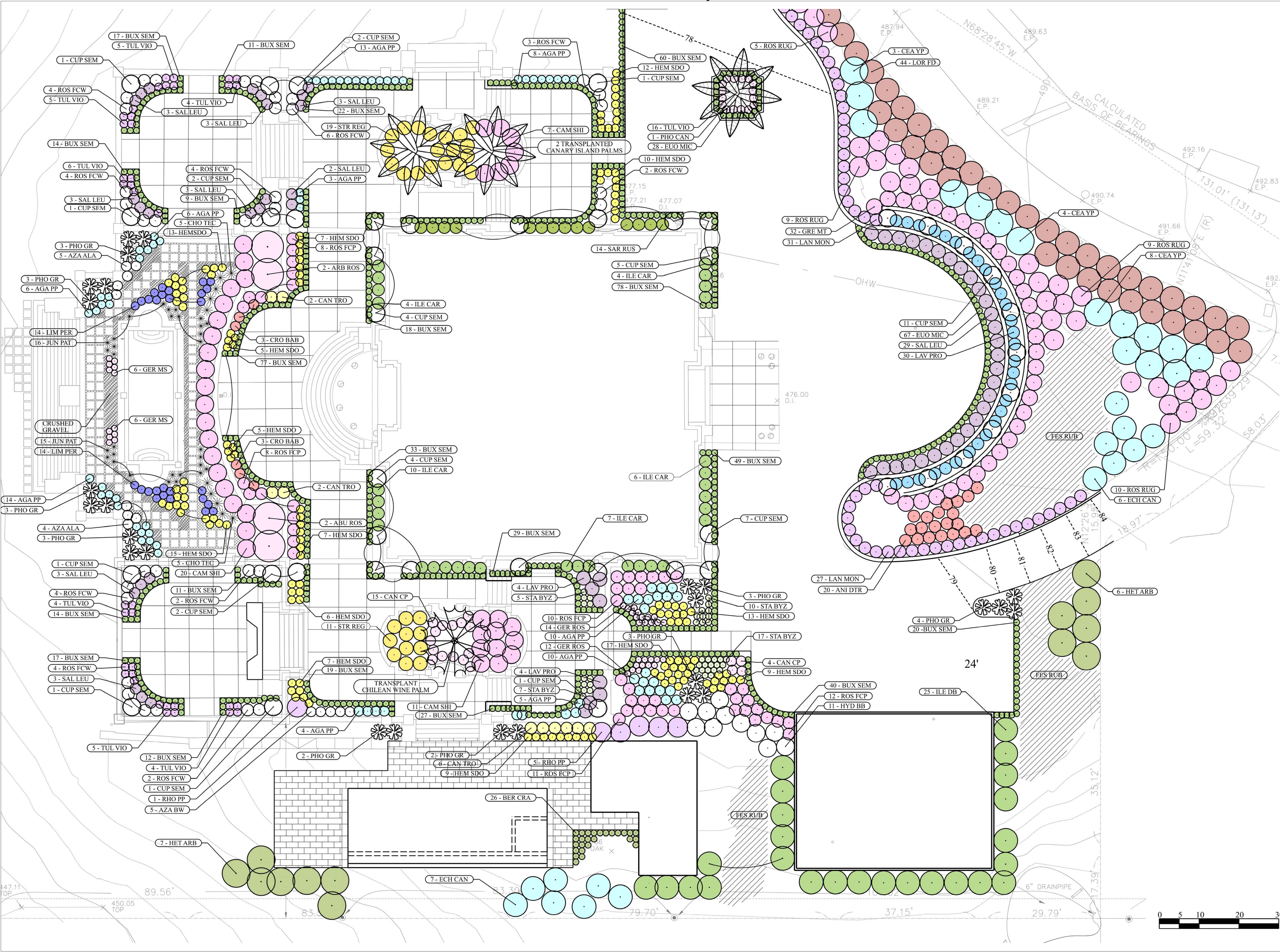
SCALE

AS INDICATED

SHEET NUMBER

L.3





**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140  
Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING & DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**  
SPRING MANSION

**OWNER(S)**  
ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

**ADDRESS**  
1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**  
PLANTING PLAN

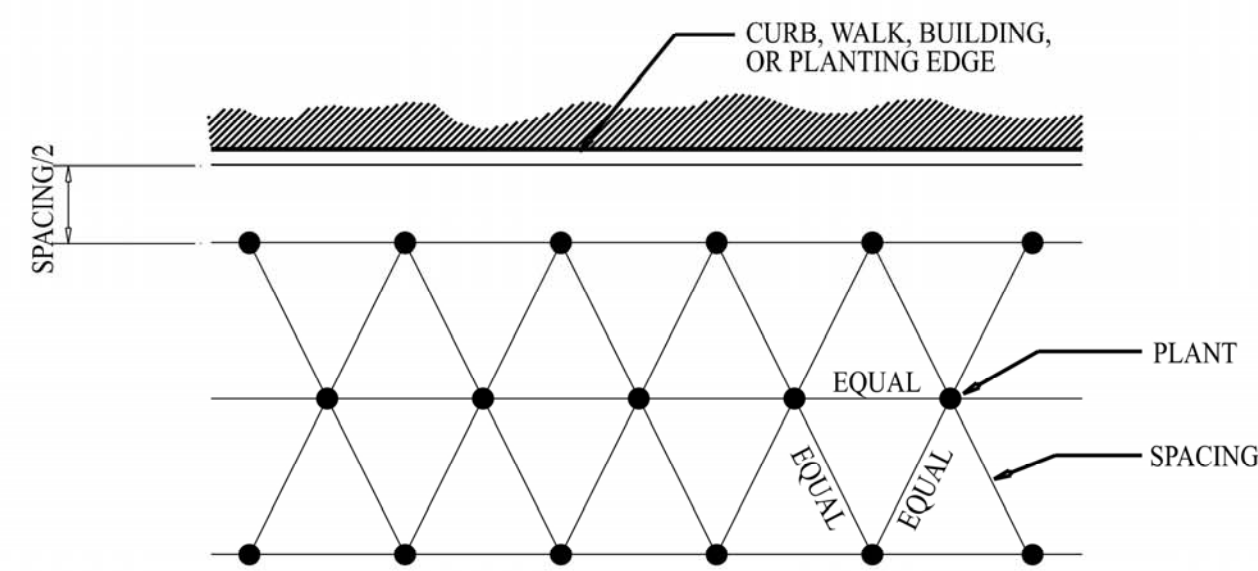
**SCALE**  
AS INDICATED

**SHEET NUMBER**  
L.4

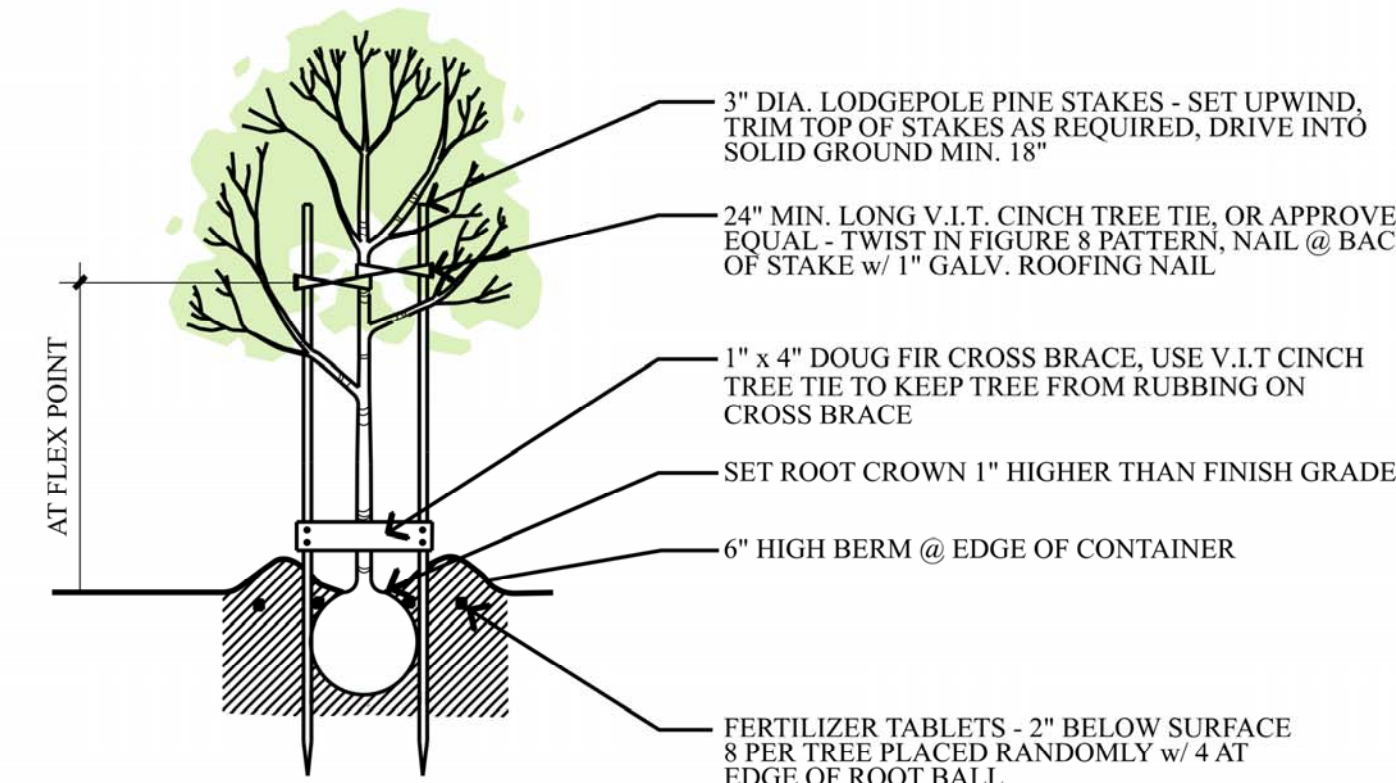
**PLANTING NOTES**

- LANDSCAPING CONTRACT TO INCLUDE, BUT NOT NECESSARILY BE LIMITED TO:
  - PROVISION AND INSTALLATION OF SOIL AMENDMENT
  - PLANTING OF TREES, SHRUBS, AND GROUND COVERS
  - FERTILIZING MULCHING
  - IRRIGATION IRRIGATION
  - PREPARATION OF SUBSOIL
- DURING AMENDMENT PROCEDURES OR PLACING OF TOPSOIL, REMOVE:
  - STONES ROOTS GRASS WEEDS DEBRIS
  - FOREIGN MATERIAL DELETERIOUS TO PLANT GROWTH
- PLANTING BEDS:
  - ROTTIL AMENDMENT INTO SOIL 12" DEEP PRIOR TO PLANTING
  - TILL AMENDMENT BY HAND 6" DEEP UNDER DRIPLINE OF EXISTING TREES
  - CONTRACT WITH ENVIRONMENTAL TECHNICAL SERVICES FOR SOILS REPORT. AMEND WITH MATERIALS RECOMMENDED IN REPORT. MIN. 10 CY ORGANIC MATERIAL/1000 SF.
- PLANT MATERIALS:
  - FREE OF DISEASE OF HAZARDOUS INSECTS
  - PLACE AGRI-FORM PLANT TABS IN PLANT PITS AT THE FOLLOWING RATES:
    - 1 GALLON PLANT - 1 TABLET
    - 5 GALLON PLANT - 2 TABLETS
    - 15 GALLON PLANT - 3 TABLETS
    - 24" BOX - 4 TABLETS
  - GIVE 48 HOUR NOTICE TO THE LANDSCAPE ARCHITECT PRIOR TO DELIVERY TO THE SITE OF ALL PLANT MATERIALS
  - PLACE ON SITE IN THE LOCATIONS SHOWN FOR REVIEW BY THE LANDSCAPE ARCHITECT BEFORE ANY PLANTING HOLES ARE DUG
- MULCH ALL AREAS OF NEW PLANTING 3" DEEP WITH BARK. PROVIDE SAMPLE FOR APPROVAL.
- REMOVE AND REPLACE ANY TREE DAMAGED BEYOND REPAIR WITH A TREE OF SIMILAR CHARACTER AND SIZE AS SPECIFIED BY THE OWNER, AT THE CONTRACTOR'S EXPENSE
- GIVE 48 HOUR NOTICE TO LANDSCAPE ARCHITECT PRIOR TO FINAL INSPECTION OF ALL PLANT MATERIALS.
- WARRANTY PERIOD:
  - ONE YEAR FOR PLANTING AND IRRIGATION
  - COMMENCE ON DATE OF ACCEPTANCE OF PLANTING AFTER FINAL INSPECTION.
- SCHEDULE PRECONSTRUCTION CONFERENCE WITH LANDSCAPE ARCHITECT. DO NOT BEGIN CONSTRUCTION BEFORE CONFERENCE. IF CONSTRUCTION BEGINS BEFORE CONFERENCE, CONTRACTOR MAY BE ASKED BY LANDSCAPE ARCHITECT TO UNDO SOME OF THE WORK AT NO ADDITIONAL COST TO THE OWNER.
- AREA UNDER DRIP LINE OF EXISTING ON-SITE AND OFF-SITE TREES:
  - FENCE ENTIRE DRIPLINE
  - DO NOT STOCKPILE MATERIALS
  - NO VEHICULAR TRAFFIC
  - DO NOT CUT ROOTS LARGER THAN 2" DIAMETER

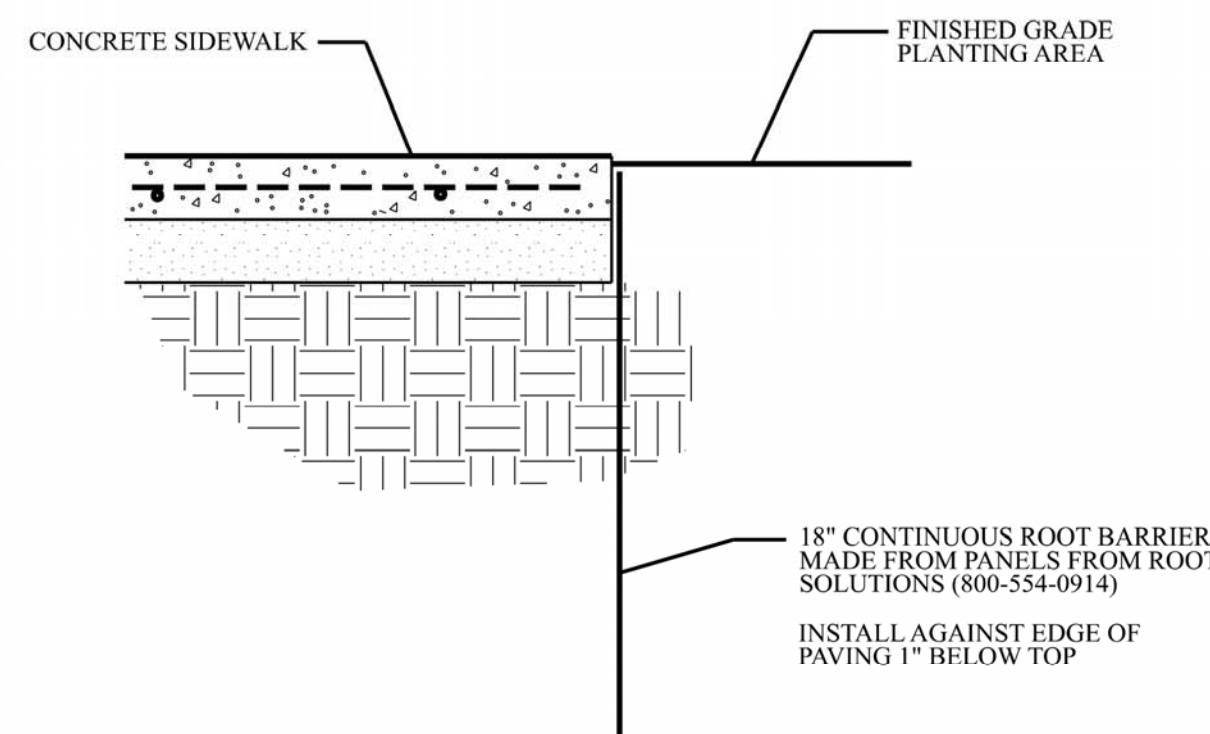
| Abbrev. | Botanical Name                                | Common Name                   | Size   | Comments                    | Height | Spread | Water |
|---------|-----------------------------------------------|-------------------------------|--------|-----------------------------|--------|--------|-------|
| ABU ROS | ABUTILON h.'Roseus'                           | Pink Flowering Maple          | 5 gal  |                             | 9.00   | 9.00   | M     |
| AGA PP  | AGAPANTHUS 'Peter Pan'                        | Peter Pan Agapanthus          | 1 gal  |                             | 1.50   | 2.25   | M     |
| ANI BP  | ANIGOZANTHOS 'Bush Pearl'                     | Bush Pearl Kangaroo Paw       | 1 gal  |                             | 1.50   | 1.50   | L     |
| ANI DTR | ANIGOZANTHOS 'Dwarf Tall Red'                 | Dwarf Tall Red Kangaroo Paw   | 5 gal  |                             | 3.00   | 3.00   | L     |
| AZA ALA | AZALEA 'Alaska'                               | Alaska Azalea                 | 5 gal  |                             | 2.50   | 3.00   | M     |
| AZA CRA | AZALEA 'Bloomathon White'                     | Bloomathon White Azalea       | 5 gal  |                             | 2.50   | 2.50   | M     |
| BER CRA | BERGENIA crassifolia                          | Heartleaf Bergenia            | 1 gal  |                             | 1.25   | 1.25   | L     |
| BUX SEM | BUXUS sempervirens 'Suffruticosa'             | Boxwood BALLS                 | 15 gal |                             | 2.00   | 2.00   | M     |
| CAM SHI | CAMELLIA h. 'Shishi-Gashira'                  | Shishi-Gashira Camellia       | 15 gal |                             | 3.00   | 6.00   | M     |
| CAN CP  | CANNA 'China Pink'                            | China Pink Cannas             | 5 gal  |                             | 3.00   | 2.50   | M     |
| CAN TRO | CANNA 'Tropicanna'                            | Tropicanna Cannas             | 1 gal  |                             | 5.00   | 3.00   | M     |
| CEA YP  | CEANOTHUS griseus horizontalis 'Yankee Point' | Yankee Point Ceanothus        | 5 gal  |                             | 2.50   | 7.00   | L     |
| CHO TEC | CHONDROPETALUM tectorum                       | Small Cape Rush               | 5 gal  |                             | 3.00   | 4.00   | L     |
| CRO BAB | CROCOSMIA 'Babylon'                           | Babylon Crocosmia             | 1 gal  |                             | 2.50   | 1.50   | L     |
| CUP SEM | CUPRESSUS sempervirens 'Stricta'              | Italian Cypress               |        | field grown; 3' dia foliage |        |        | tree  |
| ECH CAN | ECHIUM candicans                              | Pride of Madeira              | 5 gal  |                             | 5.00   | 6.00   | L     |
| EUO MIC | EUONYMUS japonicus 'Microphyllus'             | Box-Leaf Euonymus             | 1 gal  |                             | 1.50   | 1.50   | L     |
| FES RUB | FESTUCA rubra                                 | Red Fescue                    | sod    |                             | 0.00   |        | L     |
| GER MS  | GERANIUM r. 'Mavis Simpson'                   | Mavis Simpson Geranium        | 1 gal  |                             | 1.00   | 1.00   | M     |
| GRE MT  | GREVILLEA lanigera 'Mt. Tamboritha'           | Mt. Tambor Grevillea          | 1 gal  |                             | 2.00   | 4.00   | L     |
| HEM SDO | HEMEROCALLIS 'Stella De Oro'                  | Stella De Oro Daylily         | 1 gal  |                             | 2.00   | 2.00   | M     |
| HET ARB | HETEROMELES arbutifolia                       | Toyon                         | 5 gal  |                             | 7.00   | 7.00   | L     |
| HYD BB  | HYDRANGEA m. 'Blushing Bride'                 | Blushing Bride Hydrangea      | 5 gal  |                             | 4.00   | 4.00   | M     |
| IIE CAR | ILEX cornuta 'Carissa'                        | Carissa Chinese Holly         | 5 gal  |                             | 3.50   | 5.00   | L     |
| IIE DB  | ILEX cornuta 'Dwarf Burford'                  | Dwarf Burford Holly           | 5 gal  |                             | 6.00   | 6.00   | L     |
| JUN PAT | JUNCUS patens 'Elk Blue'                      | Elk Blue California Gray Rush | 1 gal  |                             | 2.00   | 2.00   | L     |
| LAN MON | LANTANA montevidensis                         | Trailing Lantana              | 5 gal  |                             | 1.50   | 3.00   | L     |
| LAV PRO | LAVANDULA i. 'Provence'                       | Provence Lavender             | 1 gal  |                             | 2.00   | 3.00   | L     |
| LIM PER | LIMONIUM perezii                              | Statice, Sea Lavendar         | 1 gal  |                             | 2.00   | 2.00   | L     |
| LOR FD  | LOROPETALUM chinense 'Flame Dance'            | Flame Dance Loropetalum       | 5 gal  |                             | 6.00   | 6.00   | L     |
| PHO GR  | PHORMIUM 'Golden Ray'                         | Golden Ray Flax               | 5 gal  |                             | 4.00   | 4.00   | L     |
| RHO PP  | RHODODENDRON 'Purple Passion'                 | Purple Passion Rhododendron   | 5 gal  |                             | 6.00   | 5.00   | M     |
| ROS FCP | ROSA 'Flower Carpet Pink'                     | Flower Carpet Pink Rose       | 5 gal  |                             | 2.00   |        | M     |
| ROS FCW | ROSA 'Flower Carpet White'                    | Flower Carpet White Rose      | 5 gal  |                             | 2.00   |        | M     |
| ROS RUG | ROSA rugosa                                   | Ramanas Rose                  | 5 gal  |                             | 3.50   | 5.00   | L     |
| SAL LEU | SALVIA leucantha                              | Mexican Bush Sage             | 5 gal  |                             | 3.50   | 4.00   | L     |
| SAR RUS | SARCOCOCCA rusifolia                          | Fragrant Sarcococca           | 5 gal  |                             | 4.00   | 3.00   | L     |
| STA BYZ | STACHYS byzantina                             | Lamb's Ear                    | 1 gal  |                             | 1.50   | 1.50   | L     |
| STR REG | STRELITZIA reginae                            | Bird of Paradise              | 5 gal  |                             | 4.00   | 4.00   | M     |
| TUL VIO | TULBAGHIA violacea                            | Society Garlic                | 1 gal  |                             | 1.50   | 2.50   | L     |



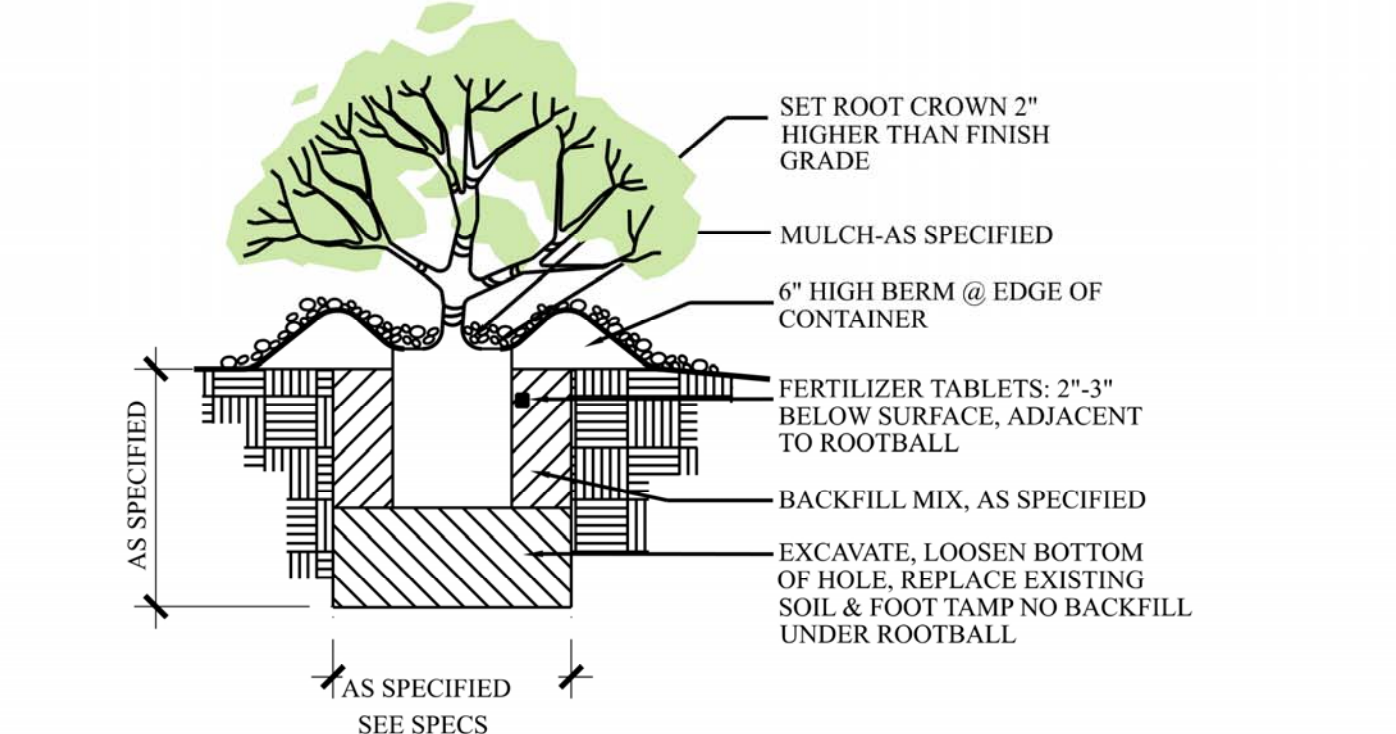
GROUND COVER PLANTING



TREE PLANTING



ROOT BARRIER ALONG PAVING



SHRUB PLANTING

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING & DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

PLANTING  
DETAILS & LEGEND

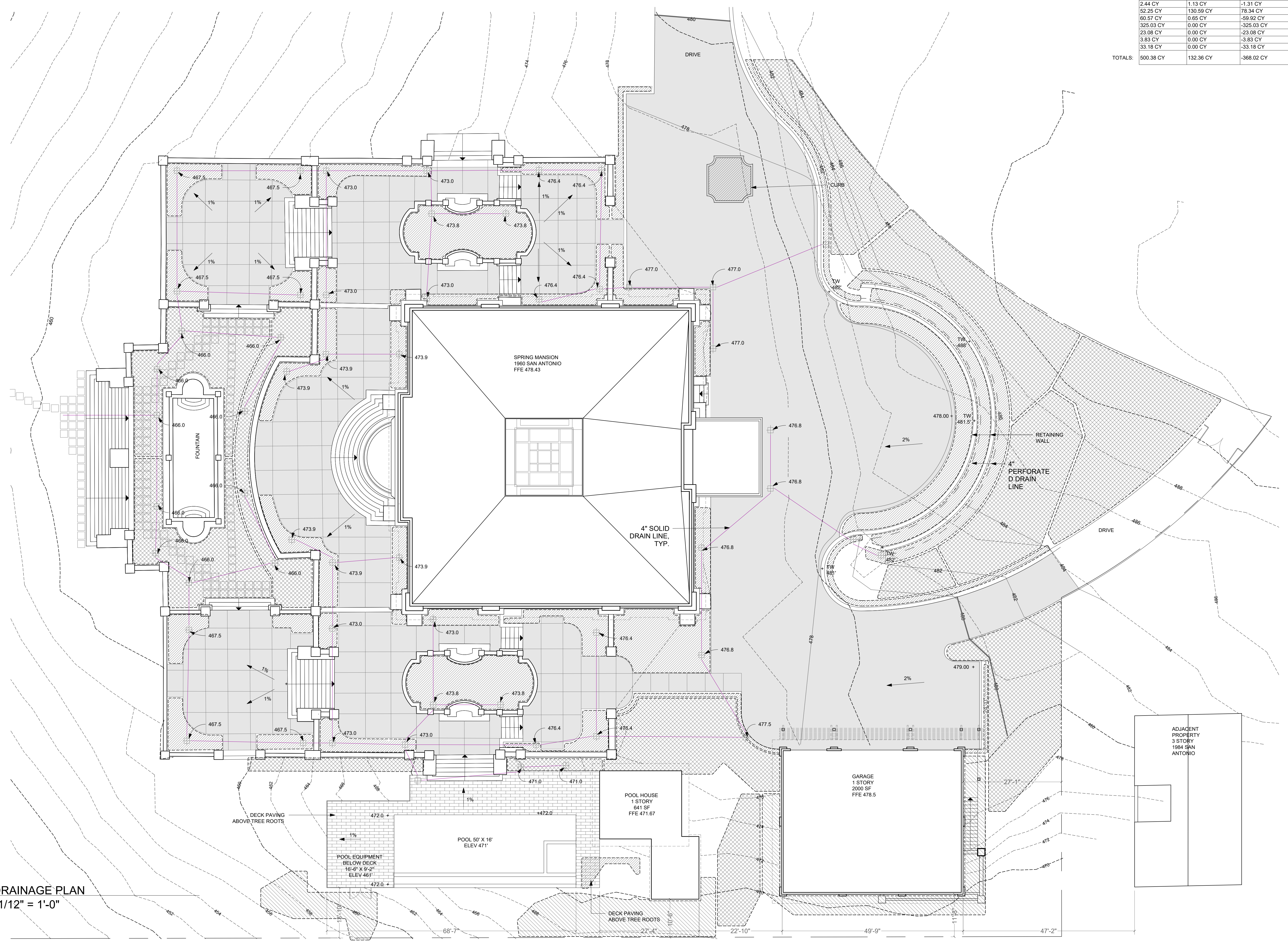
**SCALE**

AS INDICATED

**SHEET NUMBER**

**L.5**

| TOPOGRAPHY SCHEDULE |                  |                   |
|---------------------|------------------|-------------------|
| Cut                 | Fill             | Net outfill       |
| 2.44 CY             | 1.13 CY          | -1.31 CY          |
| 52.25 CY            | 130.59 CY        | 78.34 CY          |
| 60.57 CY            | 0.65 CY          | -59.92 CY         |
| 325.03 CY           | 0.00 CY          | -325.03 CY        |
| 23.08 CY            | 0.00 CY          | -23.08 CY         |
| 3.83 CY             | 0.00 CY          | -3.83 CY          |
| 33.18 CY            | 0.00 CY          | -33.18 CY         |
| <b>TOTALS:</b>      | <b>132.36 CY</b> | <b>-368.02 CY</b> |



① DRAINAGE PLAN  
1/12" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

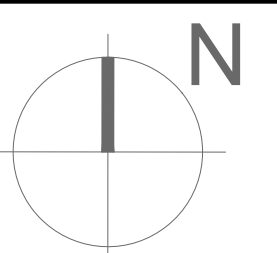


**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

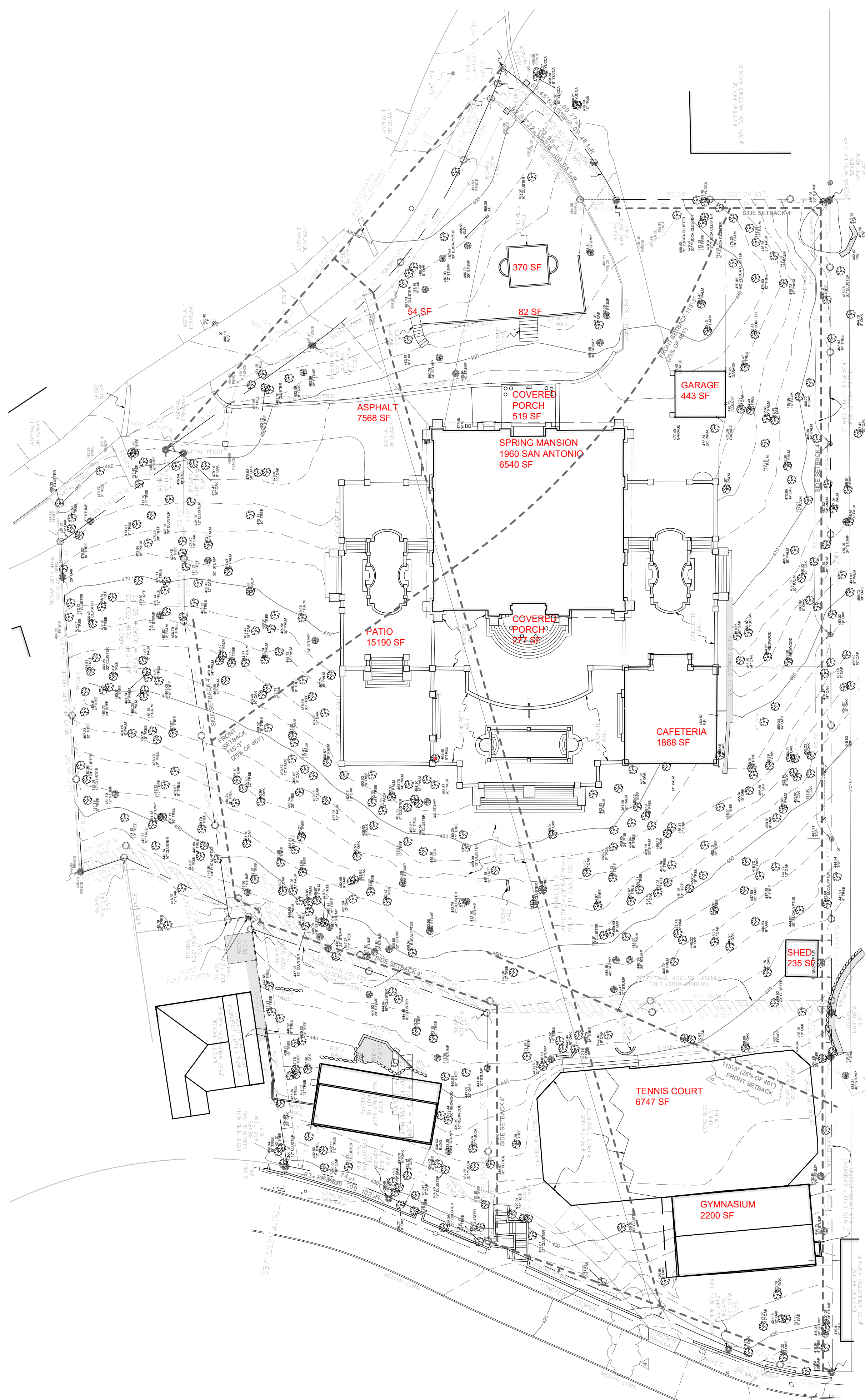
GRADING & DRAINAGE

**SCALE**

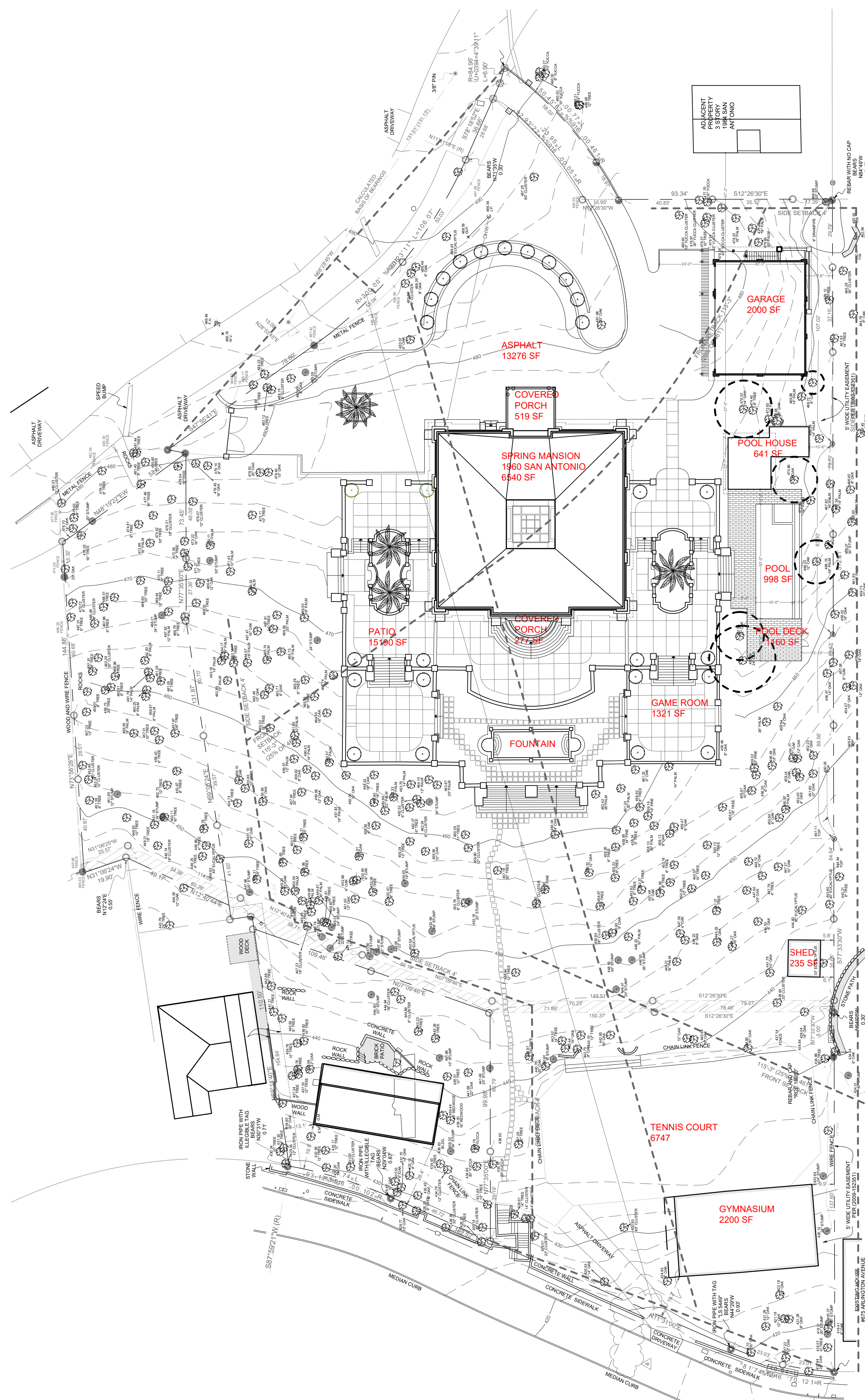
AS INDICATED

**SHEET NUMBER**

**L.6**



1 LOT COVERAGE - EXISTING  
1/30" = 1'-0"



2 LOT COVERAGE - PROPOSED  
1/30" = 1'-0"

**BUILDING FOOTPRINT & LOT COVERAGE AND GROSS FLOOR AREA:**

|                              |                  |
|------------------------------|------------------|
| <b>EXISTING LOT COVERAGE</b> |                  |
| MAIN BUILDING                | 6,540 SF         |
| COVERED PORCH                | 277 SF           |
| COVERED PORCH                | 519 SF           |
| GYM                          | 2,200 SF         |
| GAME ROOM/CAFETERIA          | 1,868 SF         |
| GARAGE                       | 443 SF           |
| SHED                         | 235 SF           |
| <b>TOTAL EXISTING</b>        | <b>12,082 SF</b> |

% OF LOT COVERAGE EXISTING 10%

|                              |                  |
|------------------------------|------------------|
| <b>PROPOSED LOT COVERAGE</b> |                  |
| MAIN BUILDING                | 6,540 SF         |
| COVERED PORCH                | 277 SF           |
| COVERED PORCH                | 519 SF           |
| GYM                          | 2,200 SF         |
| GAME ROOM                    | 1,321 SF         |
| GARAGE                       | 2,000 SF         |
| SHED                         | 235 SF           |
| POOL HOUSE                   | 641 SF           |
| <b>TOTAL PROPOSED</b>        | <b>13,733 SF</b> |

LOT SIZE 120,873 SF  
TOTAL LOT COVERAGE 12,969 SF  
% OF LOT COVERAGE PROPOSED 11.4%

**IMPERVIOUS SURFACES (OTHER THAN BUILDINGS)**

|                       |                  |
|-----------------------|------------------|
| <b>EXISTING</b>       |                  |
| PATIO                 | 15,190 SF        |
| PAVING                | 14,821 SF        |
| <b>TOTAL EXISTING</b> | <b>30,011 SF</b> |

|                       |                  |
|-----------------------|------------------|
| <b>PROPOSED</b>       |                  |
| PATIO                 | 15,190 SF        |
| PAVING                | 20,023 SF        |
| POOL                  | 998 SF           |
| POOL DECK             | 1,160 SF         |
| <b>TOTAL PROPOSED</b> | <b>37,371 SF</b> |

|                                  |                  |
|----------------------------------|------------------|
| <b>EXISTING GROSS FLOOR AREA</b> |                  |
| MAIN BUILDING                    | 13,119 SF        |
| GYM                              | 2,200 SF         |
| GAME ROOM/CAFETERIA              | 1,868 SF         |
| GARAGE                           | 443 SF           |
| SHED                             | 235 SF           |
| <b>TOTAL EXISTING</b>            | <b>17,865 SF</b> |

|                                  |                  |
|----------------------------------|------------------|
| <b>PROPOSED GROSS FLOOR AREA</b> |                  |
| MAIN BUILDING                    | 13,119 SF        |
| GYM                              | 2,200 SF         |
| GAME ROOM                        | 1,321 SF         |
| GARAGE                           | 2,000 SF         |
| SHED                             | 235 SF           |
| POOL HOUSE                       | 641 SF           |
| <b>TOTAL PROPOSED</b>            | <b>19,516 SF</b> |

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

**PAYMUN BUILDING & DEVELOPMENT, Inc.**

DESIGNER & DRAFTER:  
**SADAF DAYLAMI**

**PROJECT**

**SPRING MANSION**

**OWNER(S)**

**ABBAS MASH**

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

LOT COVERAGE  
EXISTING AND PROPOSED

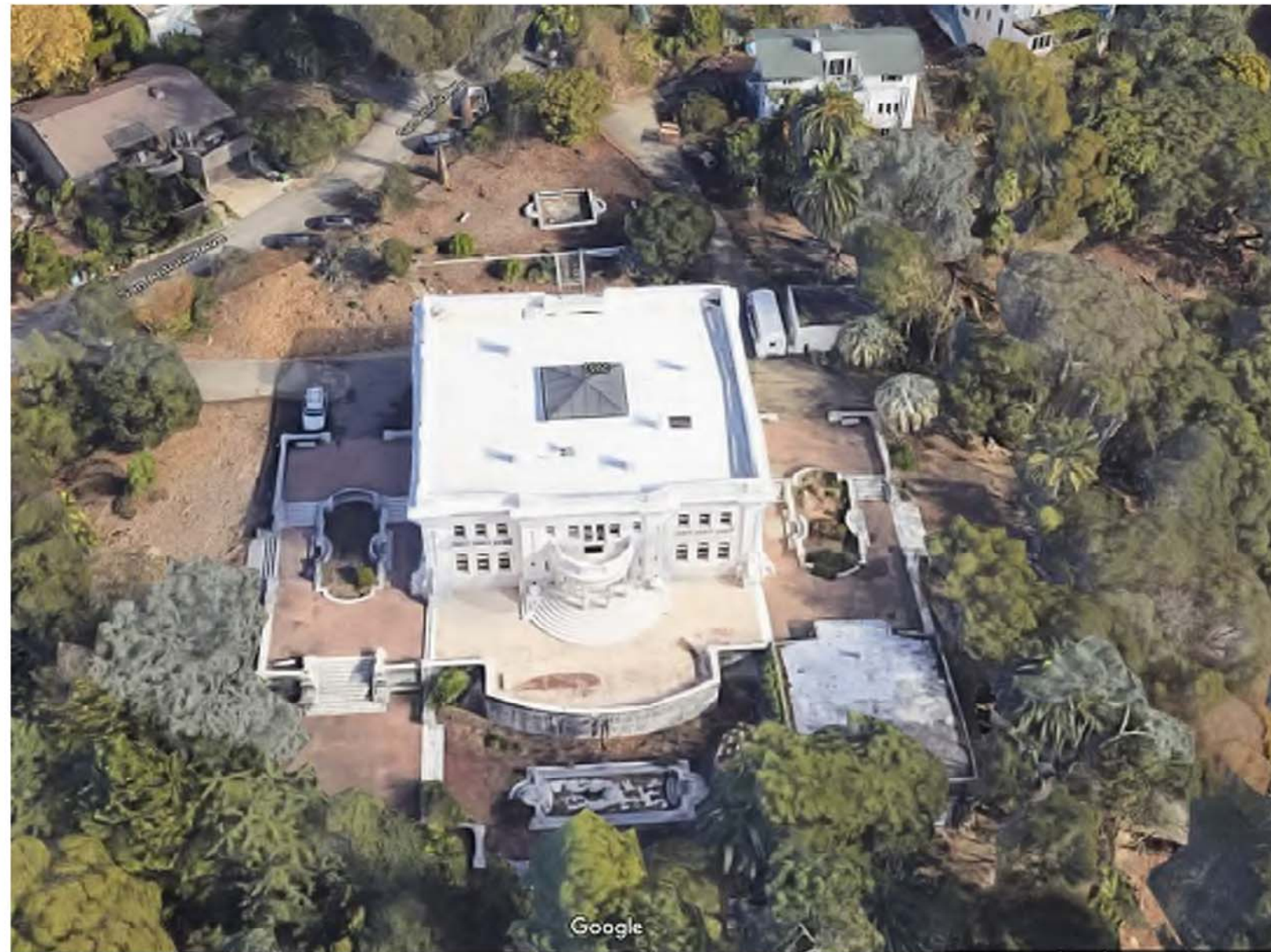
**SCALE**

AS INDICATED

**SHEET NUMBER**

**A050**

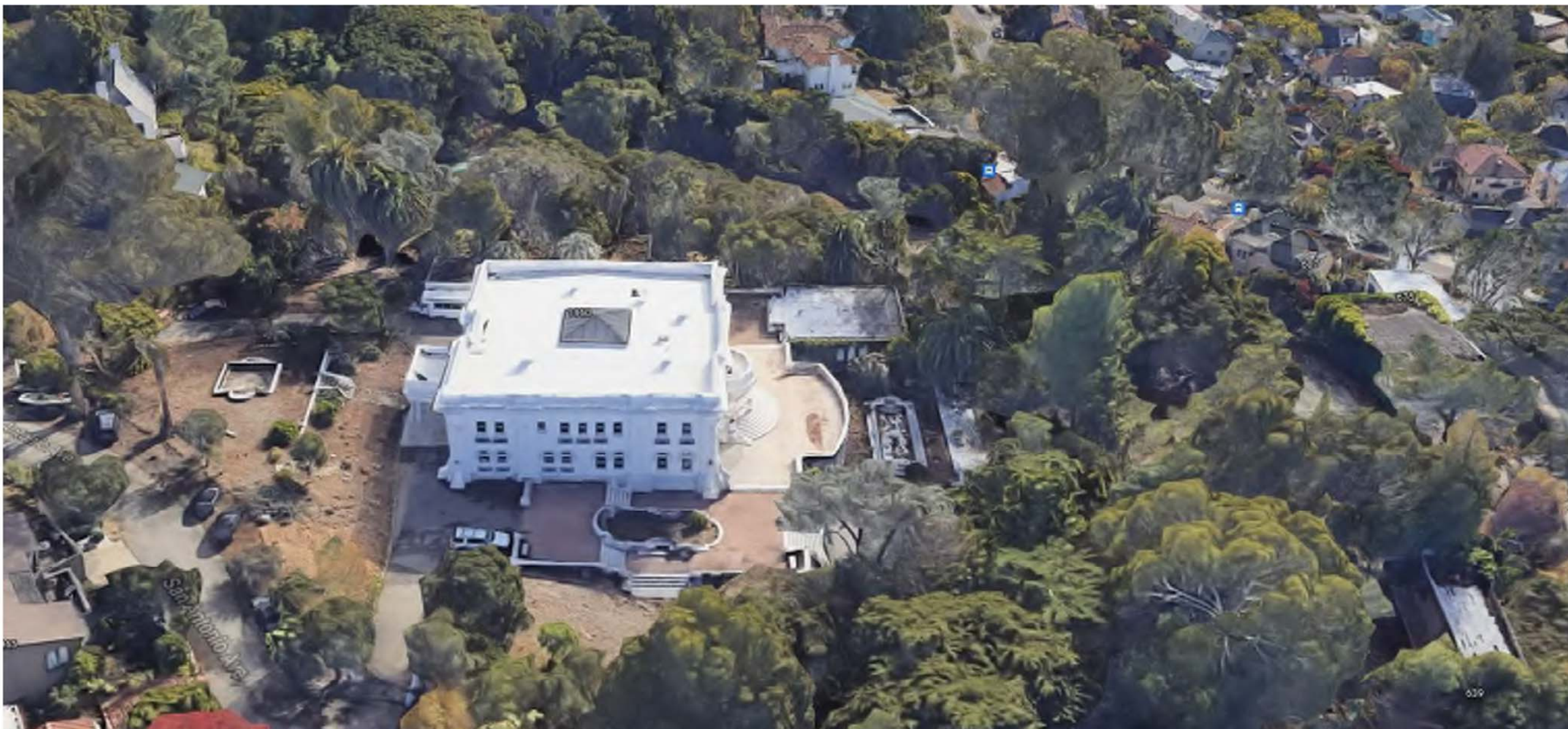
FRONT VIEW



FRONT VIEW



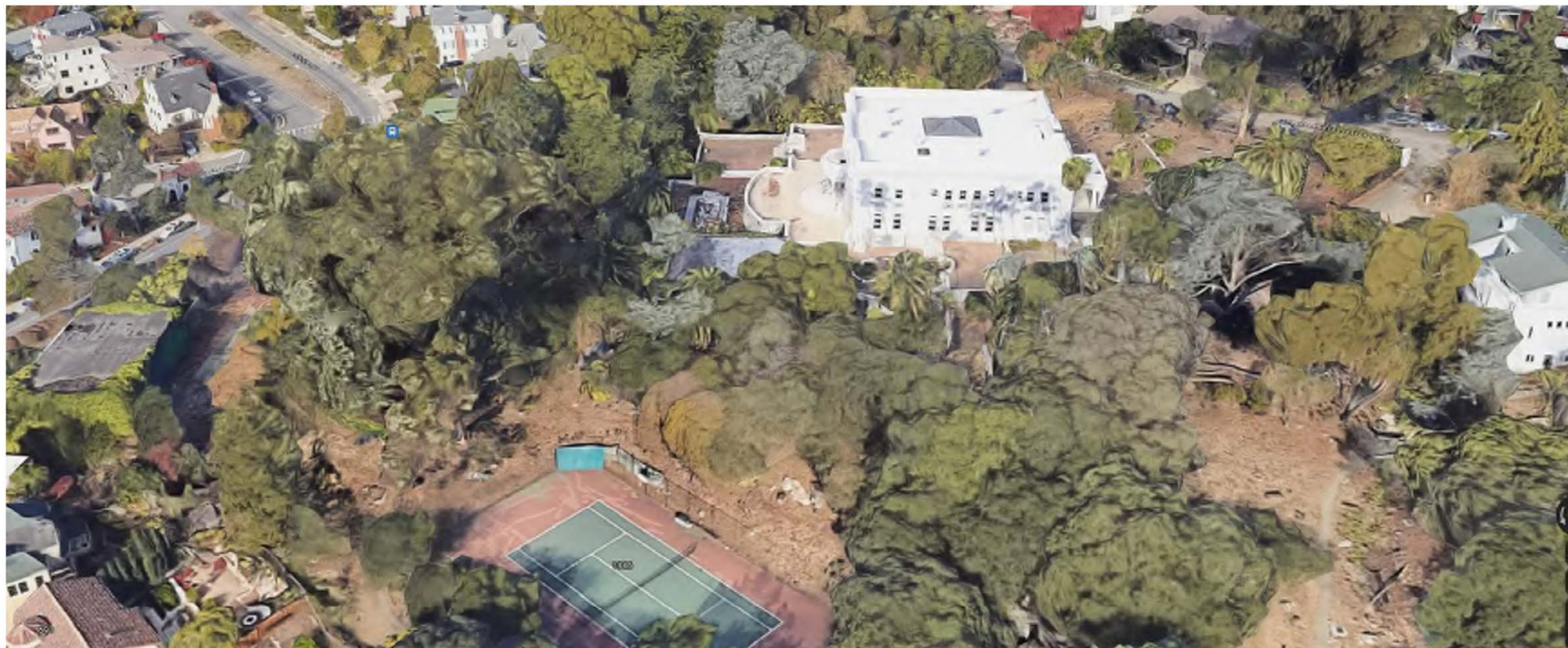
NORTH VIEW



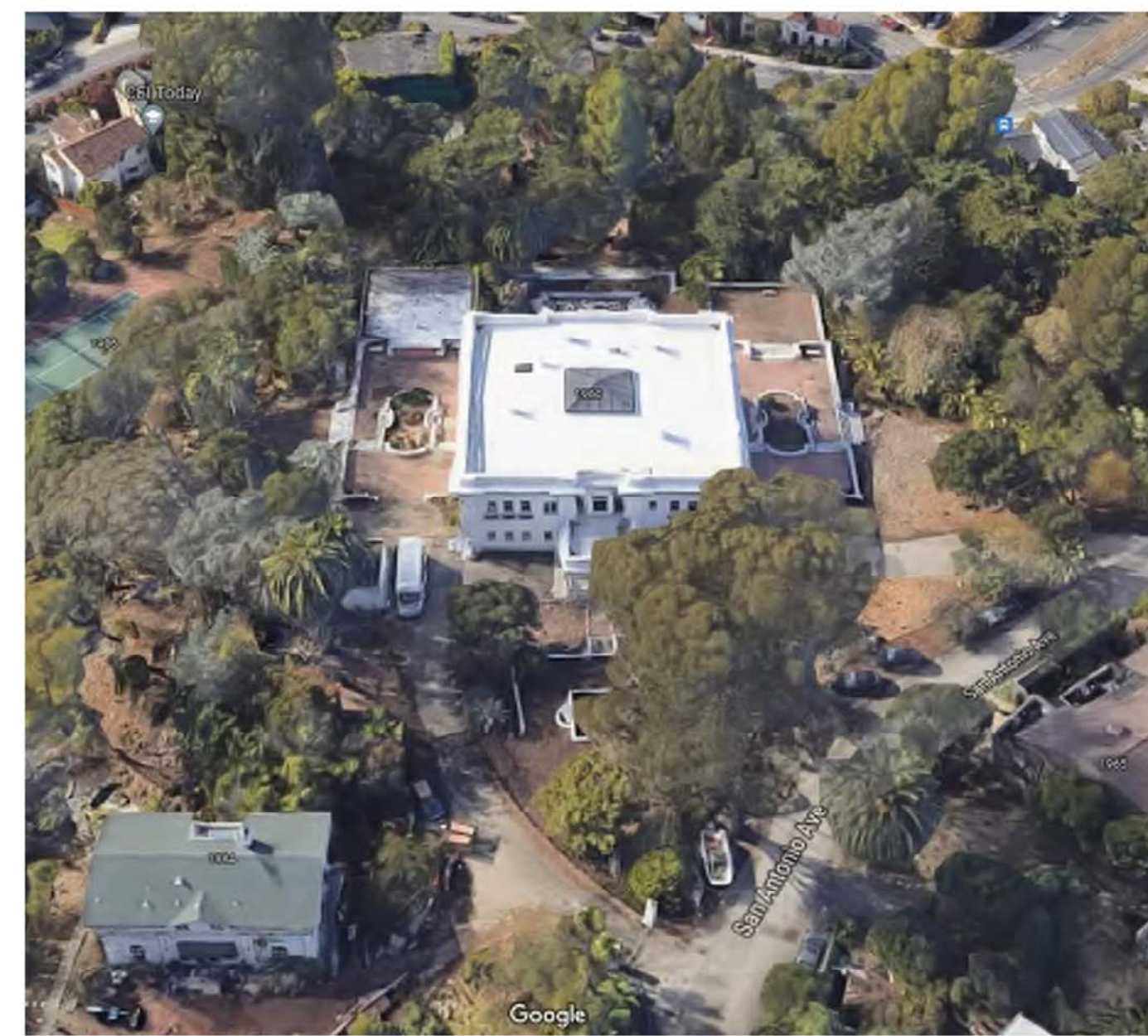
WEST VIEW



SOUTH VIEW



EAST VIEW



**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

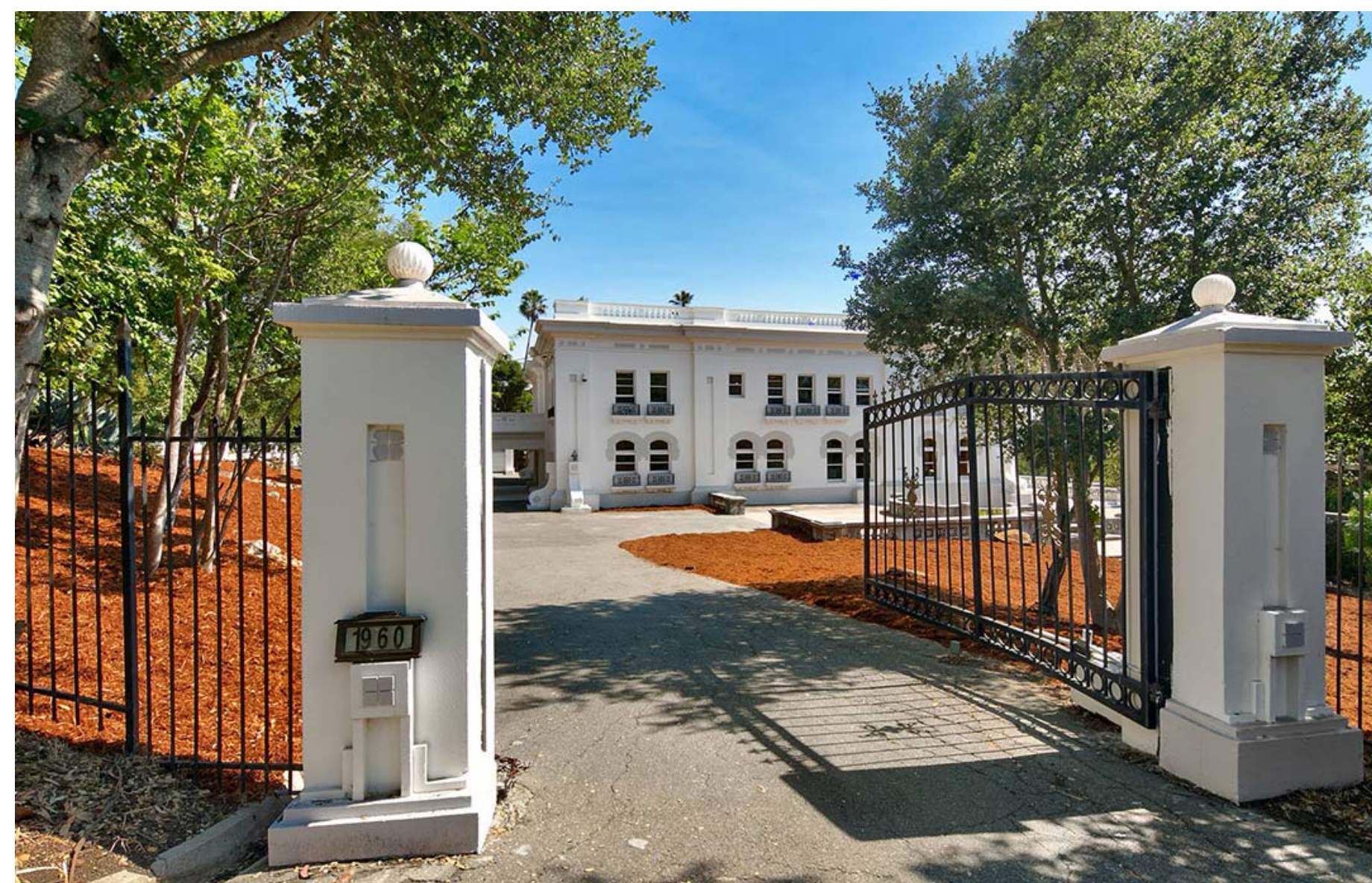
PHOTOS

**SCALE**

AS INDICATED

**SHEET NUMBER**

**A060**



# PAYMUN™

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140  
Ben@paymun.com

## LEAD DESIGN CONSULTANT

PAYMUN BUILDING & DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

## PROJECT

SPRING MANSION

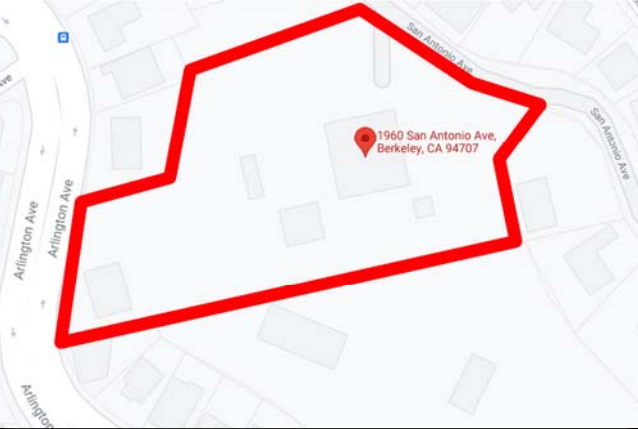
## OWNER(S)

ABBAS MASH

## NOTES

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

## LOCATION



## ADDRESS

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

## AREA

## ORIENTATION

## SHEET TITLE

PHOTOS  
(MAIN HOUSE)

## SCALE

AS INDICATED

## SHEET NUMBER

**A070**



1. ANY ROOT PRUNING REQUIRED FOR CONSTRUCTION PURPOSES SHALL RECEIVE THE PRIOR APPROVAL OF AND BE SUPERVISED BY THE CONSULTING ARBORIST. ROOTS SHOULD BE CUT WITH A SAW TO PROVIDE A FLAT AND SMOOTH CUT. REMOVAL OF ROOTS LARGER THAN 2 IN. IN DIAMETER SHOULD BE AVOIDED.
2. IF ROOTS 2 IN. AND GREATER IN DIAMETER ARE ENCOUNTERED DURING SITE WORK AND MUST BE CUT TO COMPLETE THE CONSTRUCTION, THE CONSULTING ARBORIST MUST BE CONSULTED TO EVALUATE EFFECTS ON THE HEALTH AND STABILITY OF THE TREE AND RECOMMEND TREATMENT.
3. FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCES SHALL BE 6 FT. CHAIN LINK WITH POSTS SUNK INTO THE GROUND OR EQUIVALENT.
4. THE TREE PROTECTION ZONE SHOWN ON ALL PLANS SHALL BE FENCED TO ENCLOSE THE ENTIRE AREA (FIGURE 1). NO GRADING, EXCAVATION, CONSTRUCTION OR STORAGE OF MATERIALS SHALL OCCUR WITHIN THAT ZONE. NO UNDERGROUND SERVICES INCLUDING UTILITIES, SUB-DRAINS, WATER OR SEWER SHALL BE PLACED IN THE TREE PROTECTION ZONE. NO MOTORIZED EQUIPMENT SHALL BE USED IN THE TREE PROTECTION ZONE. THE LIMITS OF THE TREE PROTECTION ZONE WILL BE ADJUSTED FOLLOWING REVIEW OF GRADING AND CONSTRUCTION PLANS. FOR DESIGN PURPOSES, THE TREE PROTECTION ZONE SHALL BE DEFINED AS THE TREE DRIPLINE.

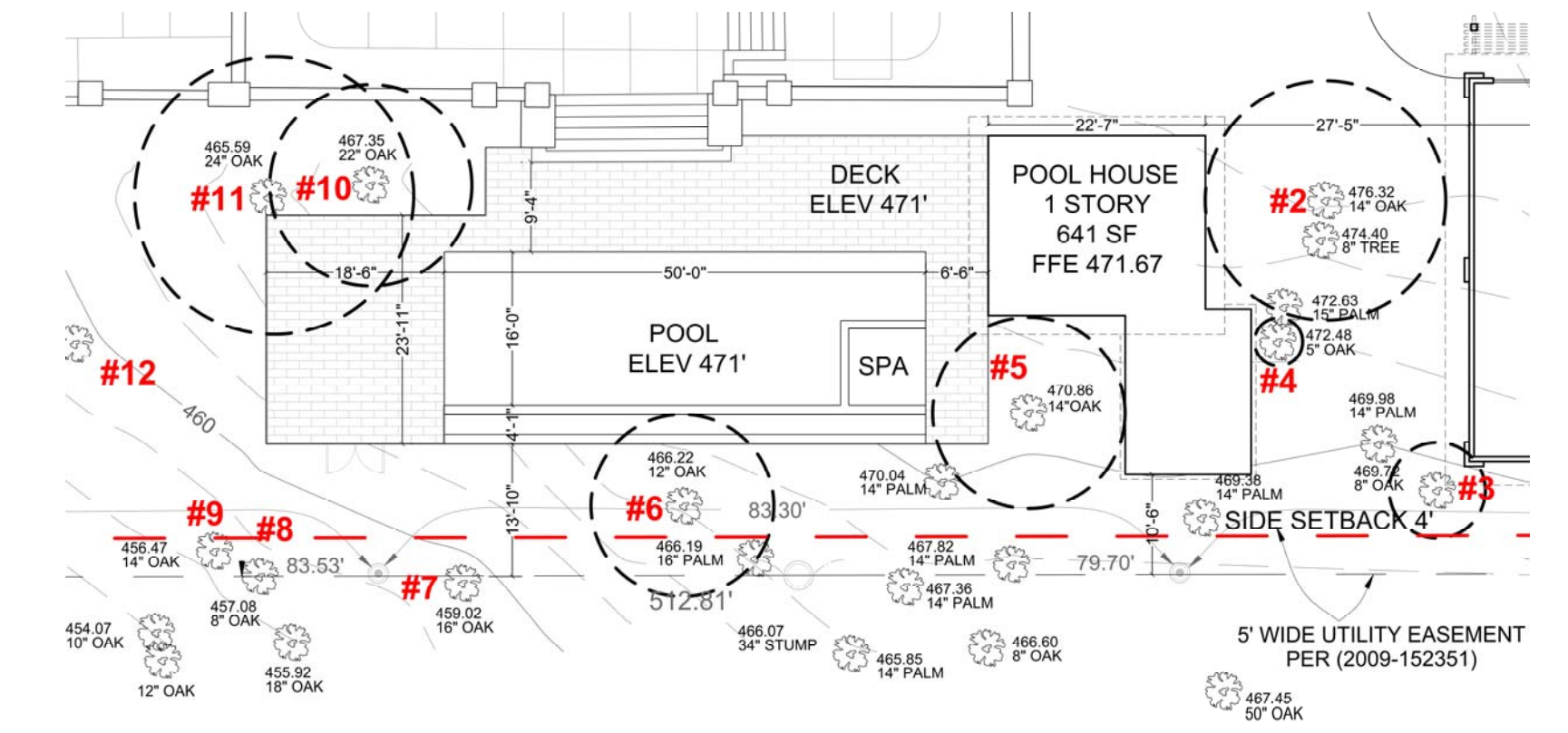
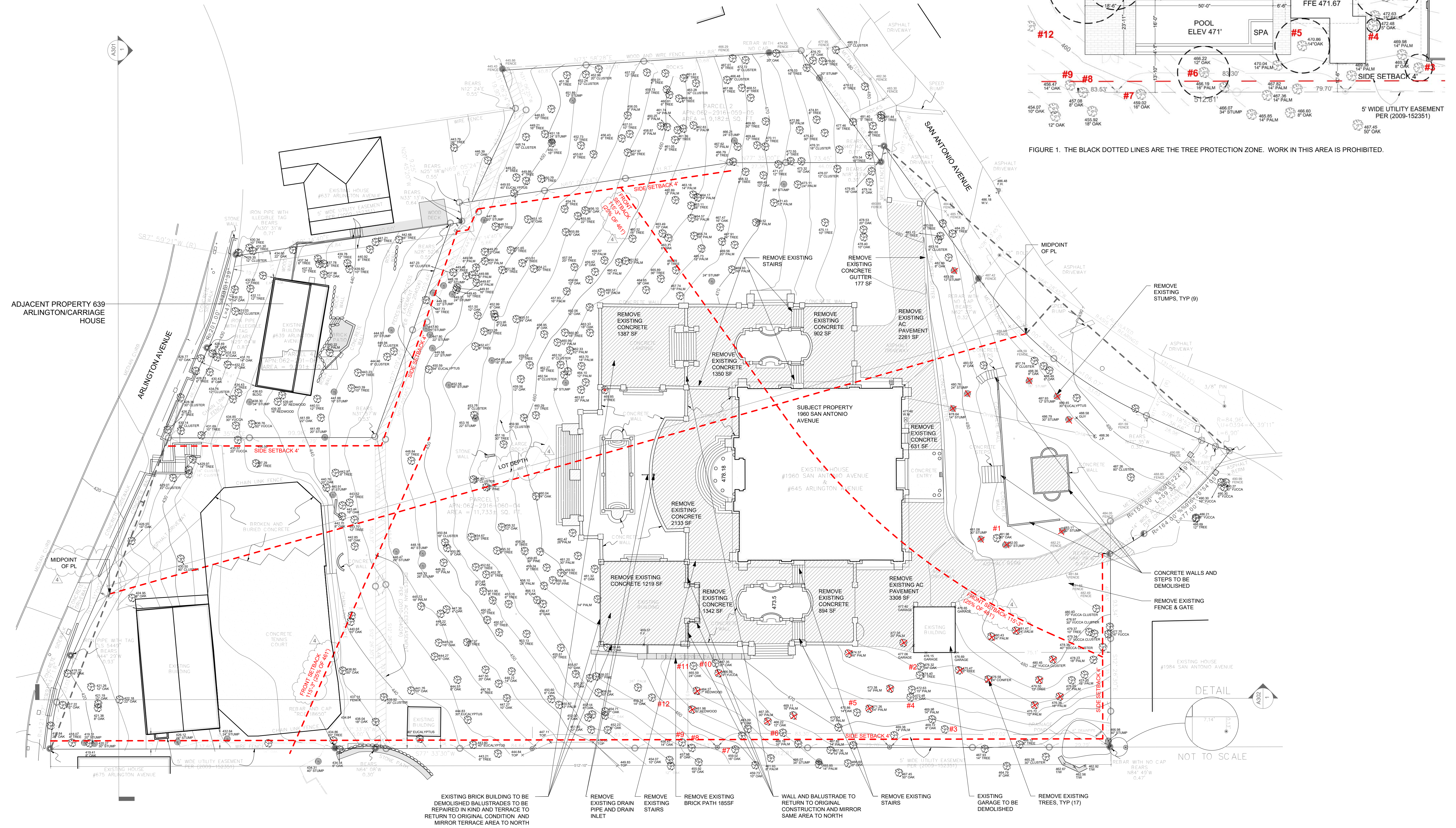


FIGURE 1. THE BLACK DOTTED LINES ARE THE TREE PROTECTION ZONE. WORK IN THIS AREA IS PROHIBITED.



1 SITE PLAN - EXISTING  
1/24" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140  
Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING & DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**  
SPRING MANSION

**OWNER(S)**  
ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

**ADDRESS**  
1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**  
SITE PLAN - EXISTING

**SCALE**  
AS INDICATED

**SHEET NUMBER**  
A100



1. ANY ROOT PRUNING REQUIRED FOR CONSTRUCTION PURPOSES SHALL RECEIVE THE PRIOR APPROVAL OF AND BE SUPERVISED BY THE CONSULTING ARBORIST. ROOTS SHOULD BE CUT WITH A SAW TO PROVIDE A FLAT AND SMOOTH CUT. REMOVAL OF ROOTS LARGER THAN 2 IN. IN DIAMETER SHOULD BE AVOIDED.
2. IF ROOTS 2 IN. AND GREATER IN DIAMETER ARE ENCOUNTERED DURING SITE WORK AND MUST BE CUT TO COMPLETE THE CONSTRUCTION, THE CONSULTING ARBORIST MUST BE CONSULTED TO EVALUATE EFFECTS ON THE HEALTH AND STABILITY OF THE TREE AND RECOMMEND TREATMENT.
3. FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCES SHALL BE 6 FT. CHAIN LINK WITH POSTS SUNK INTO THE GROUND OR EQUIVALENT.
4. THE TREE PROTECTION ZONE SHOWN ON ALL PLANS SHALL BE FENCED TO ENCLOSE THE ENTIRE AREA (FIGURE 1). NO GRADING, EXCAVATION, CONSTRUCTION OR STORAGE OF MATERIALS SHALL OCCUR WITHIN THAT ZONE. NO UNDERGROUND SERVICES INCLUDING UTILITIES, SUB-DRAINS, WATER OR SEWER SHALL BE PLACED IN THE TREE PROTECTION ZONE. NO MOTORIZED EQUIPMENT SHALL BE USED IN THE TREE PROTECTION ZONE. THE LIMITS OF THE TREE PROTECTION ZONE WILL BE ADJUSTED FOLLOWING REVIEW OF GRADING AND CONSTRUCTION PLANS. FOR DESIGN PURPOSES, THE TREE PROTECTION ZONE SHALL BE DEFINED AS THE TREE DRIPLINE.

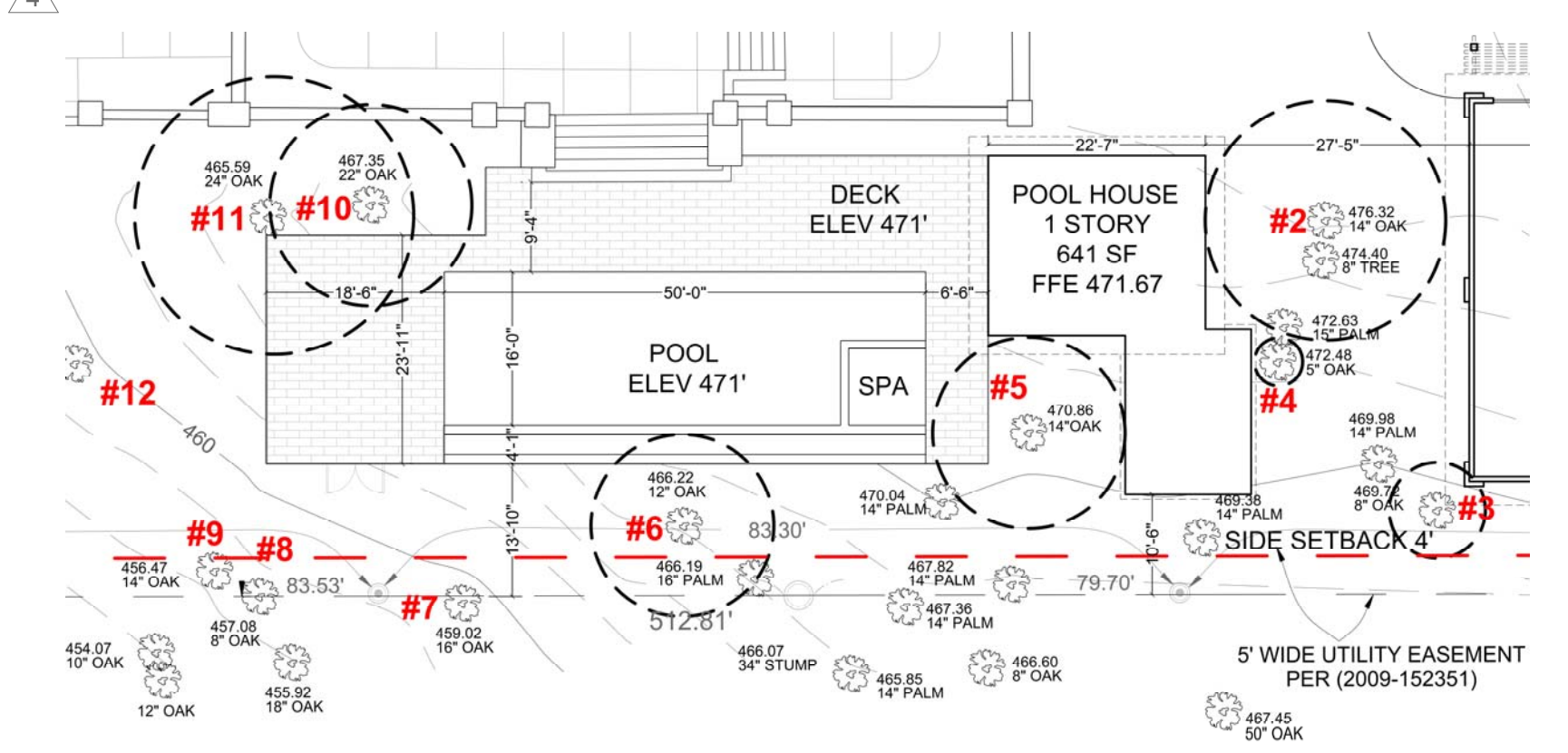
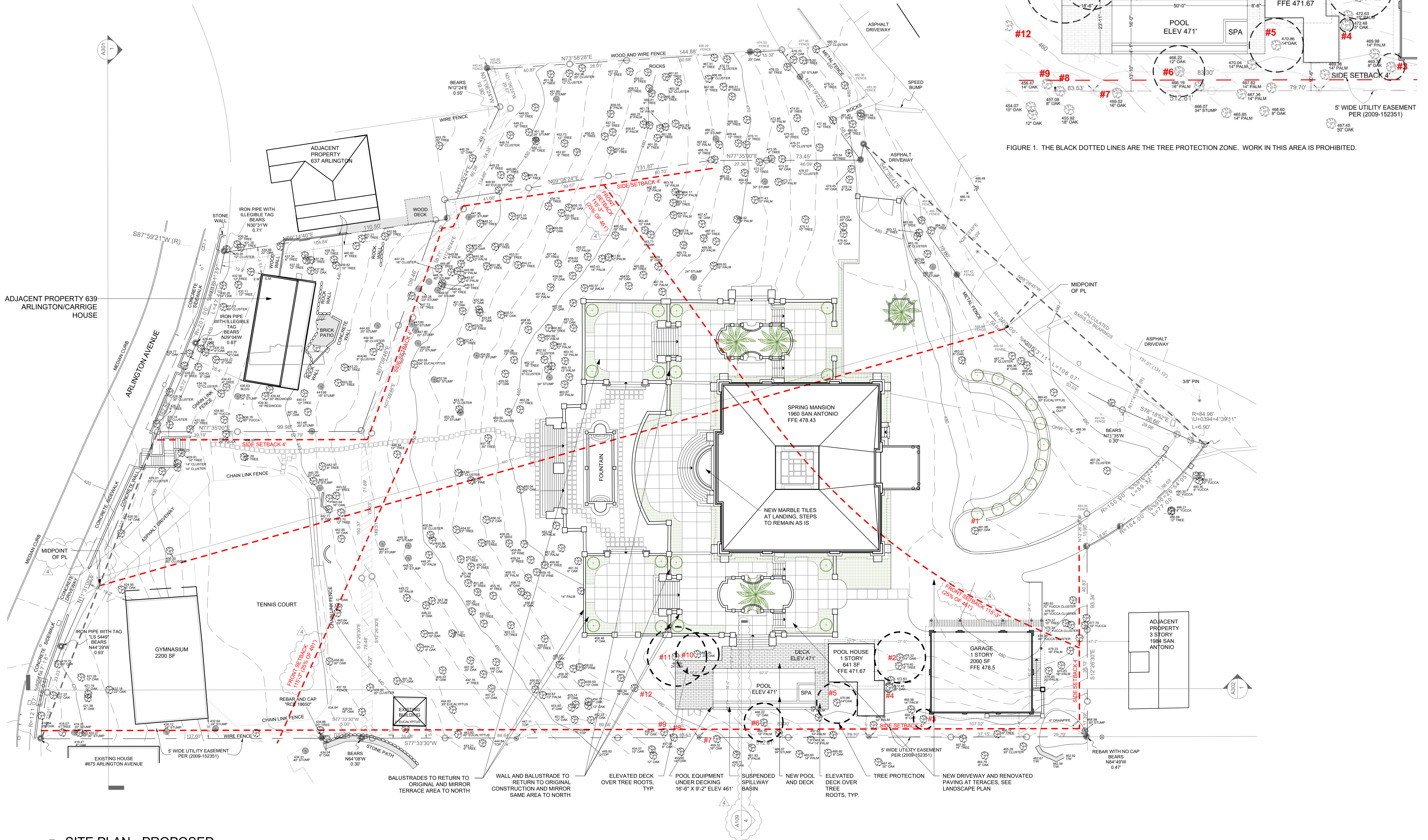


FIGURE 1. THE BLACK DOTTED LINES ARE THE TREE PROTECTION ZONE. WORK IN THIS AREA IS PROHIBITED.



1 SITE PLAN - PROPOSED  
1/24" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**  
SPRING MANSION

**OWNER(S)**  
ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

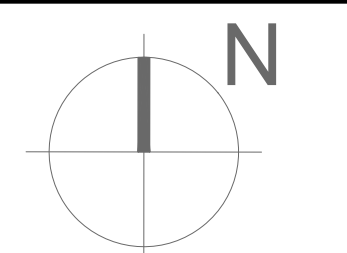


**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

SITE PLAN - PROPOSED

**SCALE**

AS INDICATED  
SHEET NUMBER

**A101**

1. ANY ROOT PRUNING REQUIRED FOR CONSTRUCTION PURPOSES SHALL RECEIVE THE PRIOR APPROVAL OF AND BE SUPERVISED BY THE CONSULTING ARBORIST. ROOTS SHOULD BE CUT WITH A SAW TO PROVIDE A FLAT AND SMOOTH CUT. REMOVAL OF ROOTS LARGER THAN 2 IN. IN DIAMETER SHOULD BE AVOIDED.
2. IF ROOTS 2 IN. AND GREATER IN DIAMETER ARE ENCOUNTERED DURING SITE WORK AND MUST BE CUT TO COMPLETE THE CONSTRUCTION, THE CONSULTING ARBORIST MUST BE CONSULTED TO EVALUATE EFFECTS ON THE HEALTH AND STABILITY OF THE TREE AND RECOMMEND TREATMENT.
3. FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCES SHALL BE 6 FT. CHAIN LINK WITH POSTS SUNK INTO THE GROUND OR EQUIVALENT.
4. THE TREE PROTECTION ZONE SHOWN ON ALL PLANS SHALL BE FENCED TO ENCLOSE THE ENTIRE AREA (FIGURE 1). NO GRADING, EXCAVATION, CONSTRUCTION OR STORAGE OF MATERIALS SHALL OCCUR WITHIN THAT ZONE. NO UNDERGROUND SERVICES INCLUDING UTILITIES, SUB-DRAINS, WATER OR SEWER SHALL BE PLACED IN THE TREE PROTECTION ZONE. NO MOTORIZED EQUIPMENT SHALL BE USED IN THE TREE PROTECTION ZONE. THE LIMITS OF THE TREE PROTECTION ZONE WILL BE ADJUSTED FOLLOWING REVIEW OF GRADING AND CONSTRUCTION PLANS. FOR DESIGN PURPOSES, THE TREE PROTECTION ZONE SHALL BE DEFINED AS THE TREE DRIFLINE.

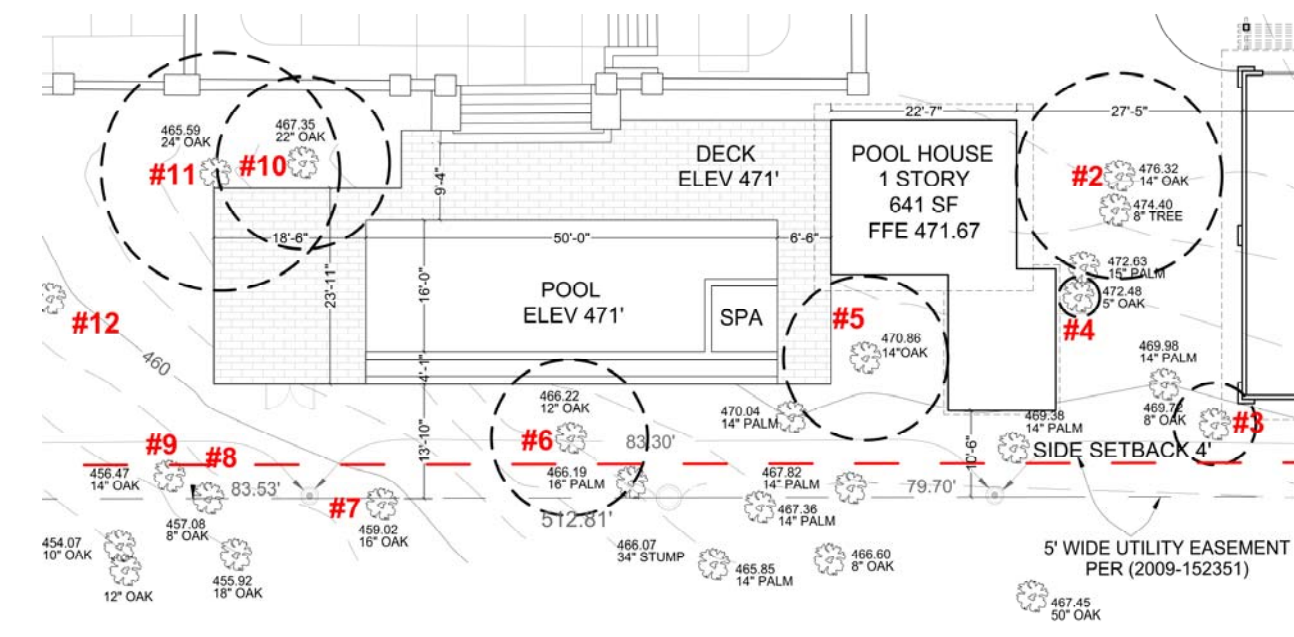
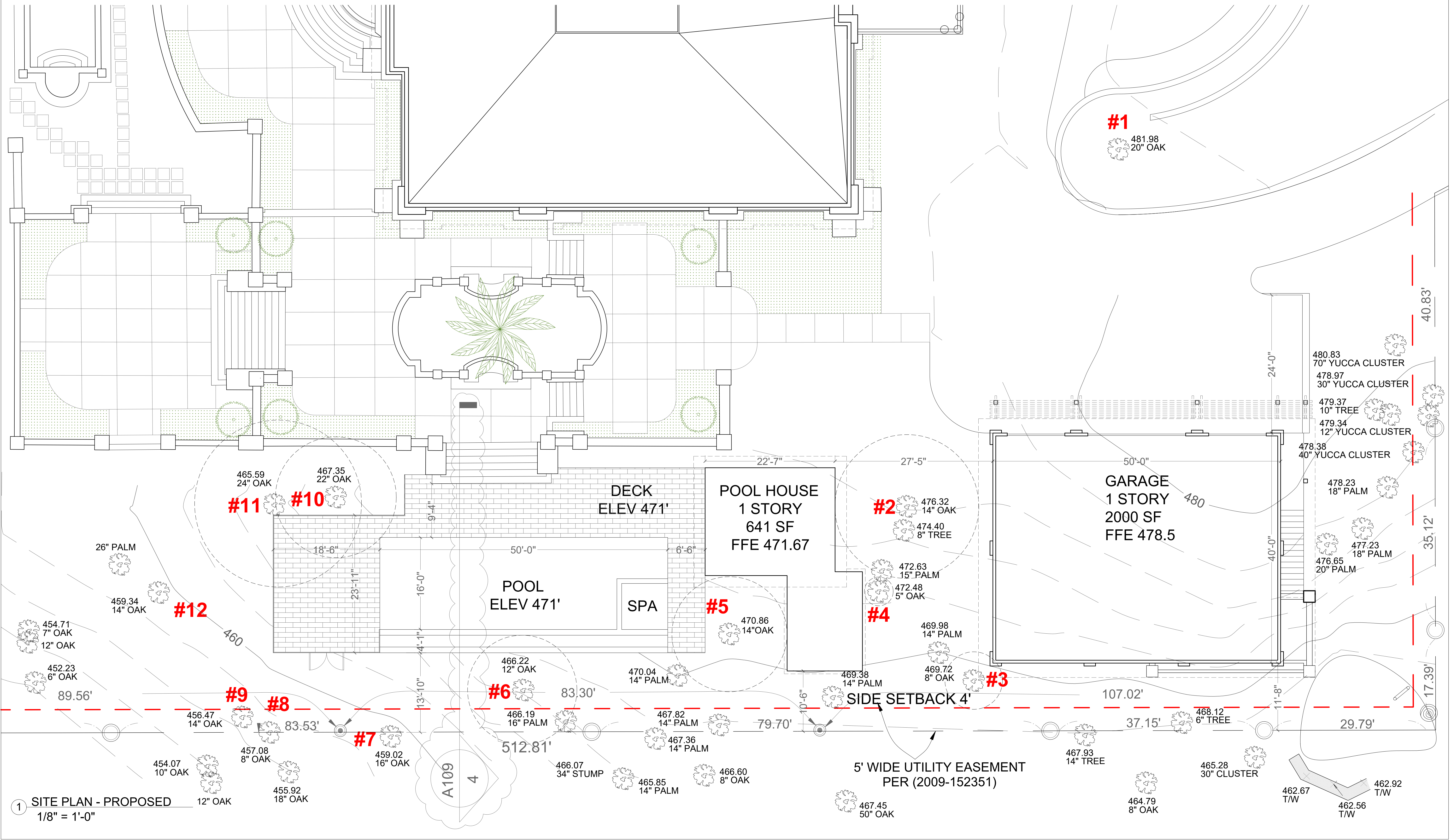


FIGURE 1. THE BLACK DOTTED LINES ARE THE TREE PROTECTION ZONE. WORK IN THIS AREA IS PROHIBITED.



1 SITE PLAN - PROPOSED  
1/8" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING & DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

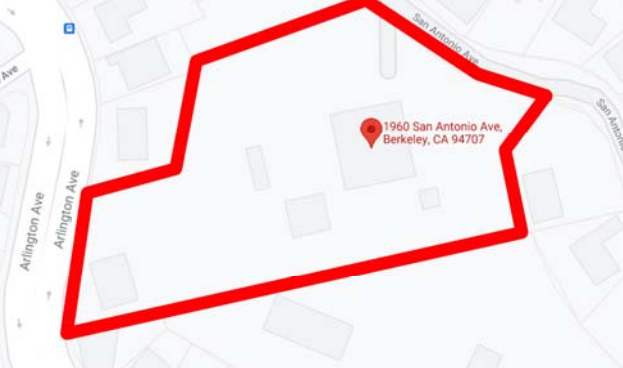
**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

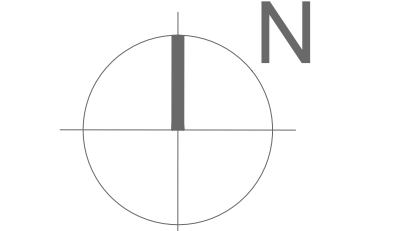


**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

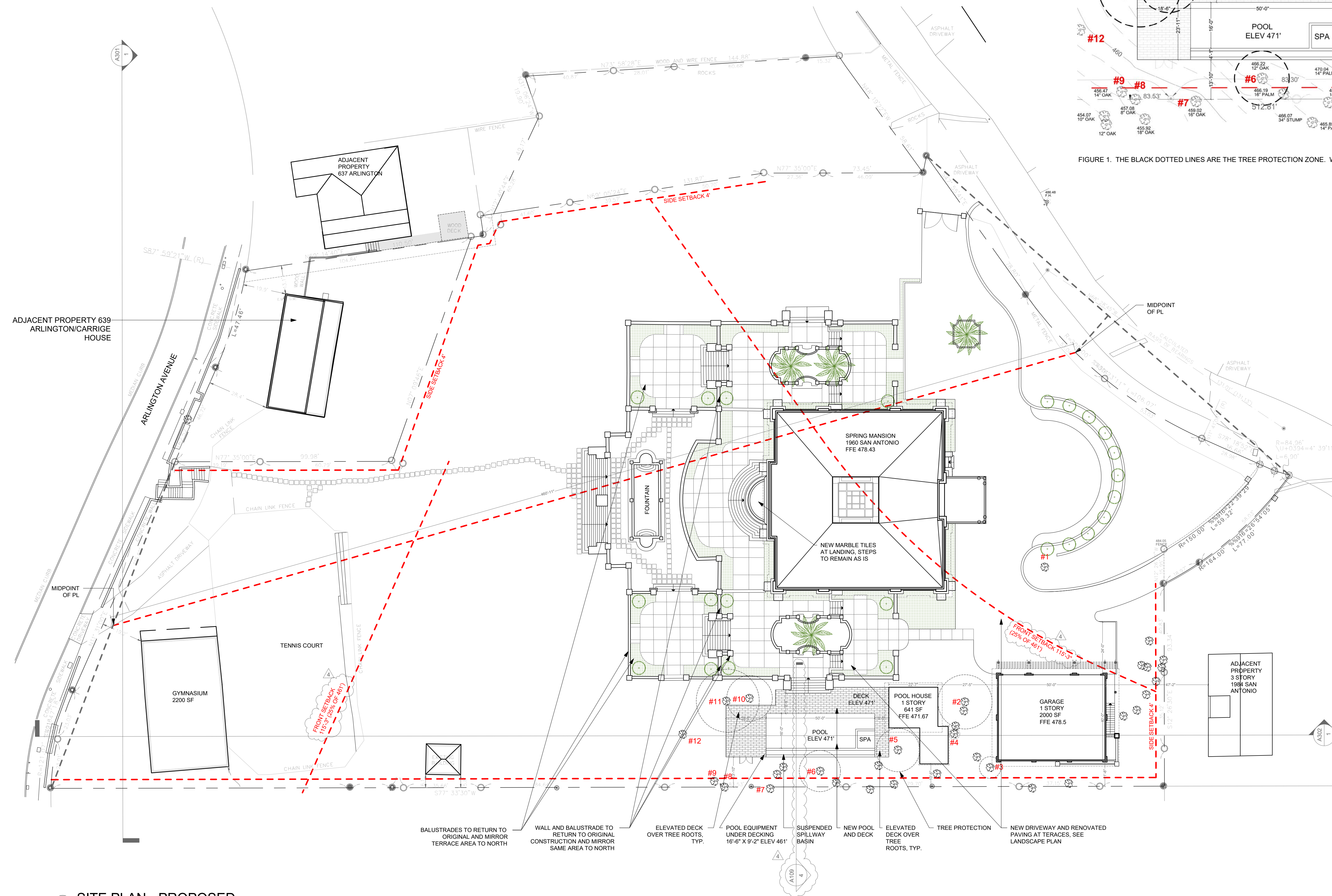
ENLARGED SITE PLAN

**SCALE**

AS INDICATED

**SHEET NUMBER**

**A101B**



1. ANY ROOT PRUNING REQUIRED FOR CONSTRUCTION PURPOSES SHALL RECEIVE THE PRIOR APPROVAL OF AND BE SUPERVISED BY THE CONSULTING ARBORIST. ROOTS SHOULD BE CUT WITH A SAW TO PROVIDE A FLAT AND SMOOTH CUT. REMOVAL OF ROOTS LARGER THAN 2 IN. IN DIAMETER SHOULD BE AVOIDED.
2. IF ROOTS 2 IN. AND GREATER IN DIAMETER ARE ENCOUNTERED DURING SITE WORK AND MUST BE CUT TO COMPLETE THE CONSTRUCTION, THE CONSULTING ARBORIST MUST BE CONSULTED TO EVALUATE EFFECTS ON THE HEALTH AND STABILITY OF THE TREE AND RECOMMEND TREATMENT.
3. FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCES SHALL BE 6 FT. CHAIN LINK WITH POSTS SUNK INTO THE GROUND OR EQUIVALENT.
4. THE TREE PROTECTION ZONE SHOWN ON ALL PLANS SHALL BE FENCED TO ENCLOSE THE ENTIRE AREA (FIGURE 1). NO GRADING, EXCAVATION, CONSTRUCTION OR STORAGE OF MATERIALS SHALL OCCUR WITHIN THAT ZONE. NO UNDERGROUND SERVICES INCLUDING UTILITIES, SUB-DRAINS, WATER OR SEWER SHALL BE PLACED IN THE TREE PROTECTION ZONE. NO MOTORIZED EQUIPMENT SHALL BE USED IN THE TREE PROTECTION ZONE. THE LIMITS OF THE TREE PROTECTION ZONE WILL BE ADJUSTED FOLLOWING REVIEW OF GRADING AND CONSTRUCTION PLANS. FOR DESIGN PURPOSES, THE TREE PROTECTION ZONE SHALL BE DEFINED AS THE TREE DRIPLINE.

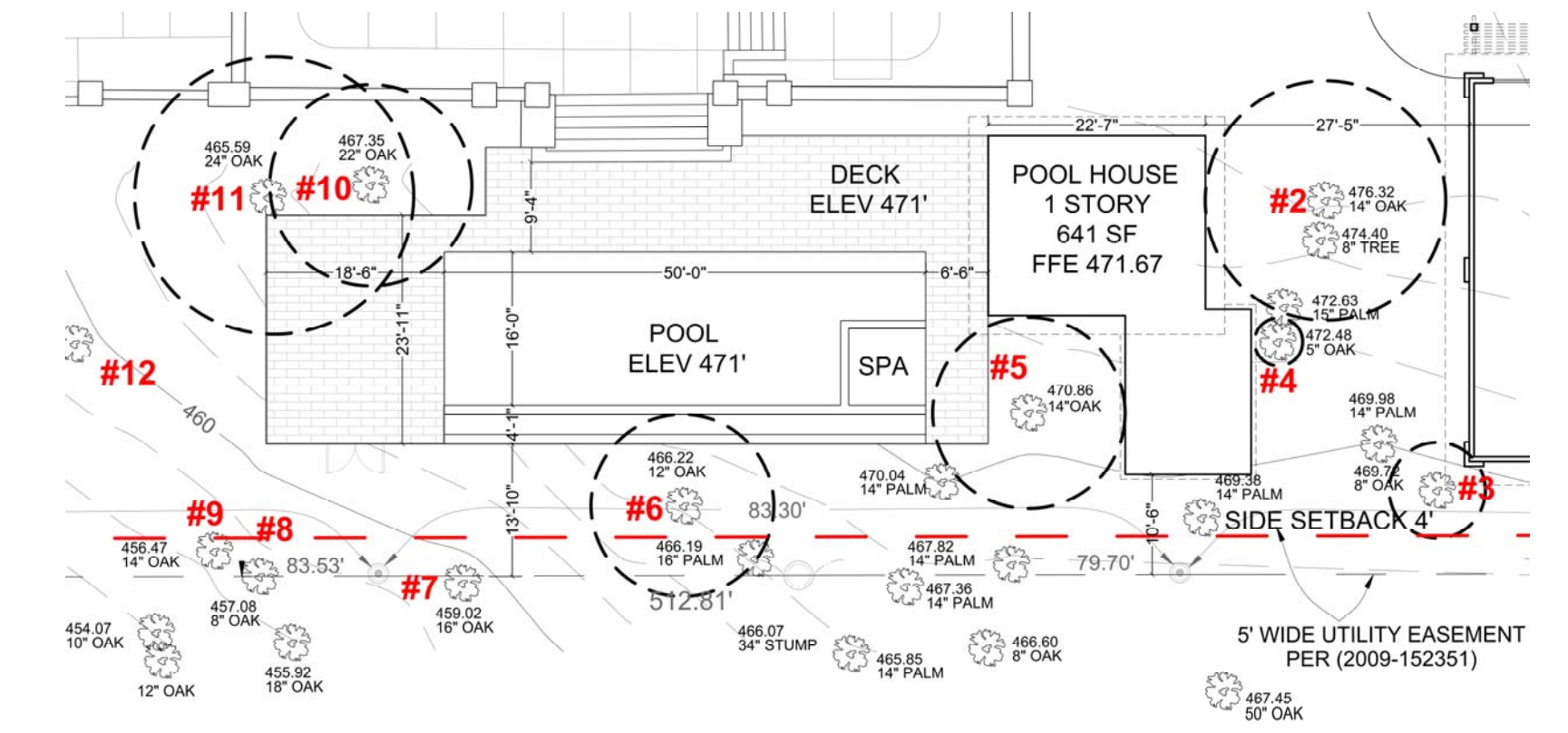


FIGURE 1. THE BLACK DOTTED LINES ARE THE TREE PROTECTION ZONE. WORK IN THIS AREA IS PROHIBITED.

1 SITE PLAN - PROPOSED  
1/24" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

**PAYMUN BUILDING & DEVELOPMENT, Inc.**

DESIGNER & DRAFTER:  
SADAF DAYLAMI

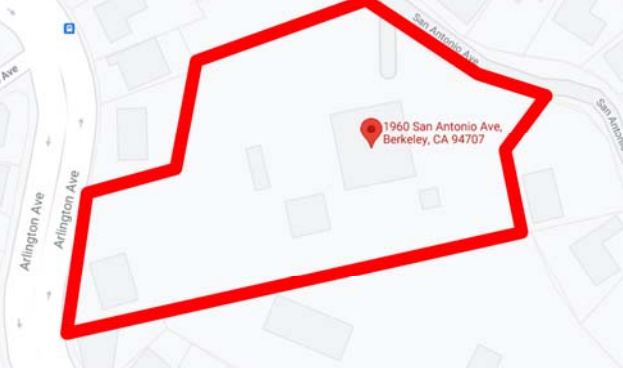
**PROJECT**  
SPRING MANSION

**OWNER(S)**  
ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

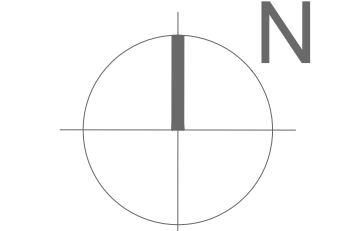


**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

SITE PLAN - SIMPLIFIED




**SCALE**

AS INDICATED

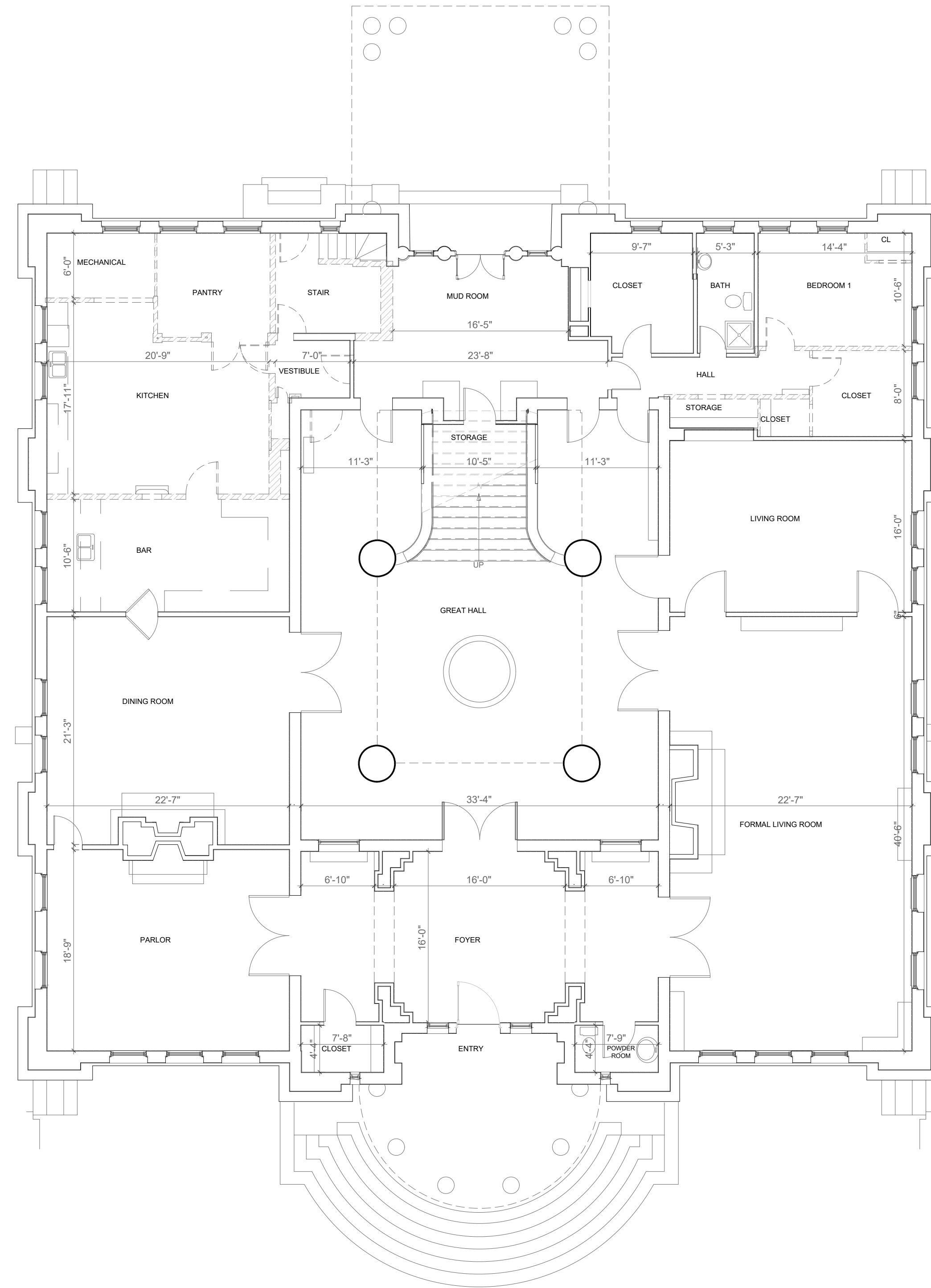
**SHEET NUMBER**

**A101C**

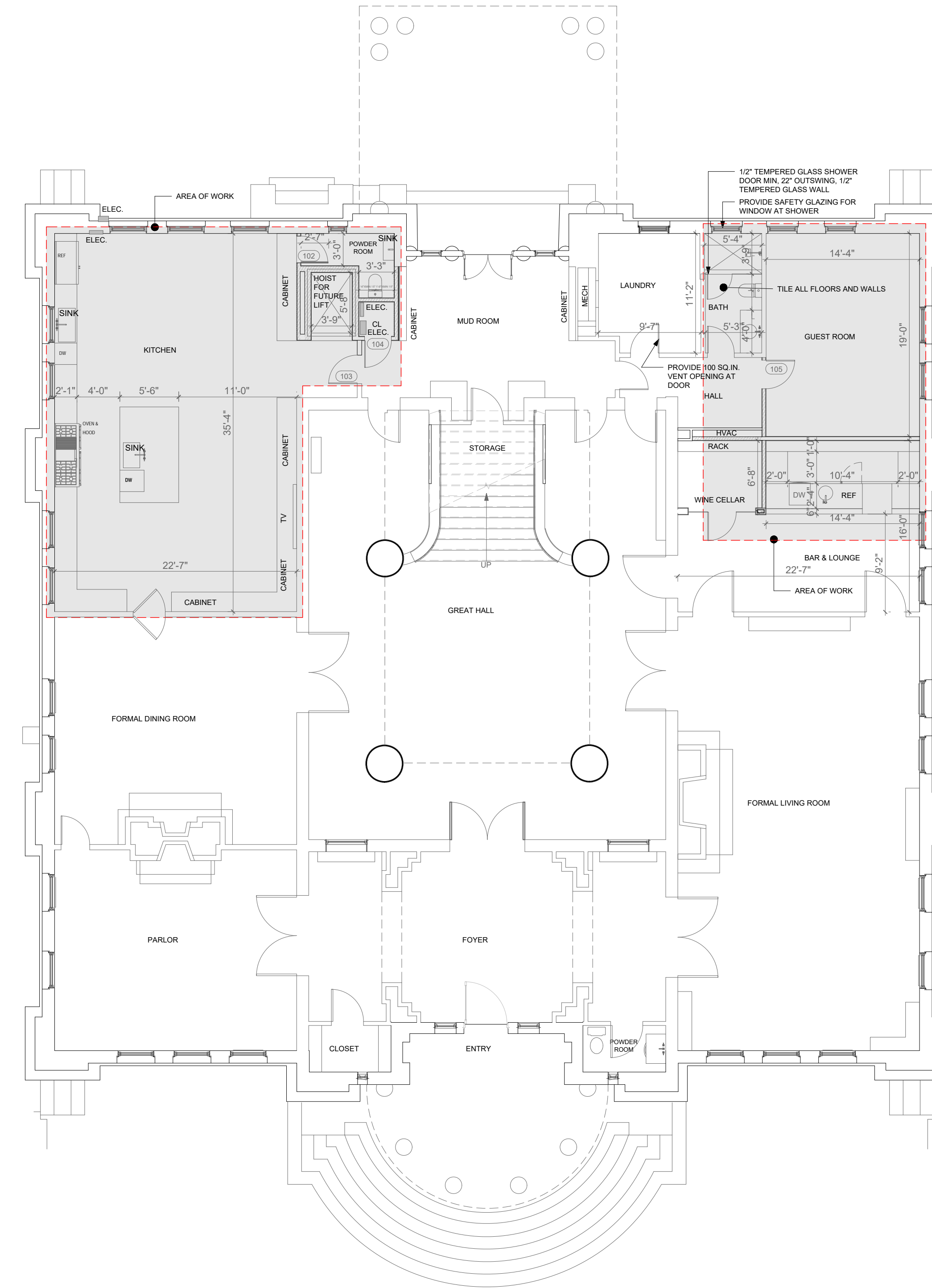
**WALL LEGEND**

|                   |                                                                                     |
|-------------------|-------------------------------------------------------------------------------------|
| DEMOLISHED WALL   |    |
| NEW WALL          |   |
| 1 HOUR RATED WALL |  |

**NOTES:**  
ALL NEW WALLS TO MATCH EXISTING FINISH, BASEBOARD AND MOLDING



1 1ST FLOOR EXISTING  
1/8" = 1'-0"



2 1ST FLOOR PROPOSED  
1/8" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**

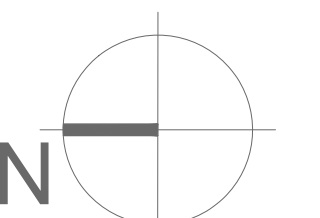


**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

MAIN 1ST FLOOR PLANS  
EXISTING & PROPOSED

**SCALE**

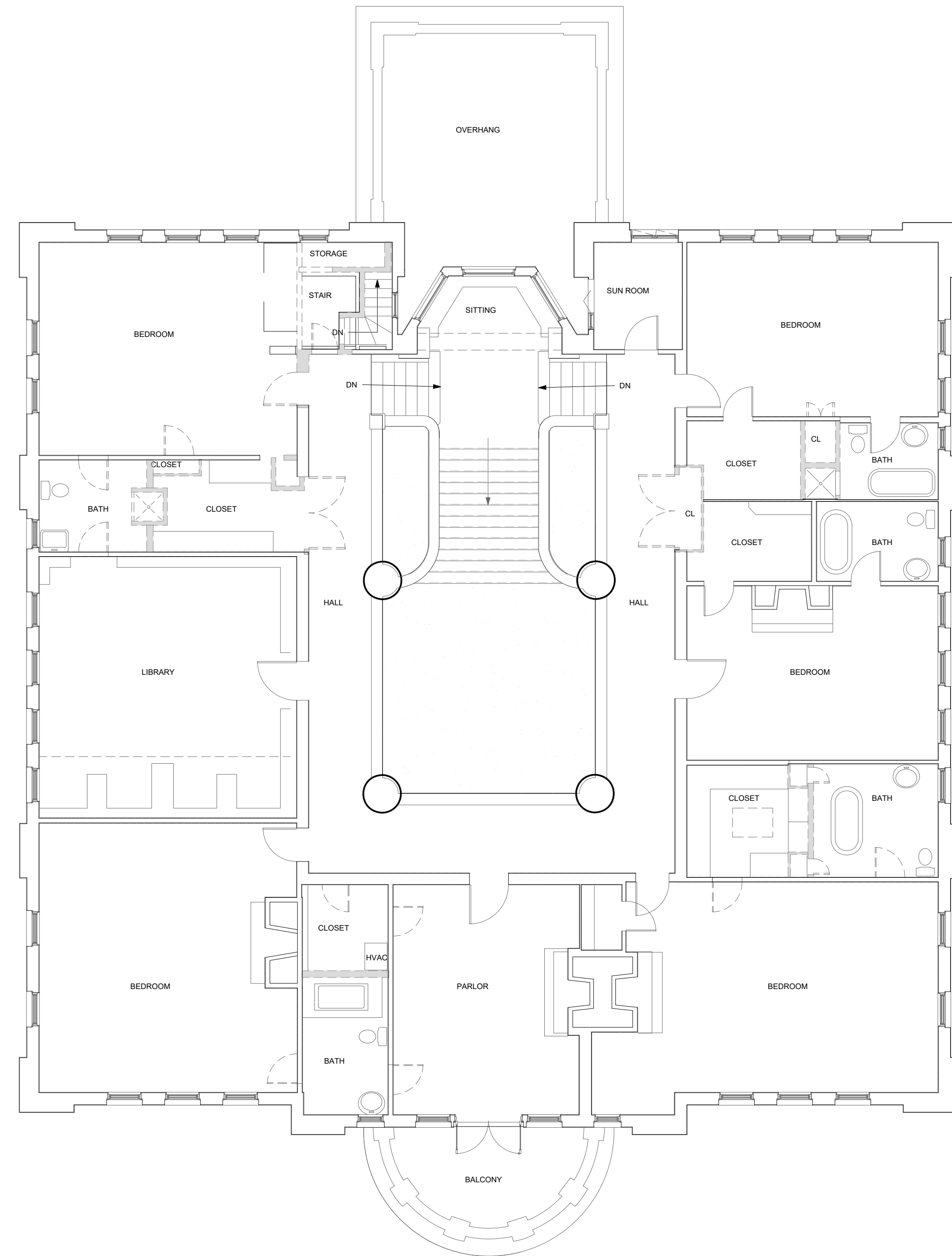
AS INDICATED

**SHEET NUMBER**

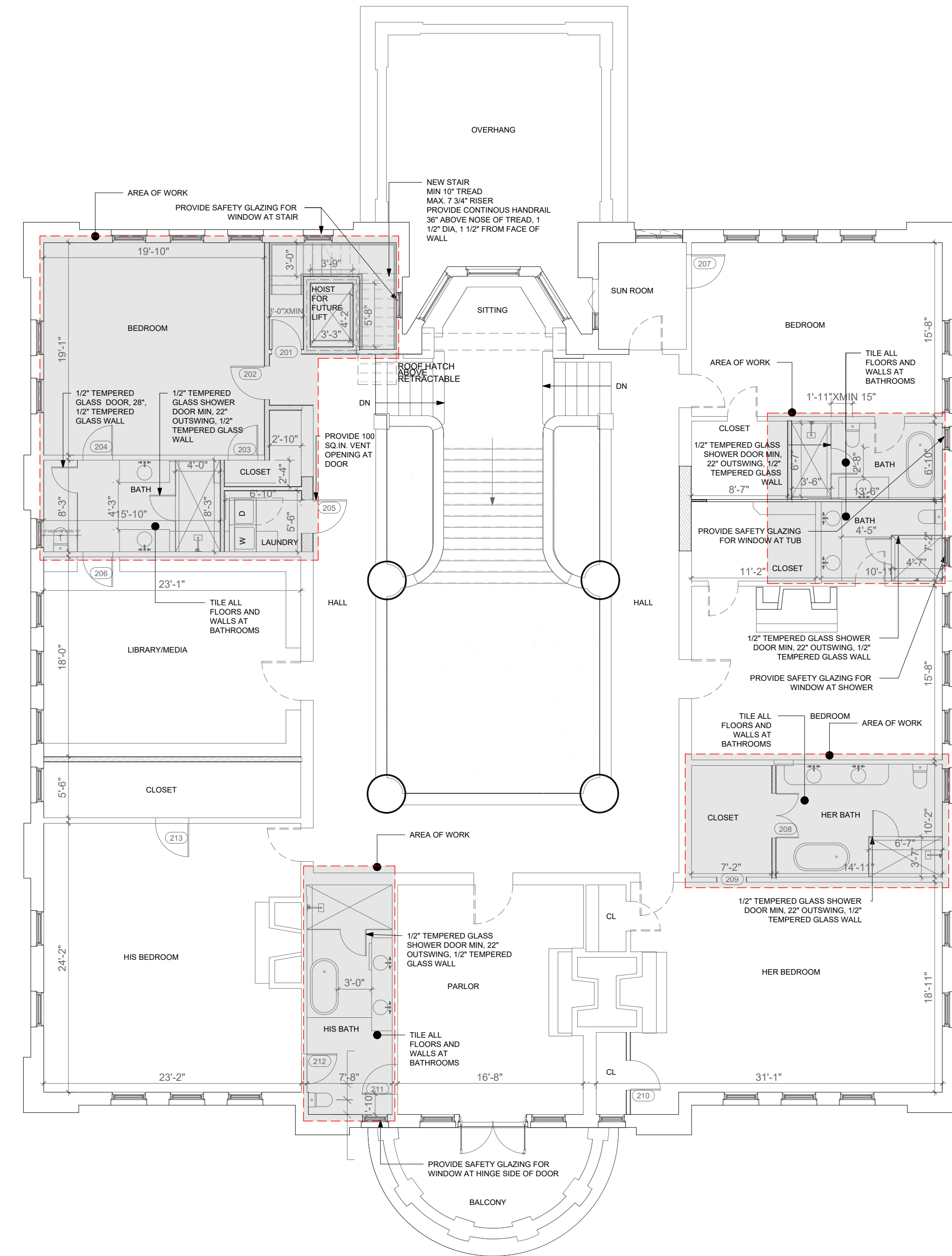
**A102**

|                   |  |
|-------------------|--|
| WALL LEGEND       |  |
| DEMOLISHED WALL   |  |
| NEW WALL          |  |
| 1 HOUR RATED WALL |  |

NOTES:  
ALL NEW WALLS TO MATCH EXISTING FINISH, BASEBOARD AND MOLDING



1 2ND FLOOR EXISTING  
1/8" = 1'-0"



2 2ND FLOOR PROPOSED  
1/8" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

LEAD DESIGN CONSULTANT

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

PROJECT  
SPRING MANSION

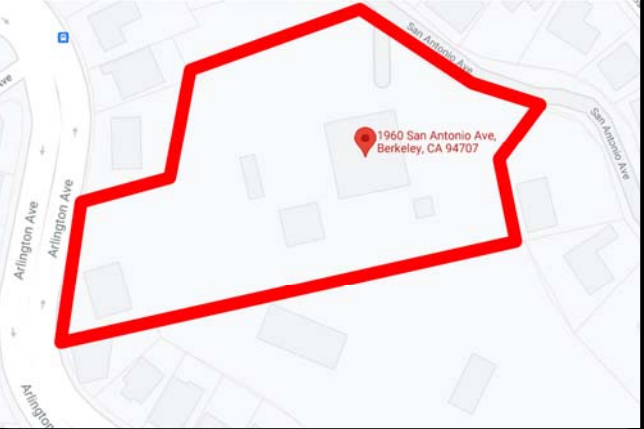
OWNER(S)

ABBAS MASH

NOTES

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

LOCATION

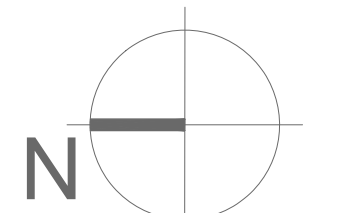


ADDRESS

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

AREA

ORIENTATION



SHEET TITLE

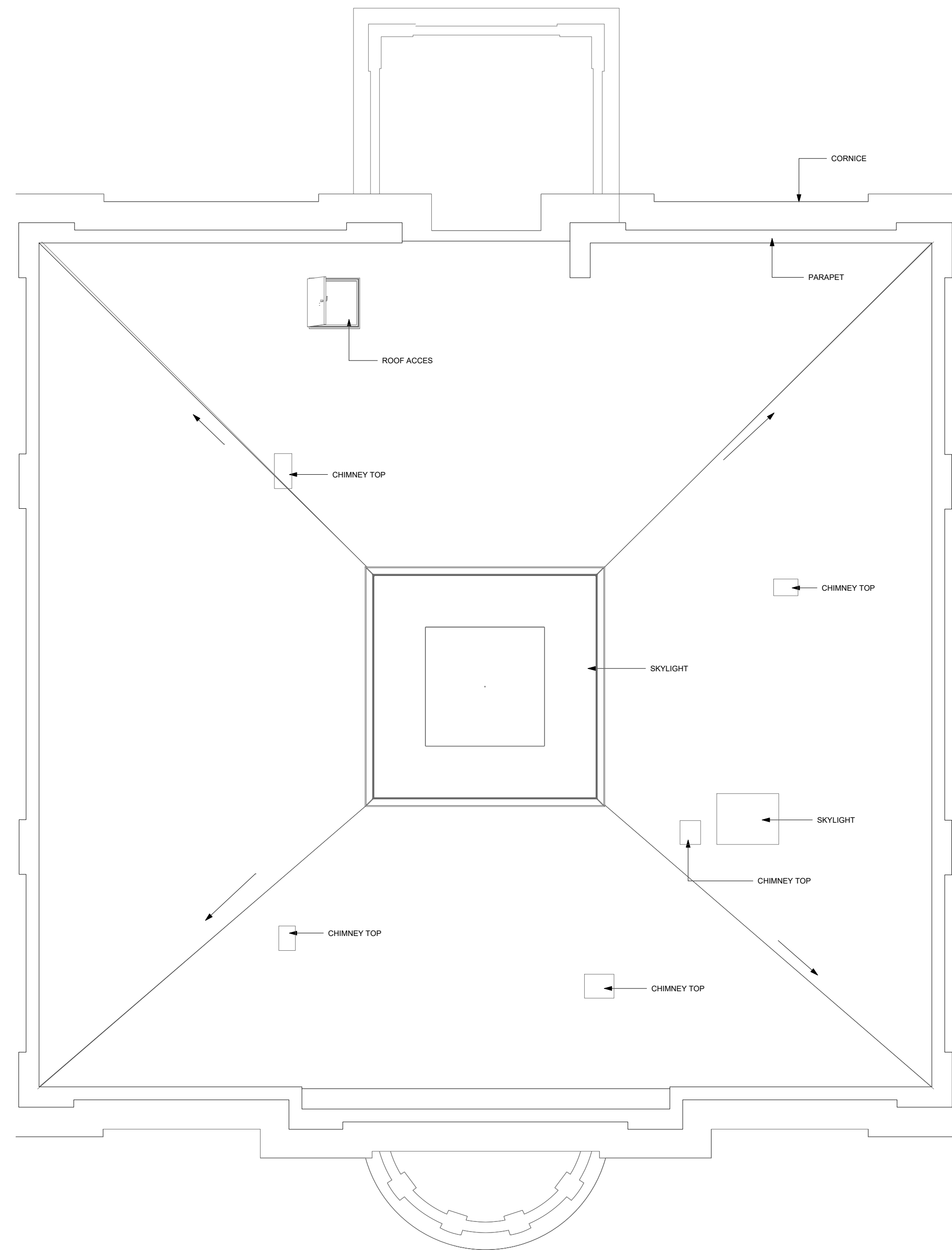
MAIN 2ND FLOOR PLANS  
EXISTING & PROPOSED

SCALE

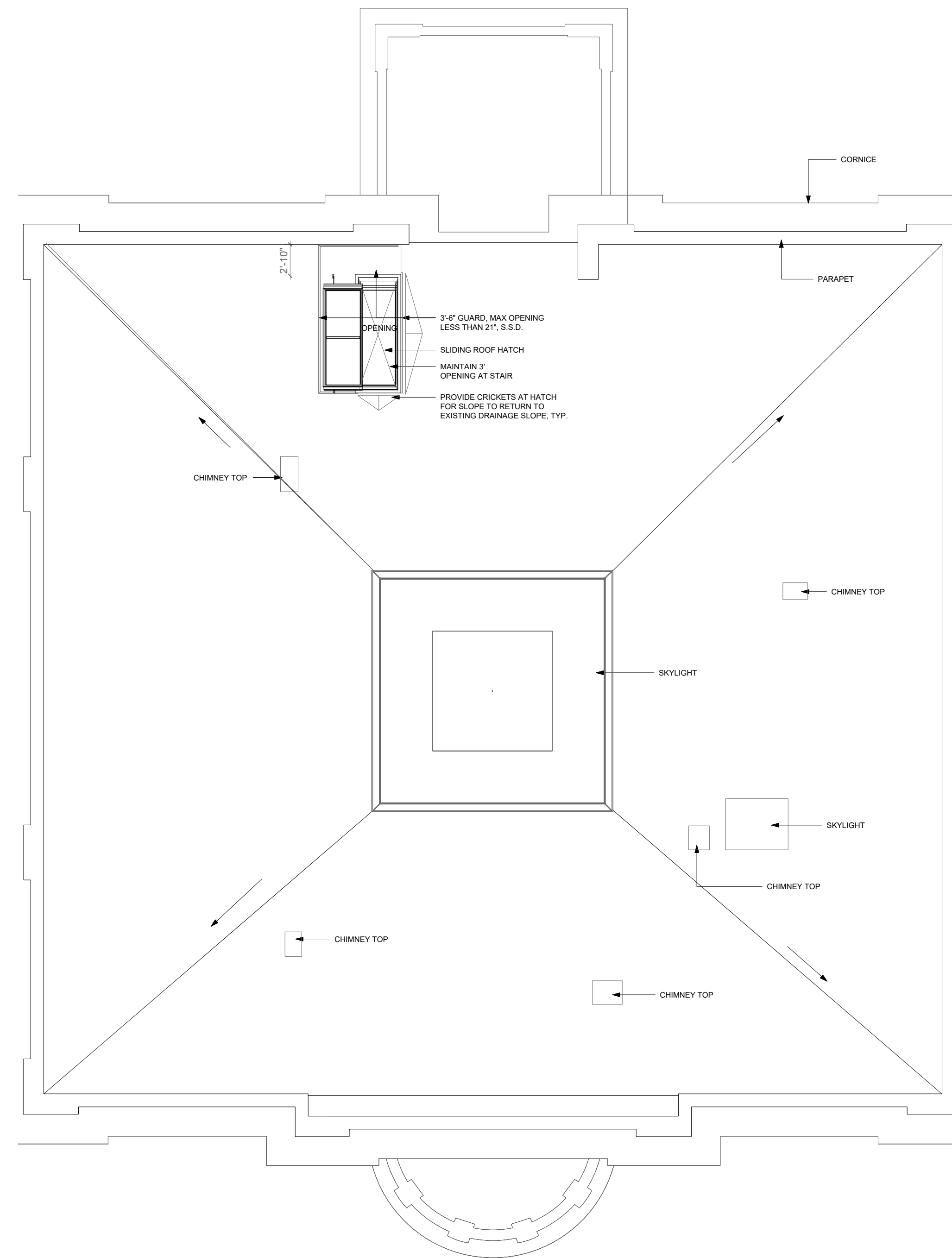
AS INDICATED

SHEET NUMBER

**A103**

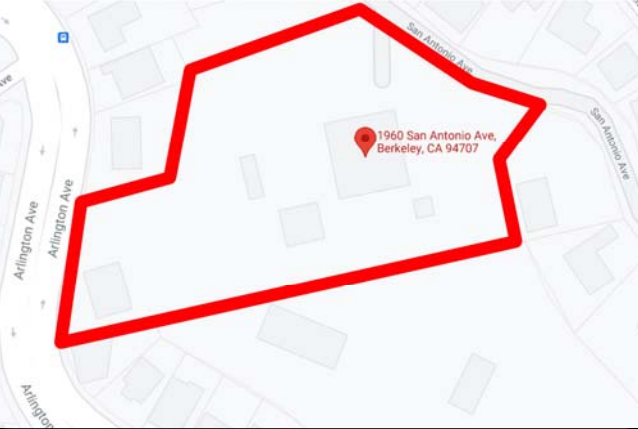


1 ROOF PLAN EXISTING  
1/8" = 1'-0"

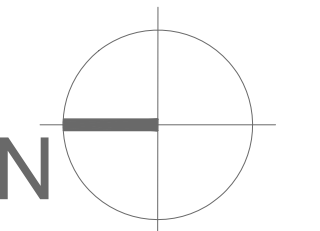


2 ROOF PLAN PROPOSED  
1/8" = 1'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL 1 | 05/13/2023 |



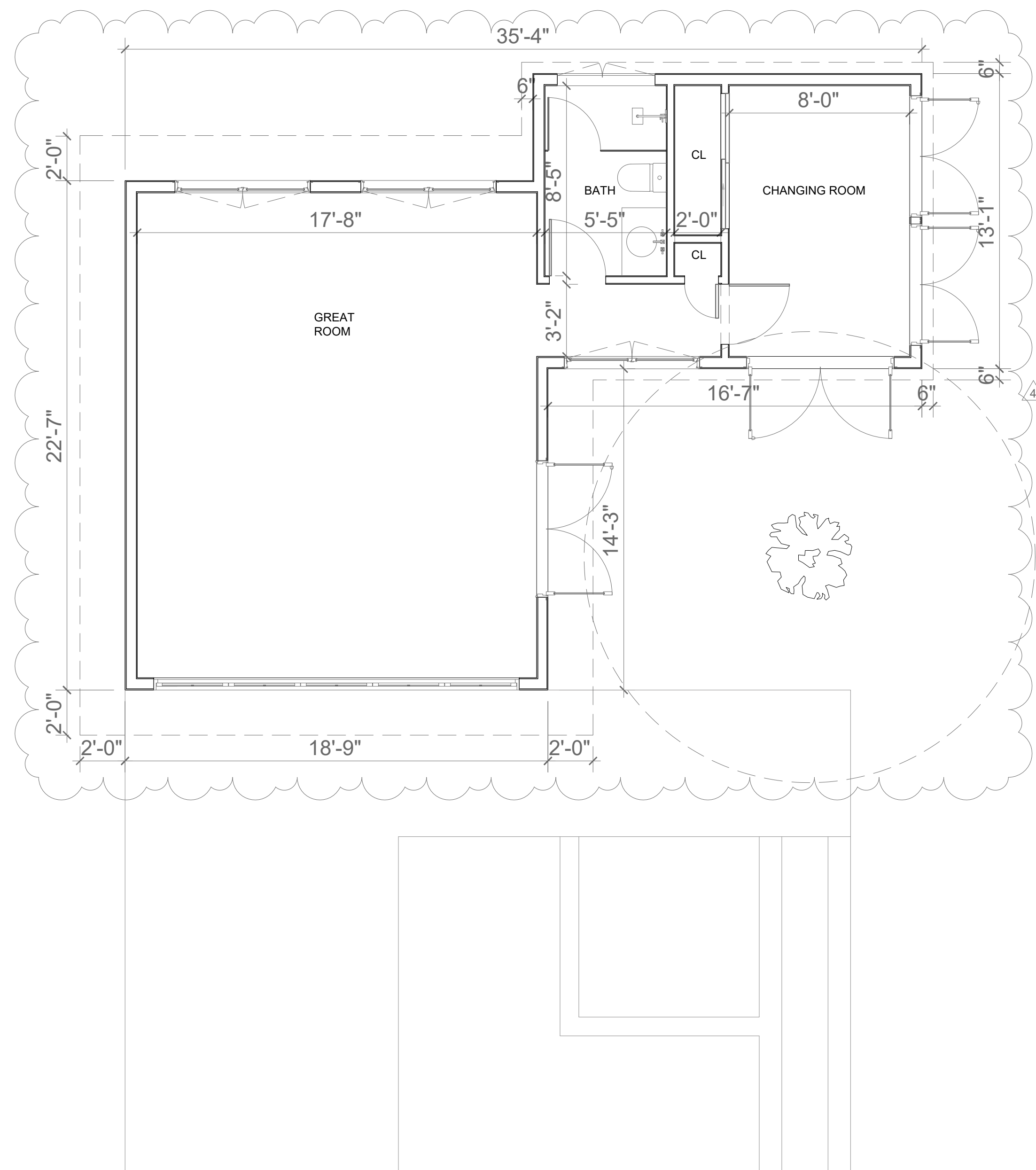
1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707



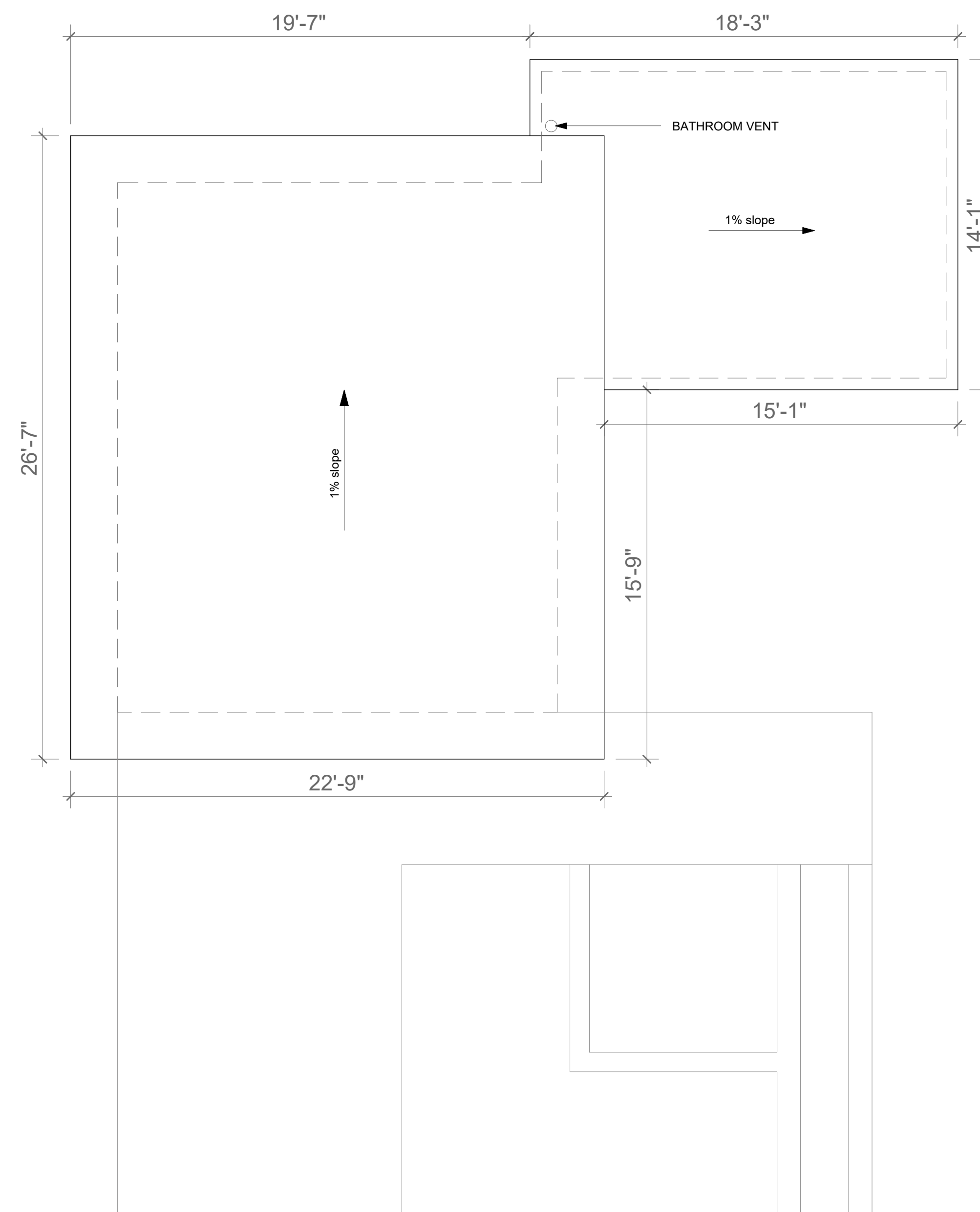
MAIN ROOF PLANS  
EXISTING & PROPOSED

AS INDICATED

**A104**



1 POOL HOUSE PLAN - PROPOSED  
1/4" = 1'-0"



2 POOL HOUSE ROOF PLAN - PROPOSED  
1/4" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

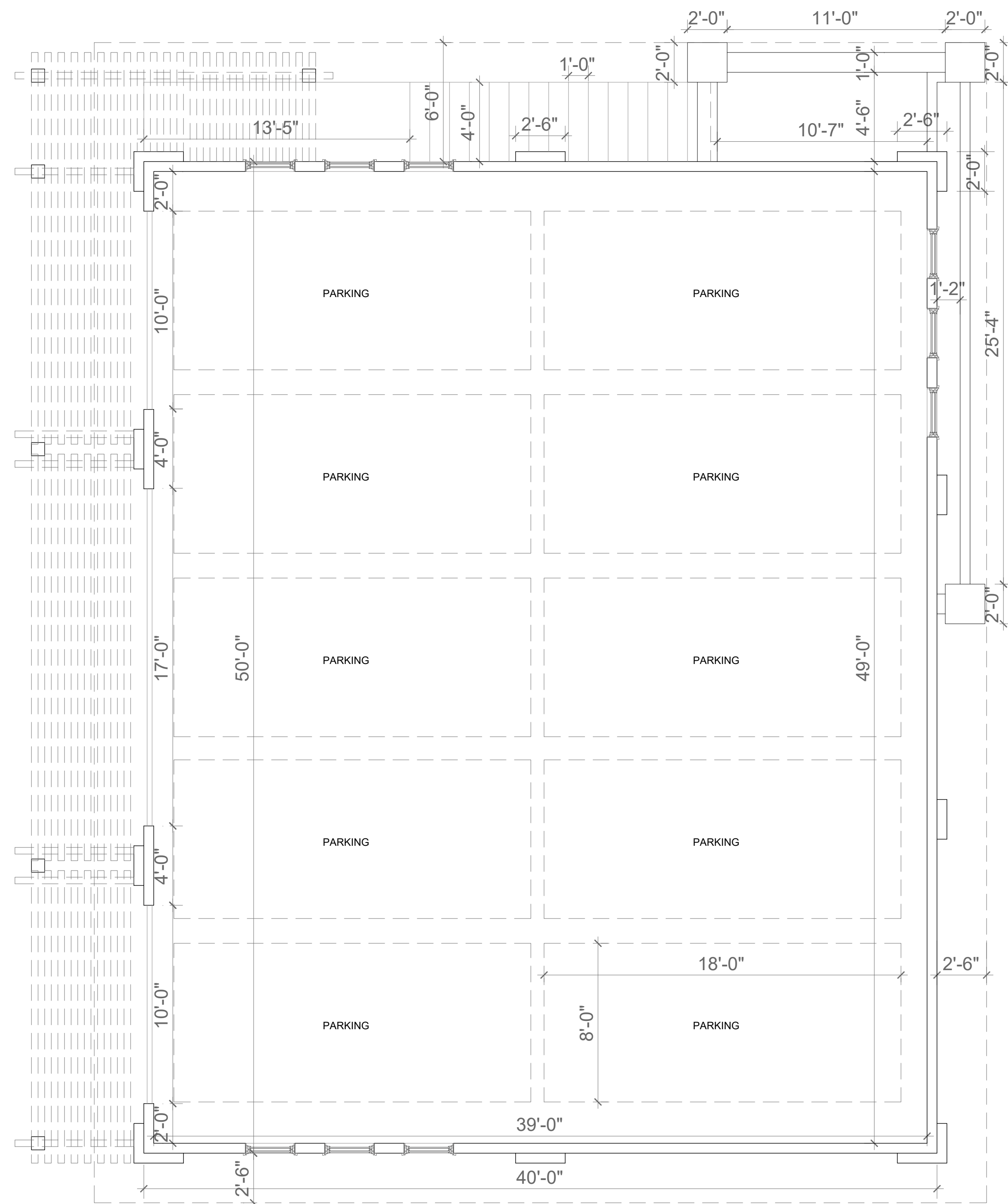
POOL HOUSE PLANS  
PROPOSED

**SCALE**

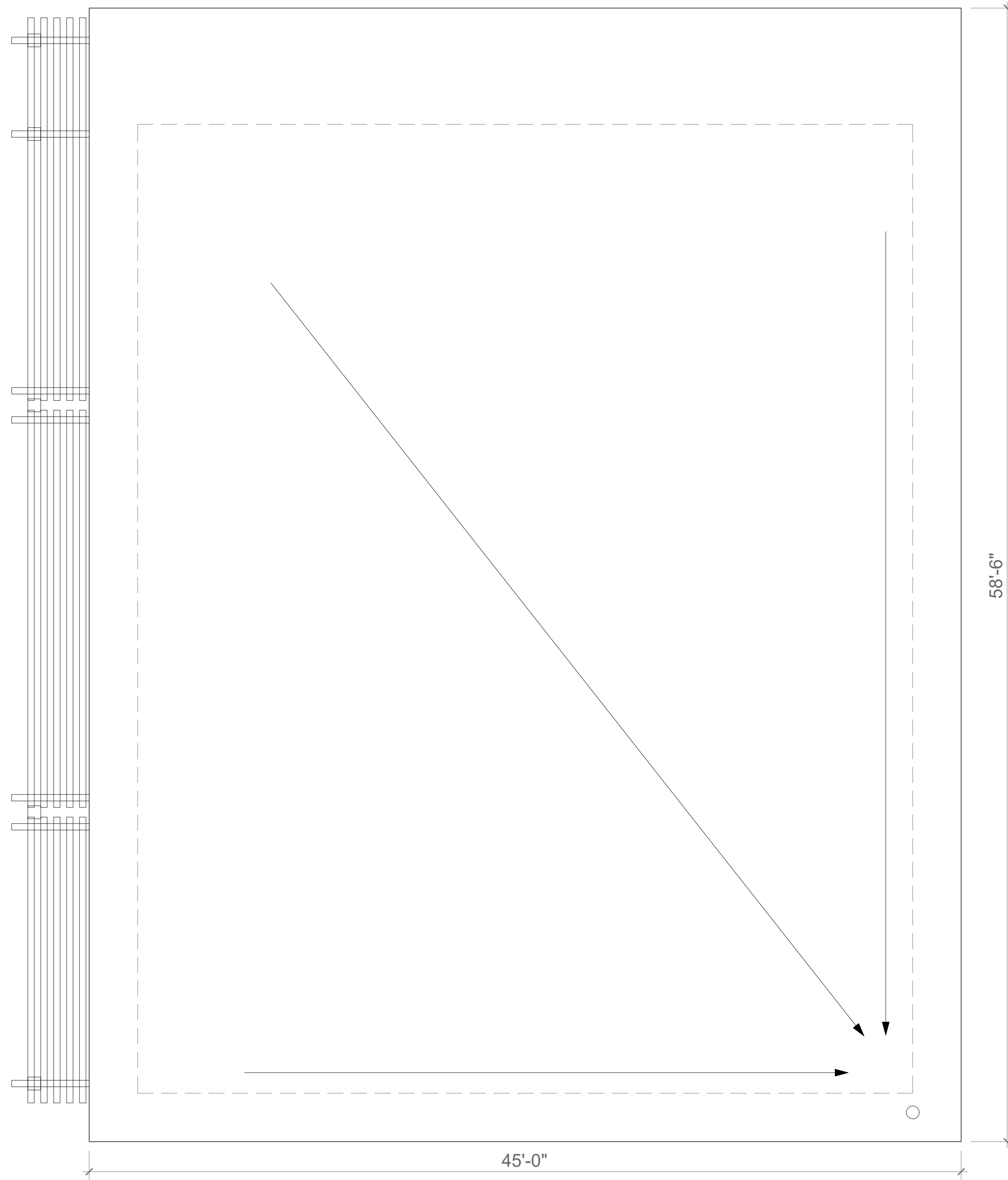
AS INDICATED

**SHEET NUMBER**

**A105**



1 GARAGE PLAN - PROPOSED  
1/4" = 1'-0"

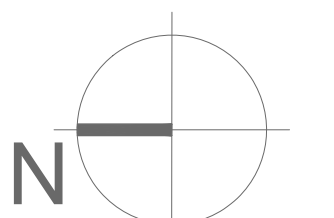


2 GARAGE ROOF PLAN - PROPOSED  
1/4" = 1'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |



1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

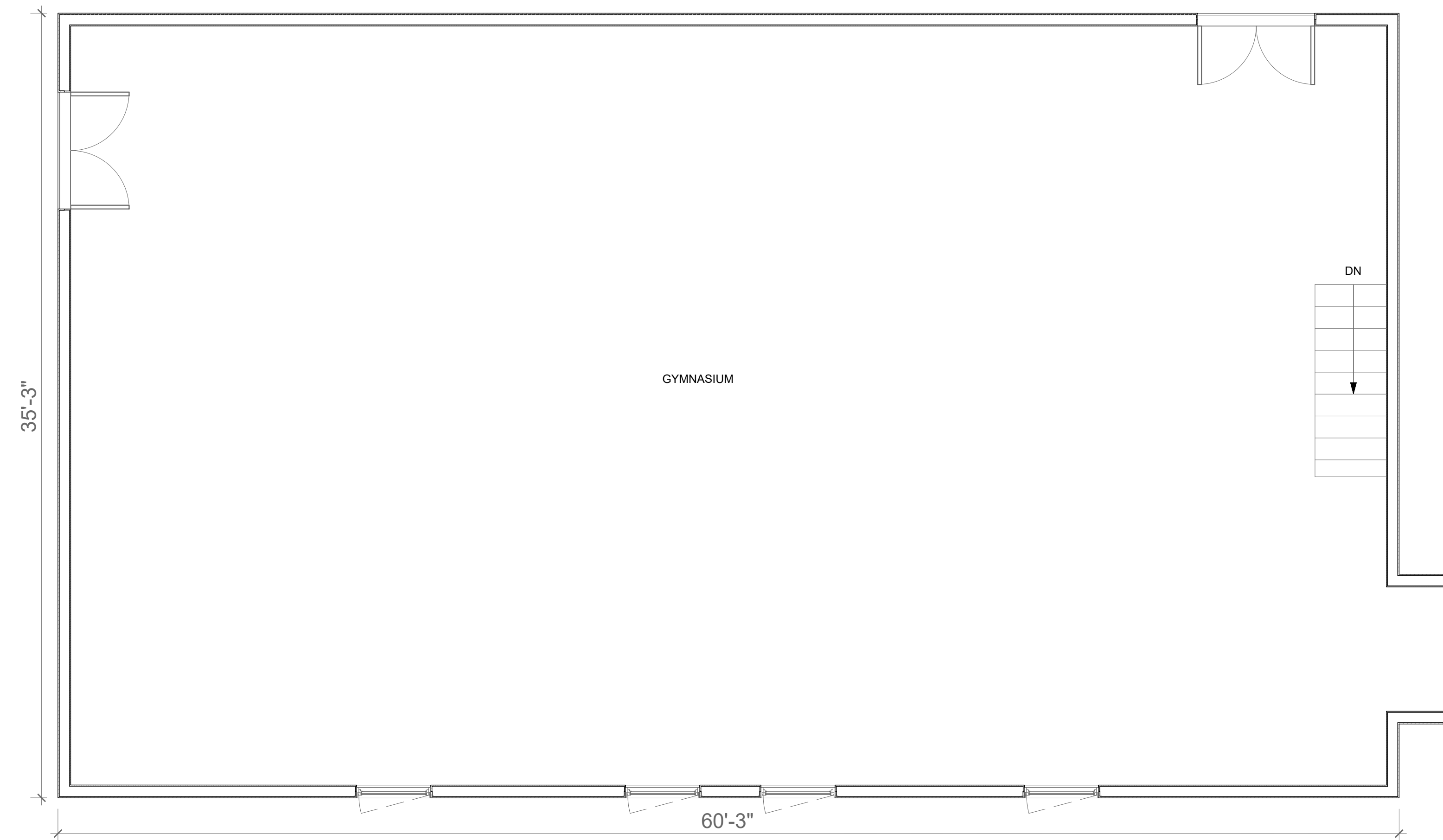


GARAGE PLANS  
PROPOSED

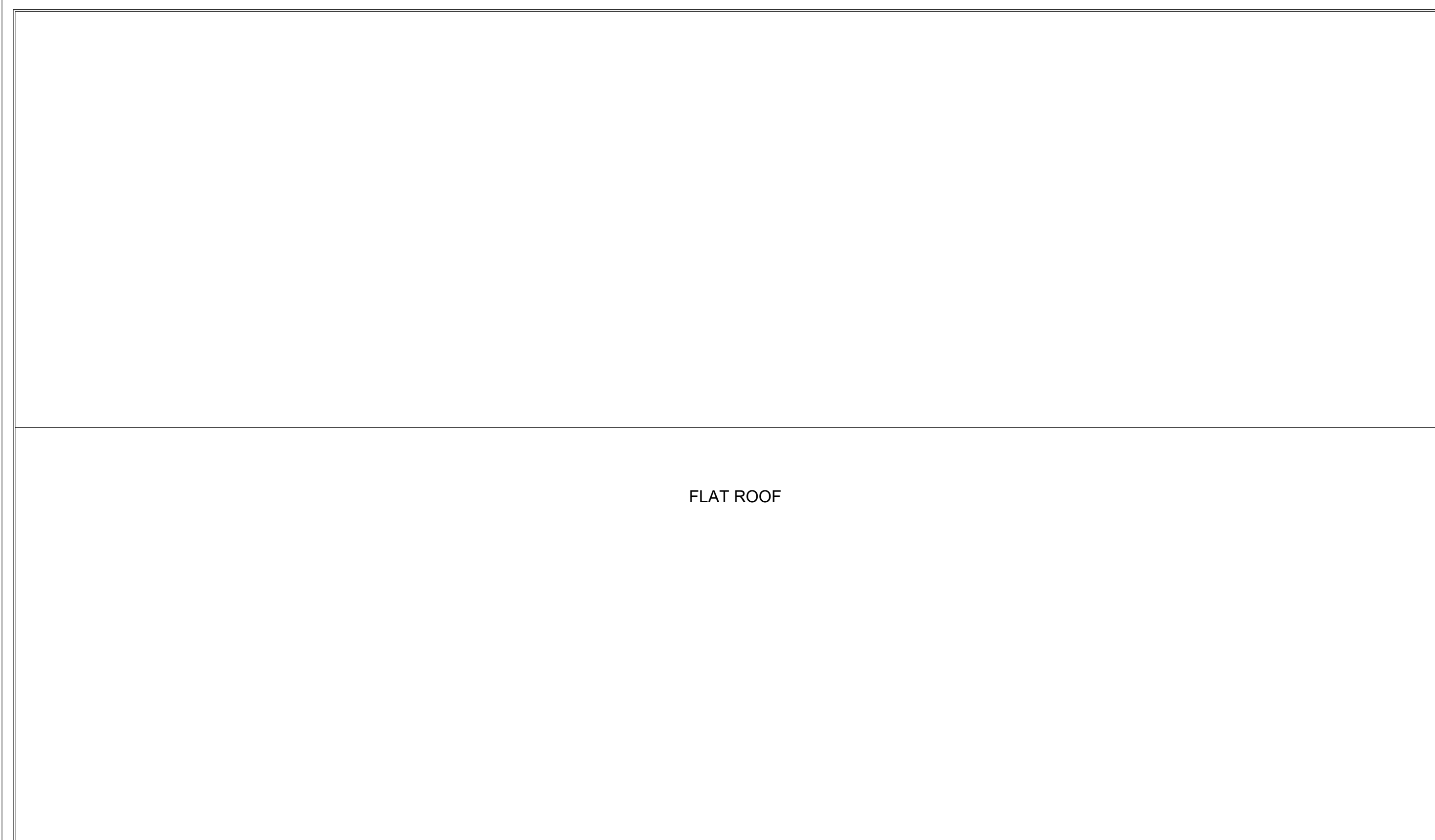
AS INDICATED

**A105A**

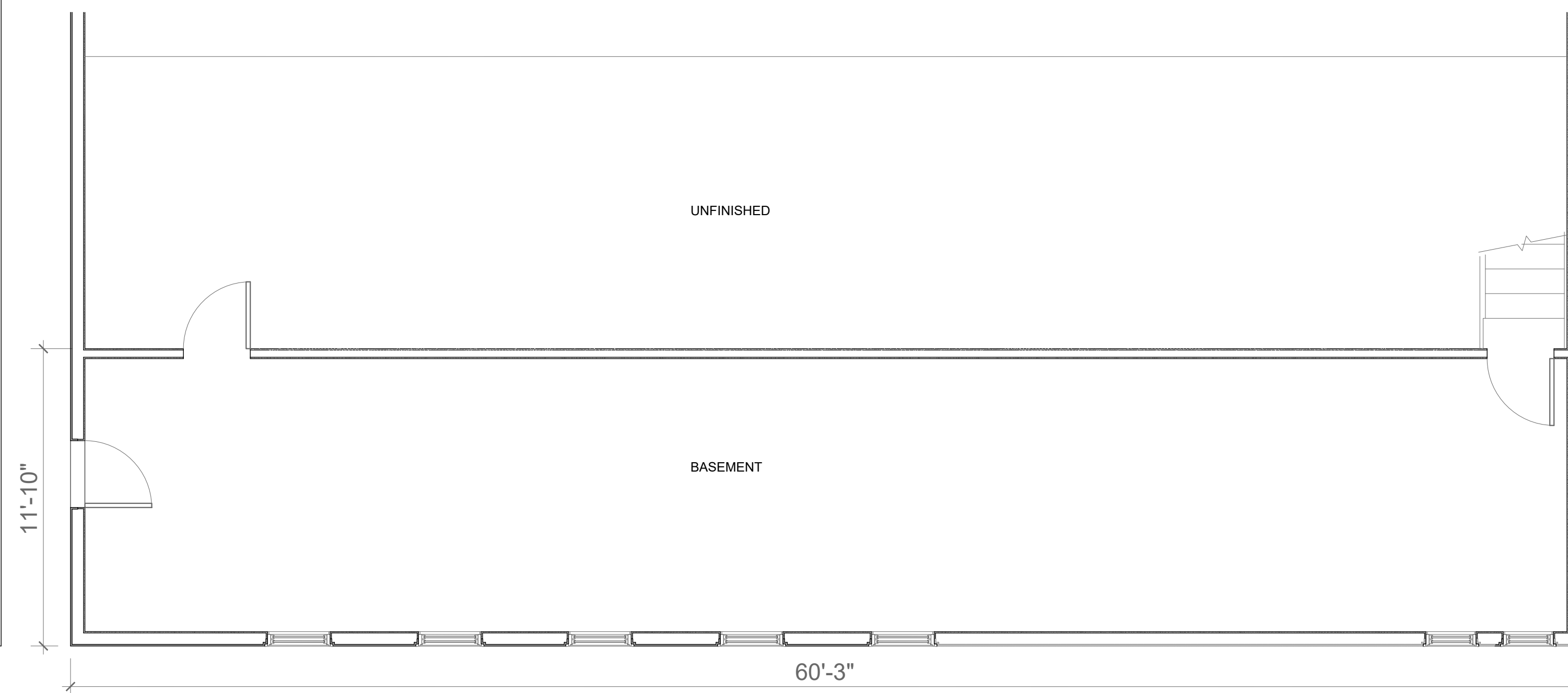




② GYMNASIUM PLAN - EXISTING  
1/4" = 1'-0"



③ GYMNASIUM ROOF PLAN - EXISTING  
1/4" = 1'-0"



② GYMNASIUM BASEMENT PLAN - EXISTING  
1/4" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

GYMNASIUM PLANS  
EXISTING

**SCALE**

AS INDICATED

**SHEET NUMBER**

**A106**

**WALL LEGEND**

|                 |                                                                                     |
|-----------------|-------------------------------------------------------------------------------------|
| DEMOLISHED WALL |  |
| EXISTING WALL   |  |

**PAYMUN™**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

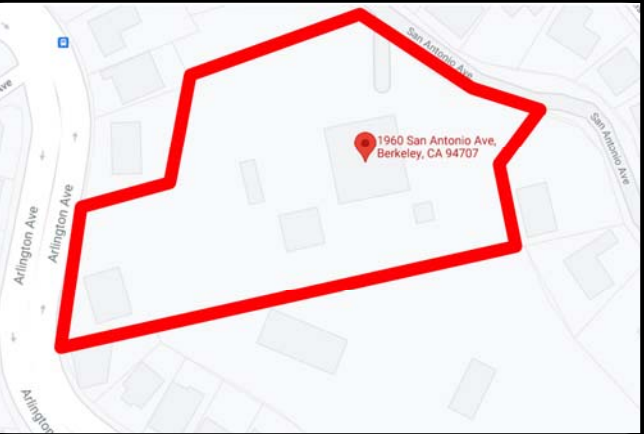
**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |

**LOCATION**

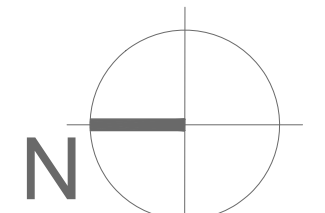


**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**



**SHEET TITLE**

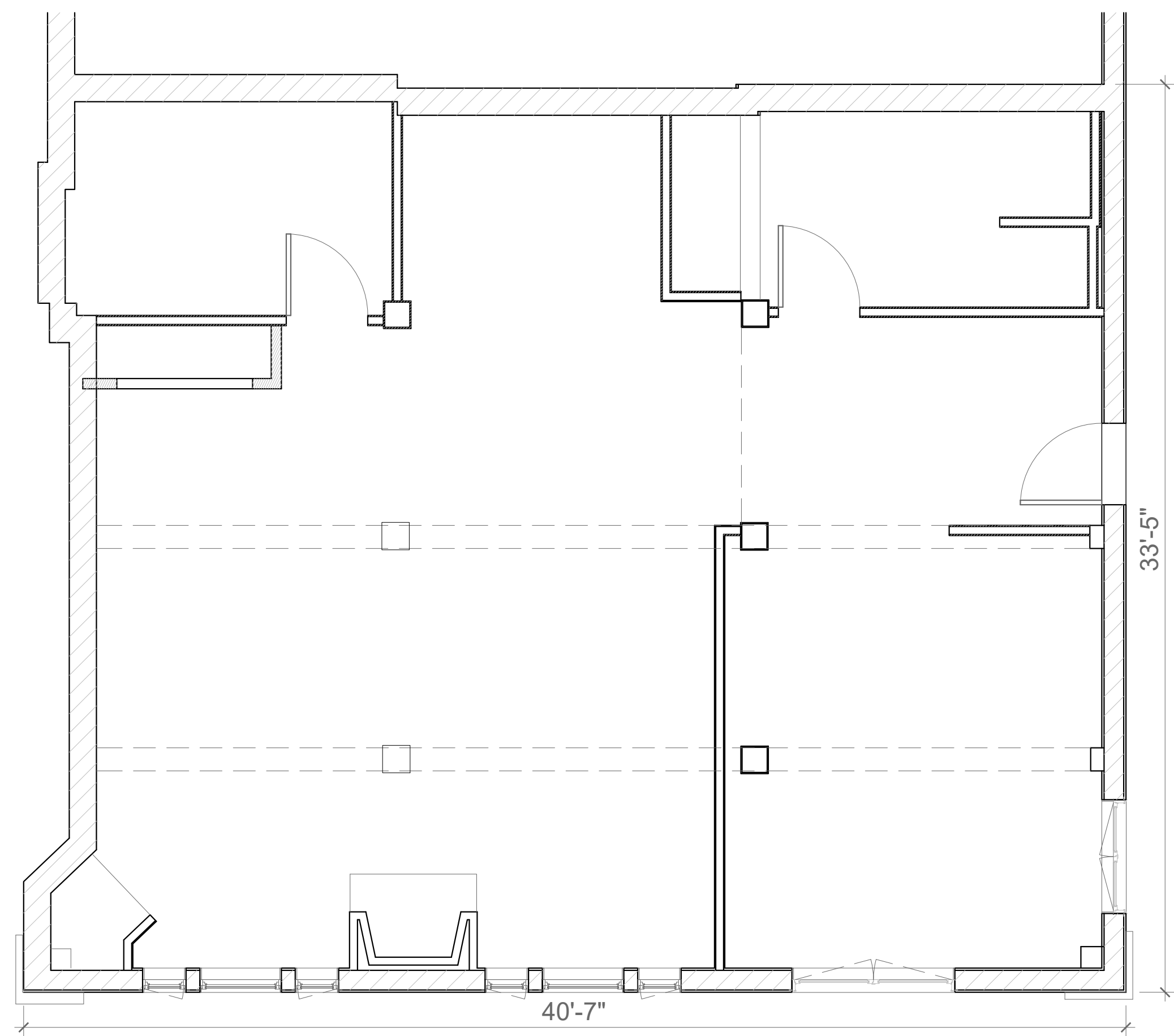
GAMEROM  
PLANS & ELEVATIONS  
EXISTING & PROPOSED

**SCALE**

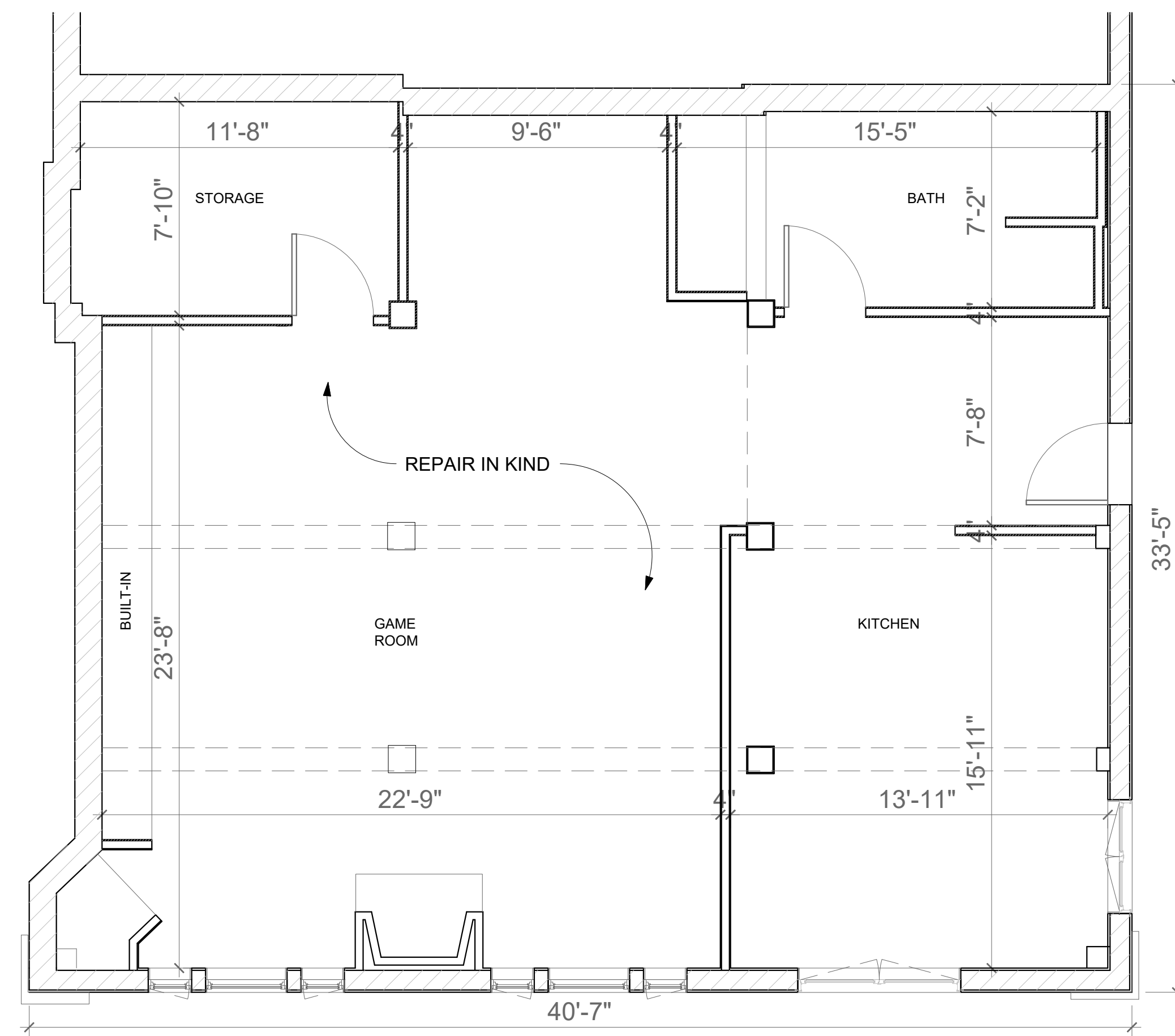
AS INDICATED

**SHEET NUMBER**

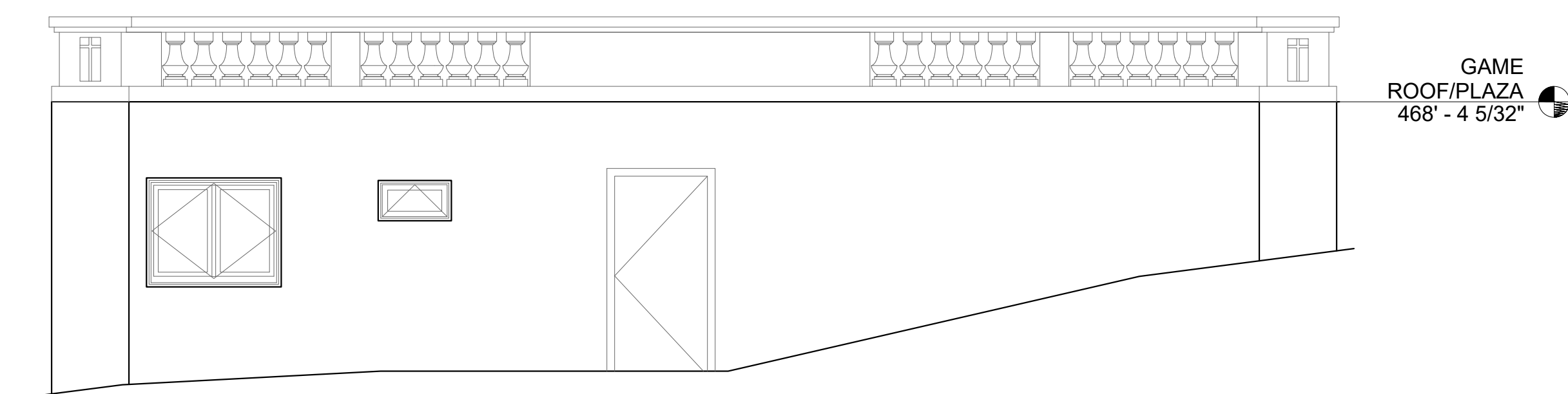
**A107**



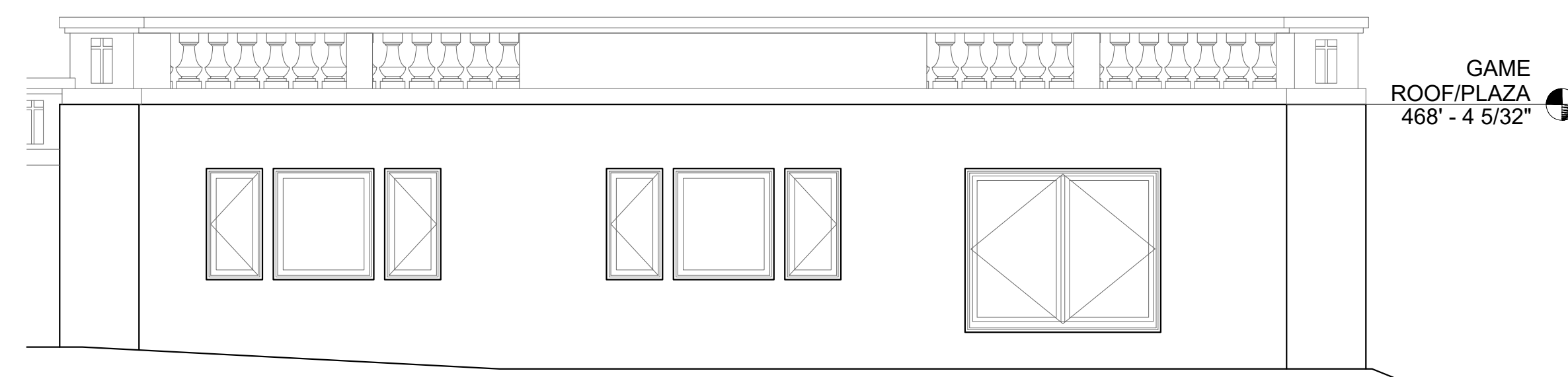
① GAME ROOM - EXISTING & DEMOLITION  
1/4" = 1'-0"



② GAME ROOM - PROPOSED  
1/4" = 1'-0"

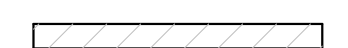



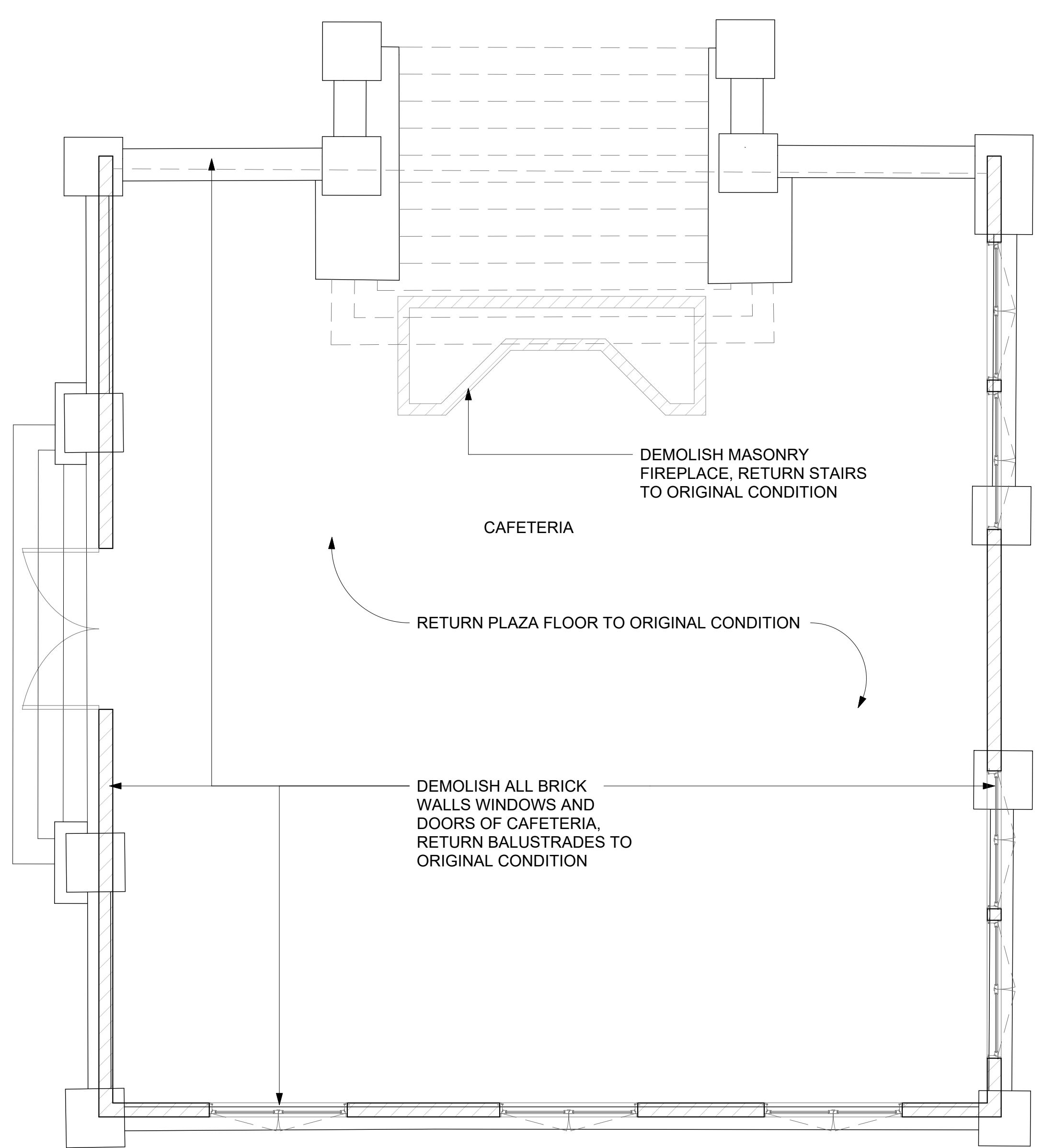
③ GAME ROOM - SOUTH ELEVATION  
1/4" = 1'-0"



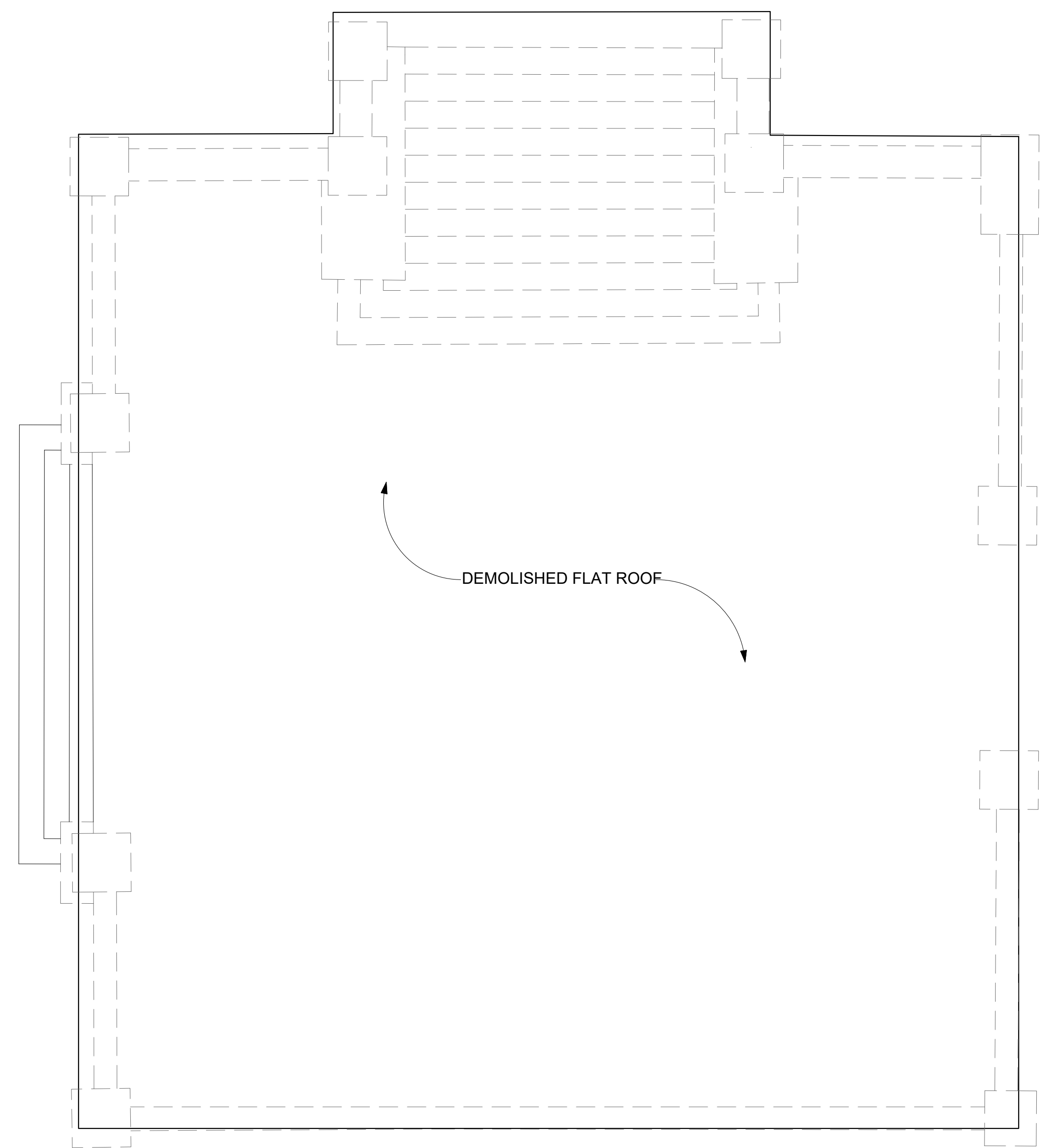
④ GAME ROOM - WEST ELEVATION  
1/4" = 1'-0"

WALL LEGEND

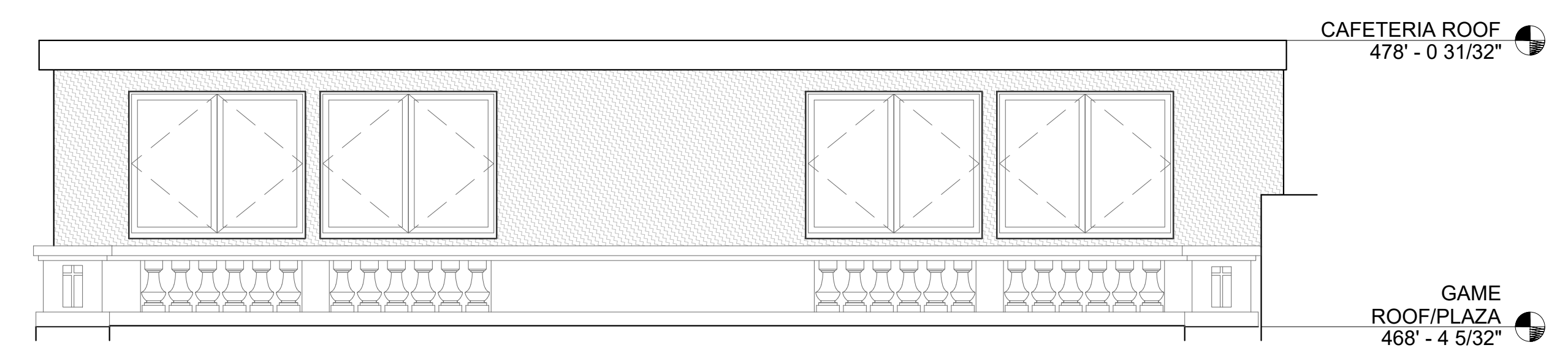
DEMOLISHED WALL   
 EXISTING WALL 



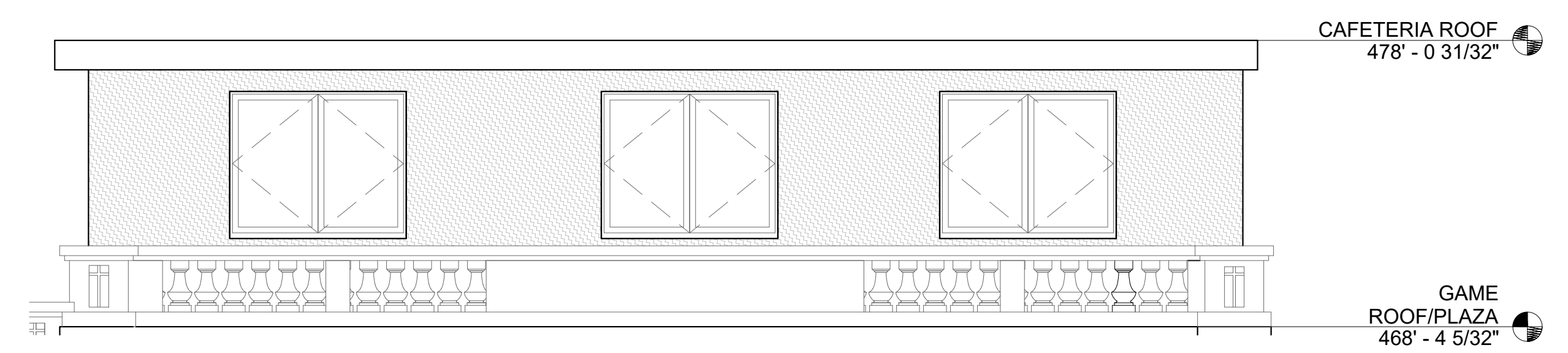
1 CAFETERIA - DEMOLITION  
 1/4" = 1'-0"



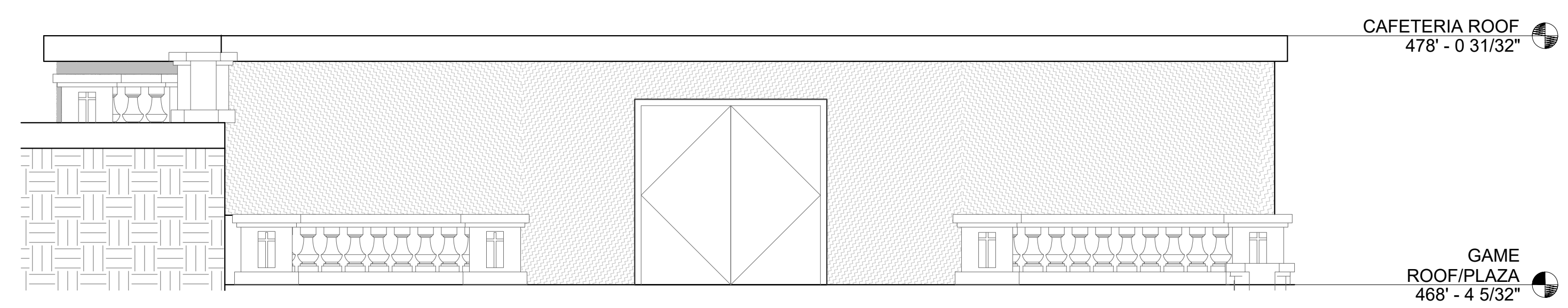
2 CAFETERIA ROOF - DEMOLITION  
 1/4" = 1'-0"



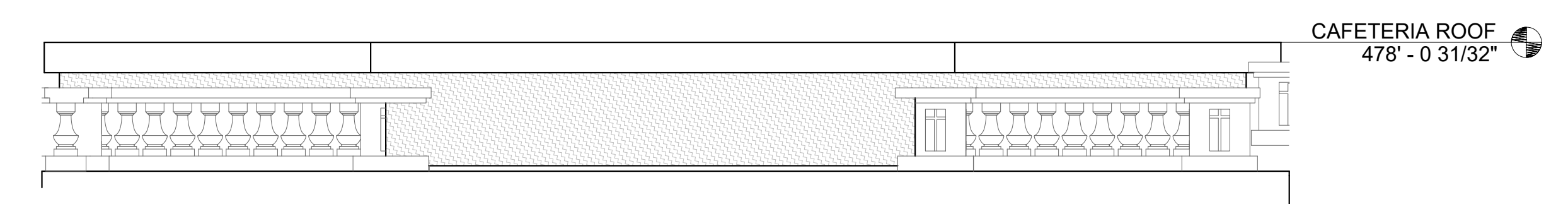
3 CAFETERIA - SOUTH ELEVATION  
 1/4" = 1'-0"



4 CAFETERIA - WEST ELEVATION  
 1/4" = 1'-0"



5 CAFETERIA - NORTH ELEVATION  
 1/4" = 1'-0"



6 CAFETERIA - EAST ELEVATION  
 1/4" = 1'-0"

PAYMUN™

25 Orinda way, Suite#200  
 Orinda, CA 94563  
 Tel: (925) 587-2140  
 Ben@paymun.com

LEAD DESIGN CONSULTANT

PAYMUN BUILDING &  
 DEVELOPMENT, Inc.

DESIGNER & DRAFTER:  
 SADAF DAYLAMI

PROJECT

SPRING MANSION

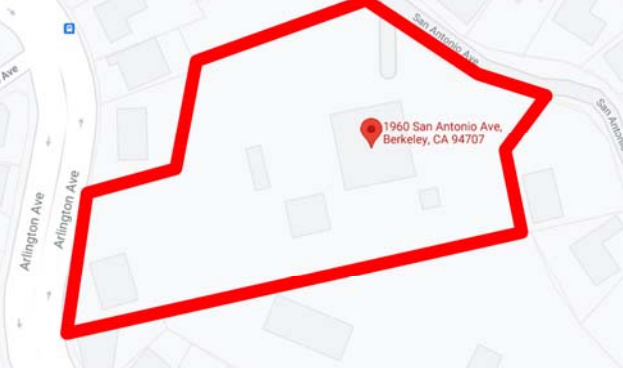
OWNER(S)

ABBAS MASH

NOTES

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

LOCATION

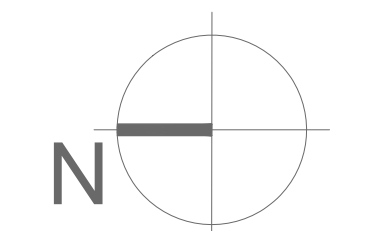


ADDRESS

1960 SAN ANTONIO AVENUE  
 BERKELEY, CA 94707

AREA

ORIENTATION



SHEET TITLE

CAFETERIA - DEMOLITION

SCALE

AS INDICATED

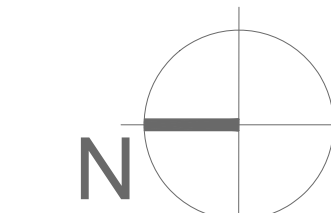
SHEET NUMBER

A108

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |



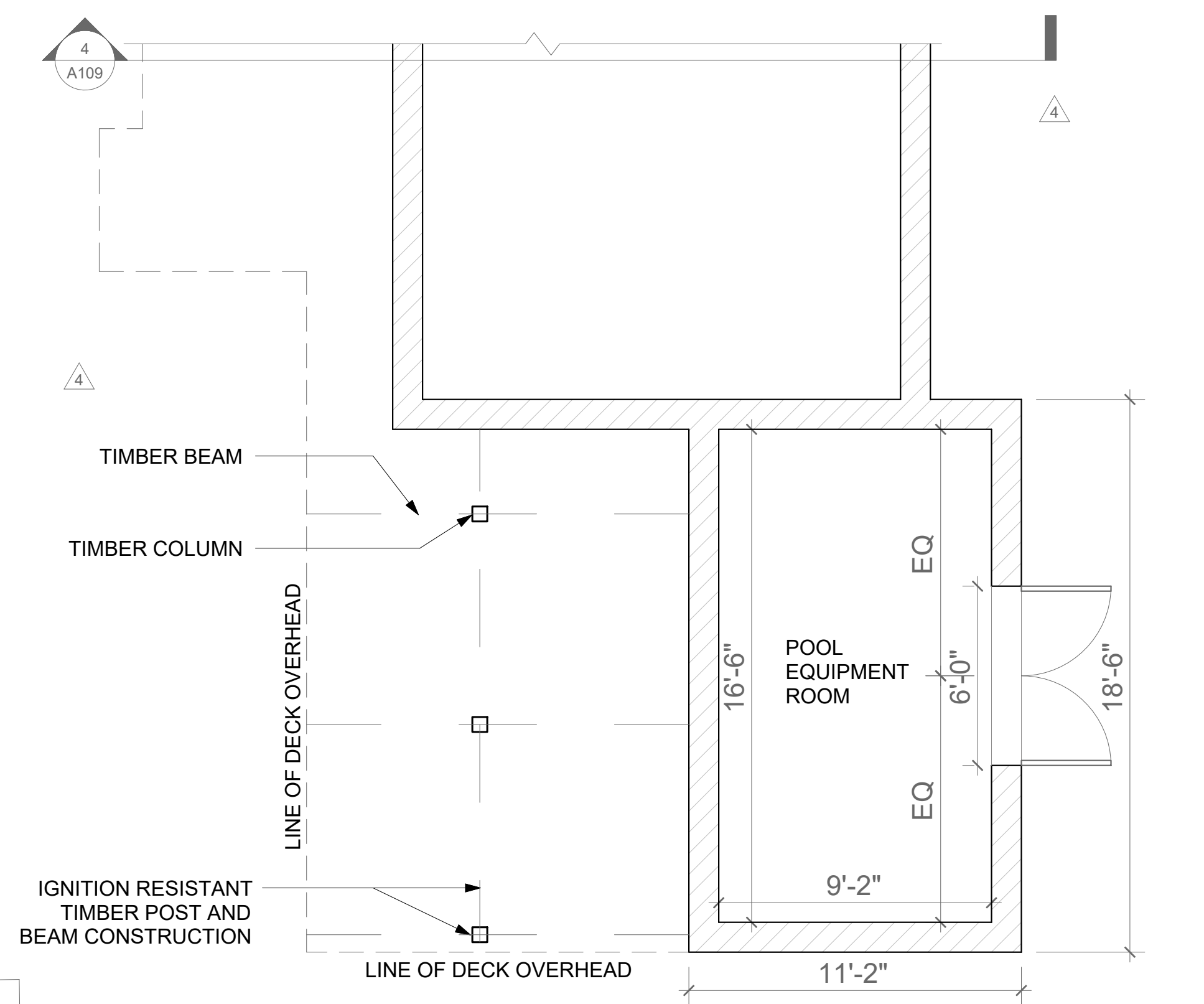
1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707



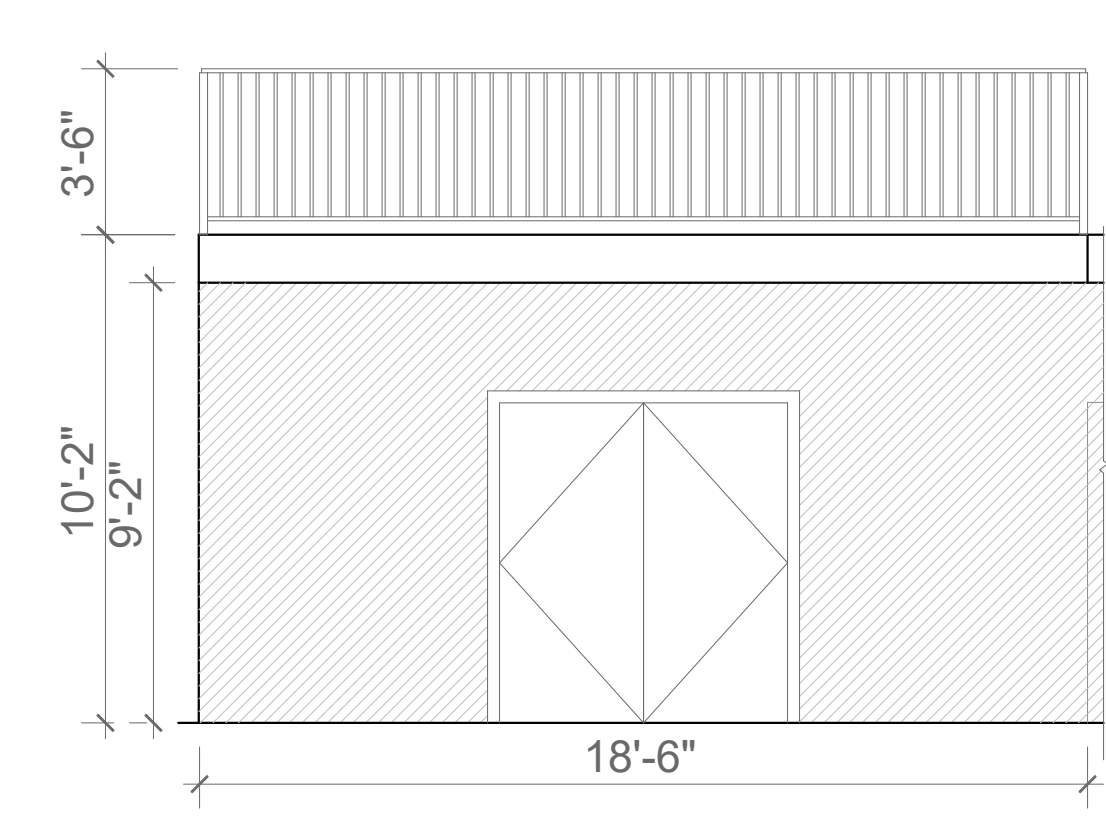
**POOL EQUIPMENT ROOM  
PLAN, ELEVATION & SECTION**

AS INDICATED

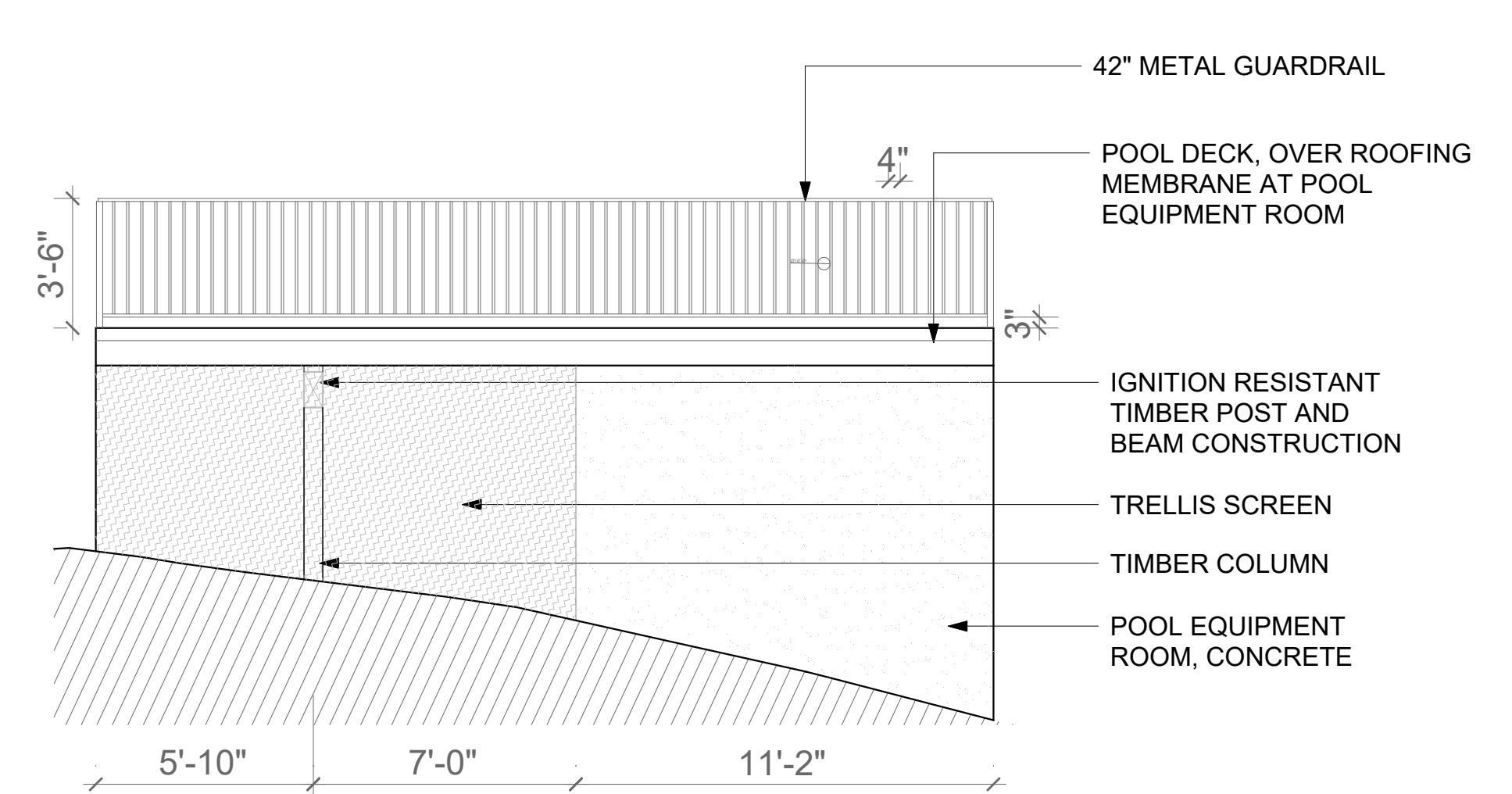
**A109**



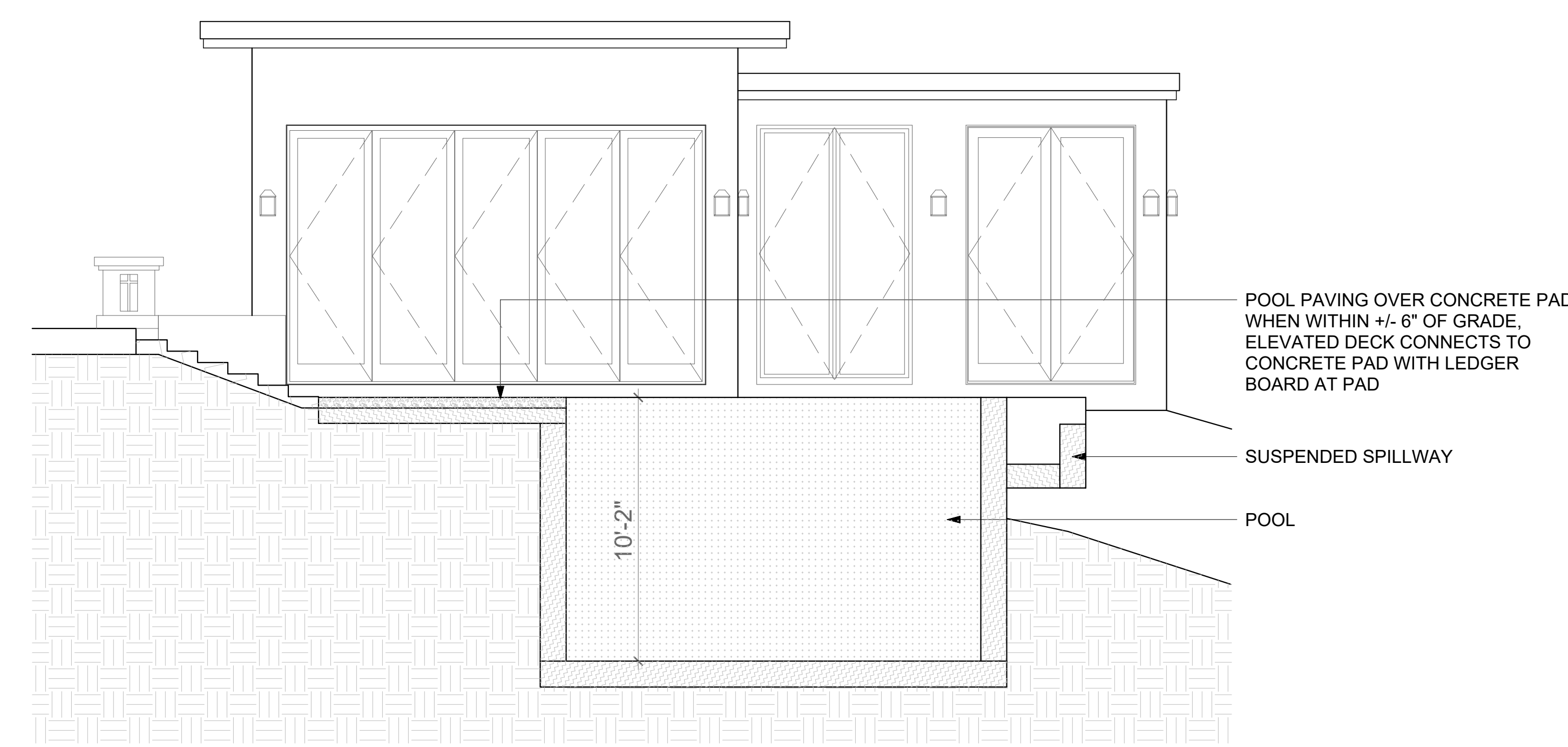
1 POOL EQUIPMENT ROOM  
1/4" = 1'-0"



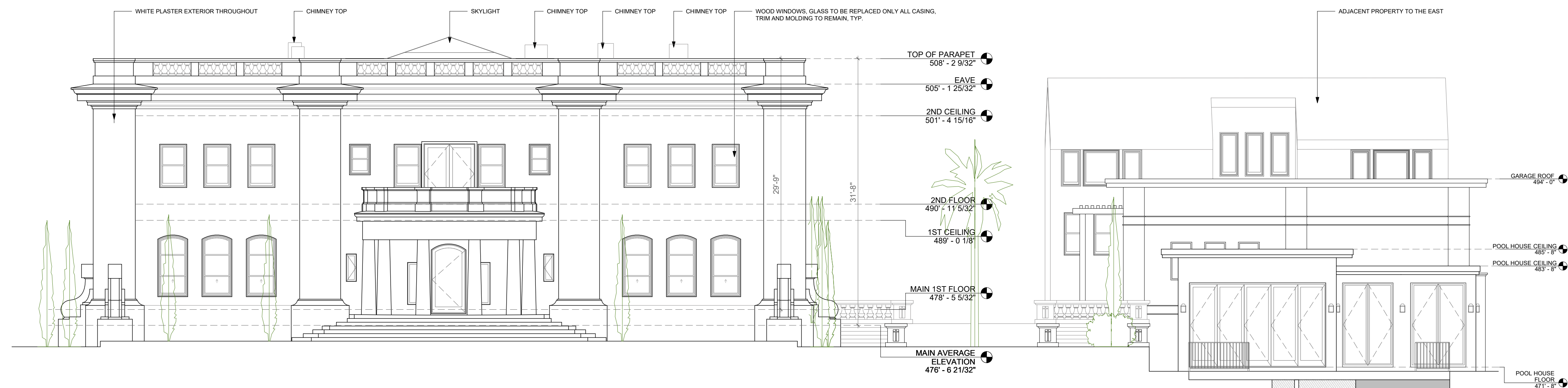
2 POOL EQUIPMENT - SOUTH ELEVATION  
1/4" = 1'-0"



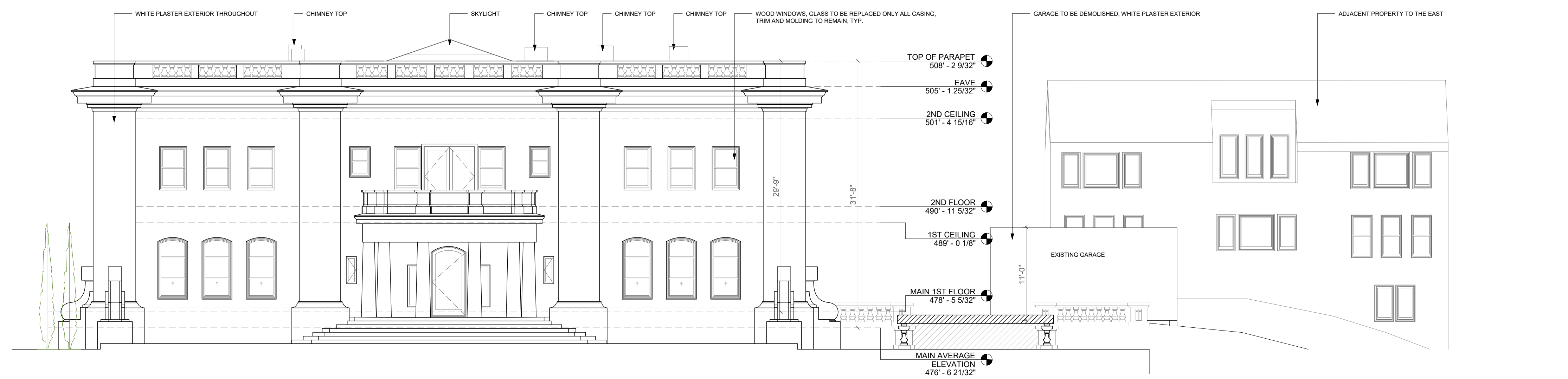
3 POOL EQUIPMENT - WEST ELEVATION  
1/4" = 1'-0"



4 SECTION AT TERRACE STAIRS TO POOL DECK  
1/4" = 1'-0"



1 WEST ELEVATION - PROPOSED  
1/8" = 1'-0"



2 WEST ELEVATION - EXISTING  
1/8" = 1'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

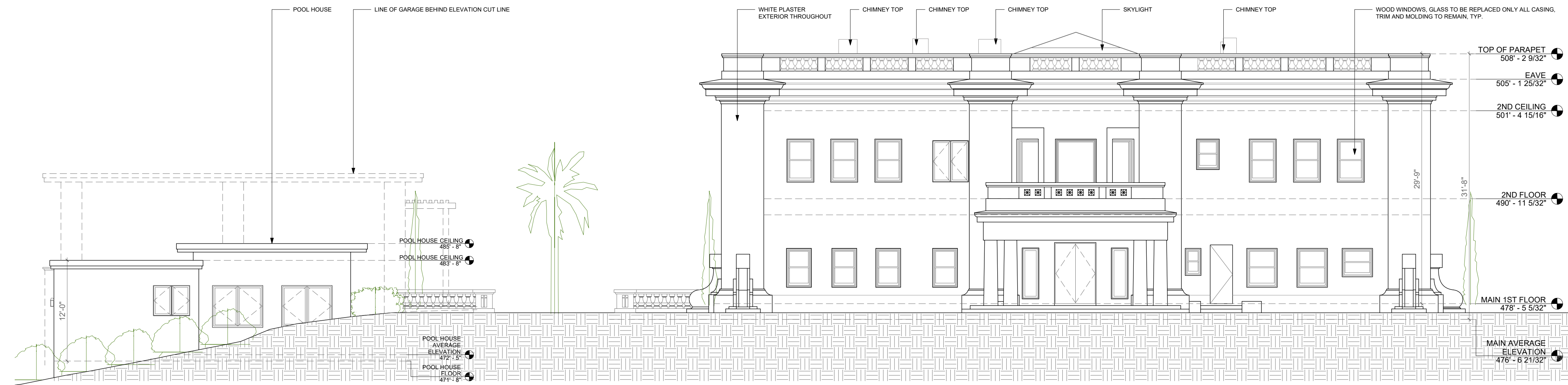


1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

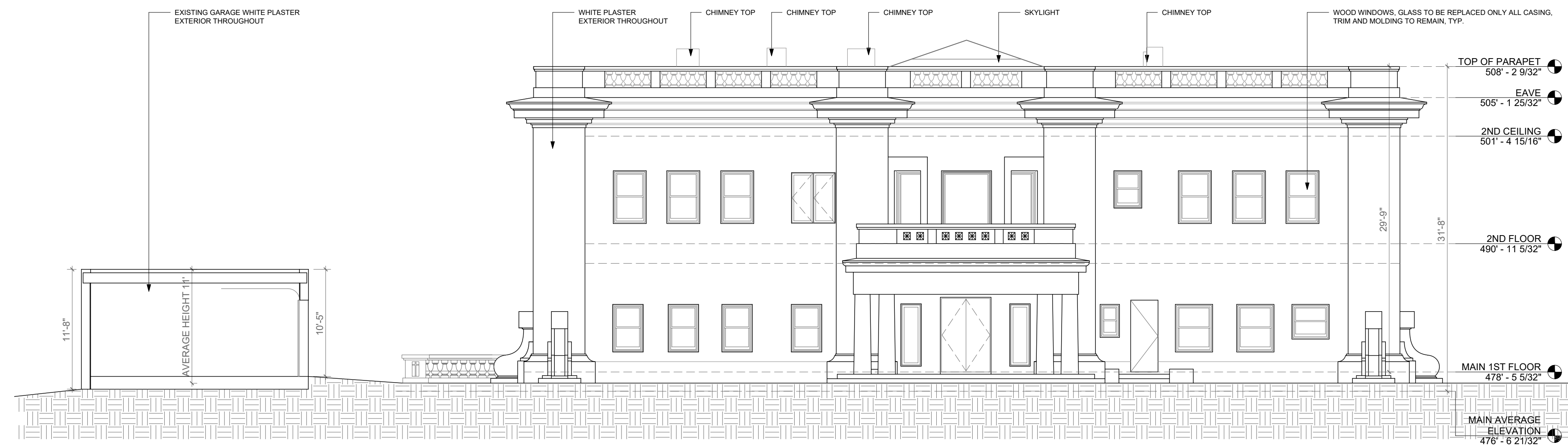
MAIN ELEVATIONS WEST  
EXISTING & PROPOSED

AS INDICATED

**A201**



① EAST ELEVATION - PROPOSED  
1/8" = 1'-0"



② EAST ELEVATION - EXISTING  
1/8" = 1'-0"

PAYMUN™

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

LEAD DESIGN CONSULTANT

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

PROJECT

SPRING MANSION

OWNER(S)

ABBAS MASH

NOTES

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

LOCATION



ADDRESS

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

AREA

ORIENTATION

SHEET TITLE

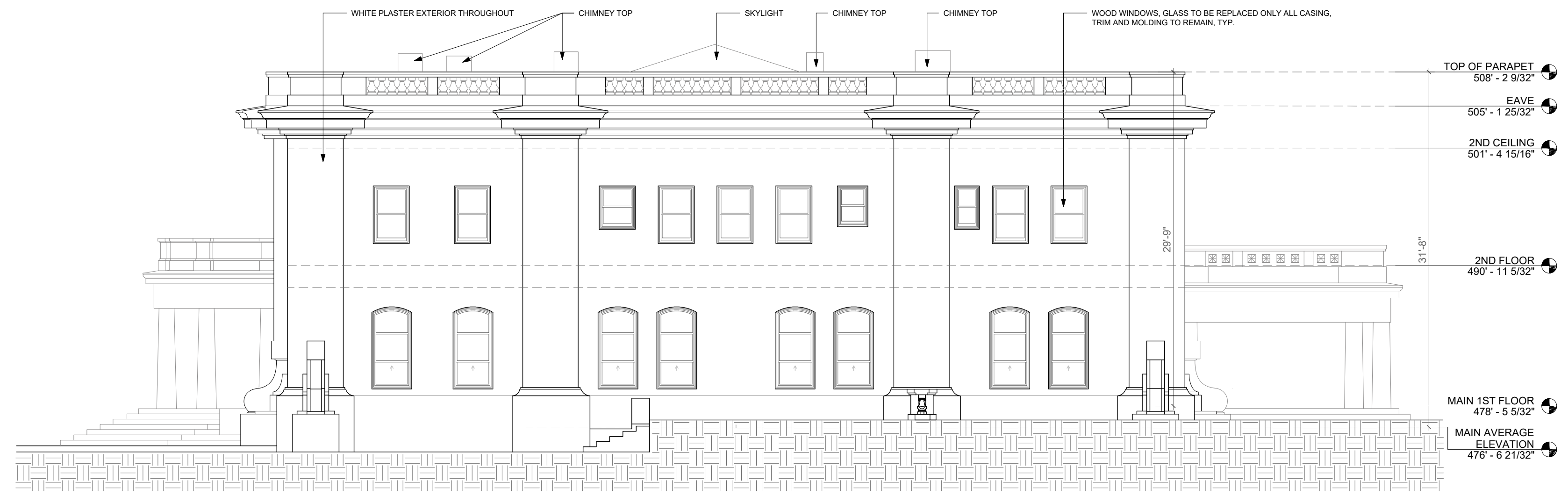
MAIN ELEVATIONS EAST  
EXISTING & PROPOSED

SCALE

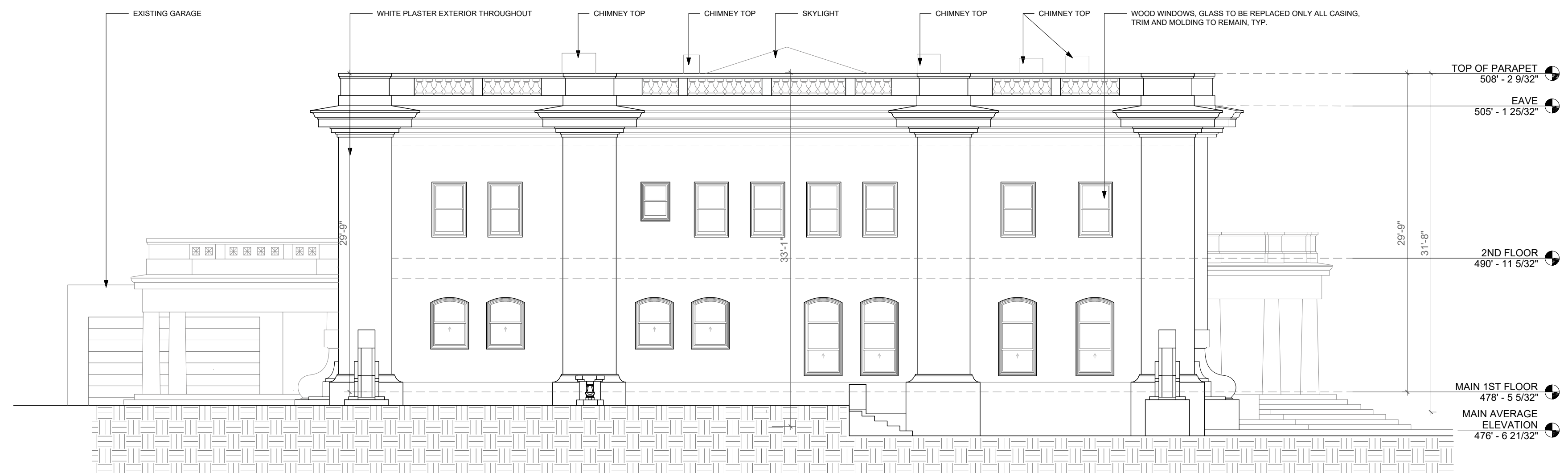
AS INDICATED

SHEET NUMBER

A202



① NORTH ELEVATION - EXISTING  
1/8" = 1'-0"



② SOUTH ELEVATION - EXISTING  
1/8" = 1'-0"

**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

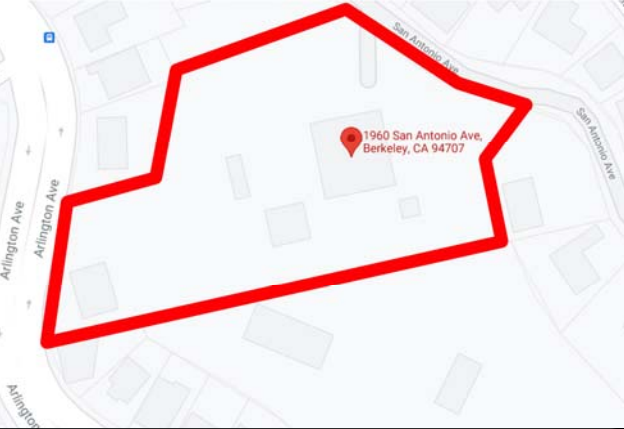
**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

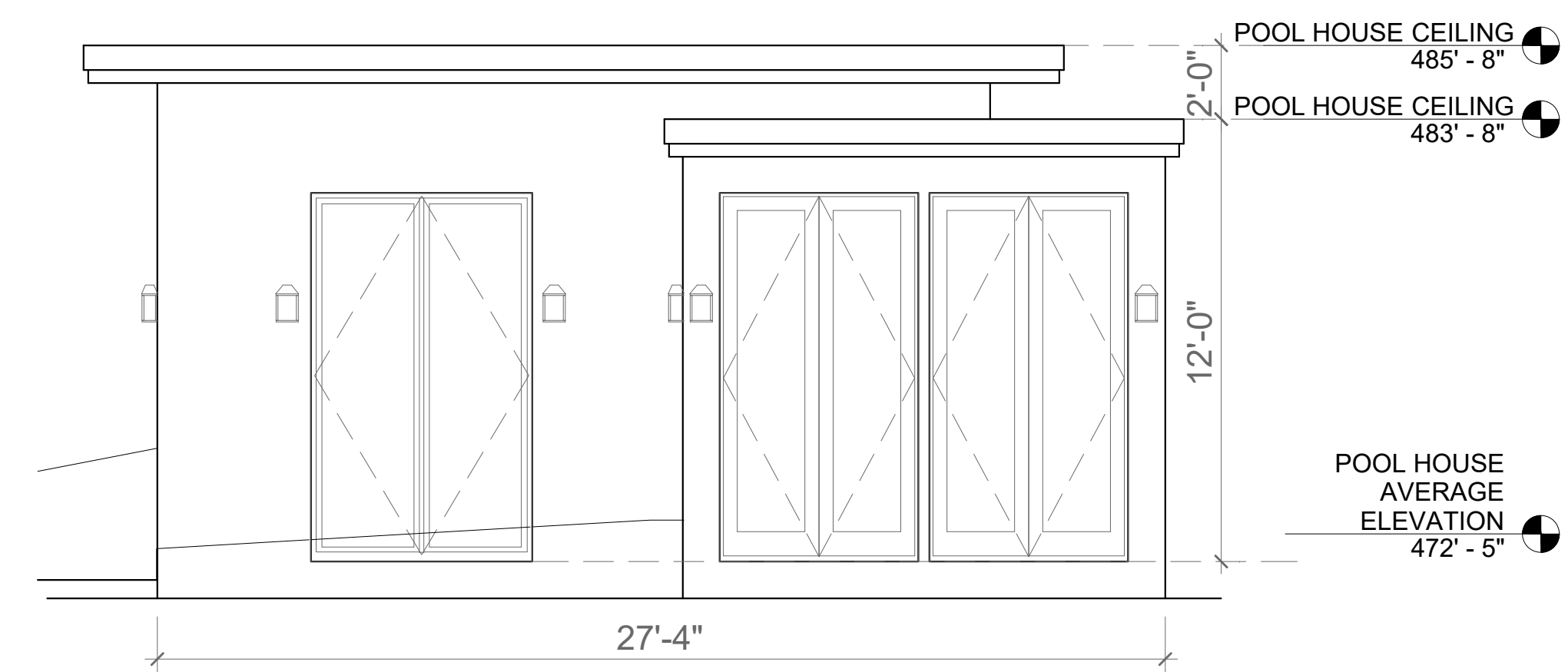
MAIN ELEVATIONS  
NORTH & SOUTH - EXISTING

**SCALE**

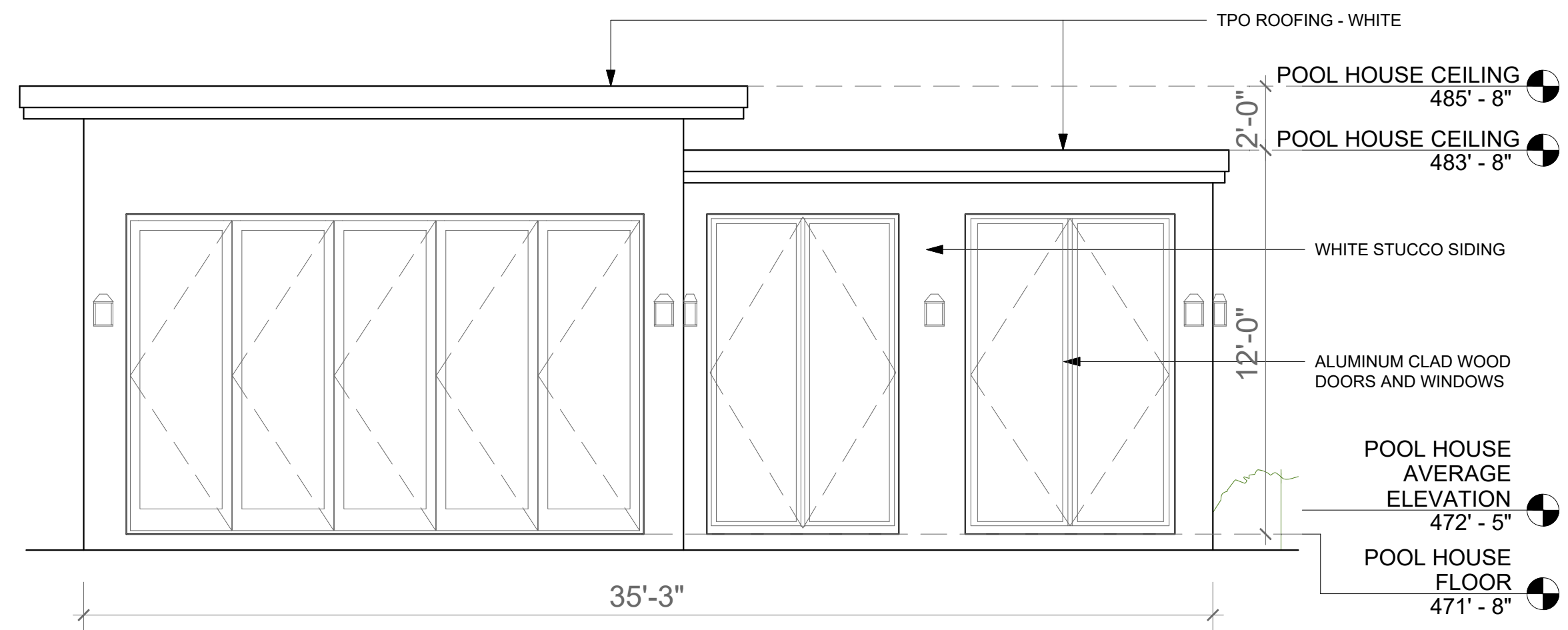
AS INDICATED

**SHEET NUMBER**

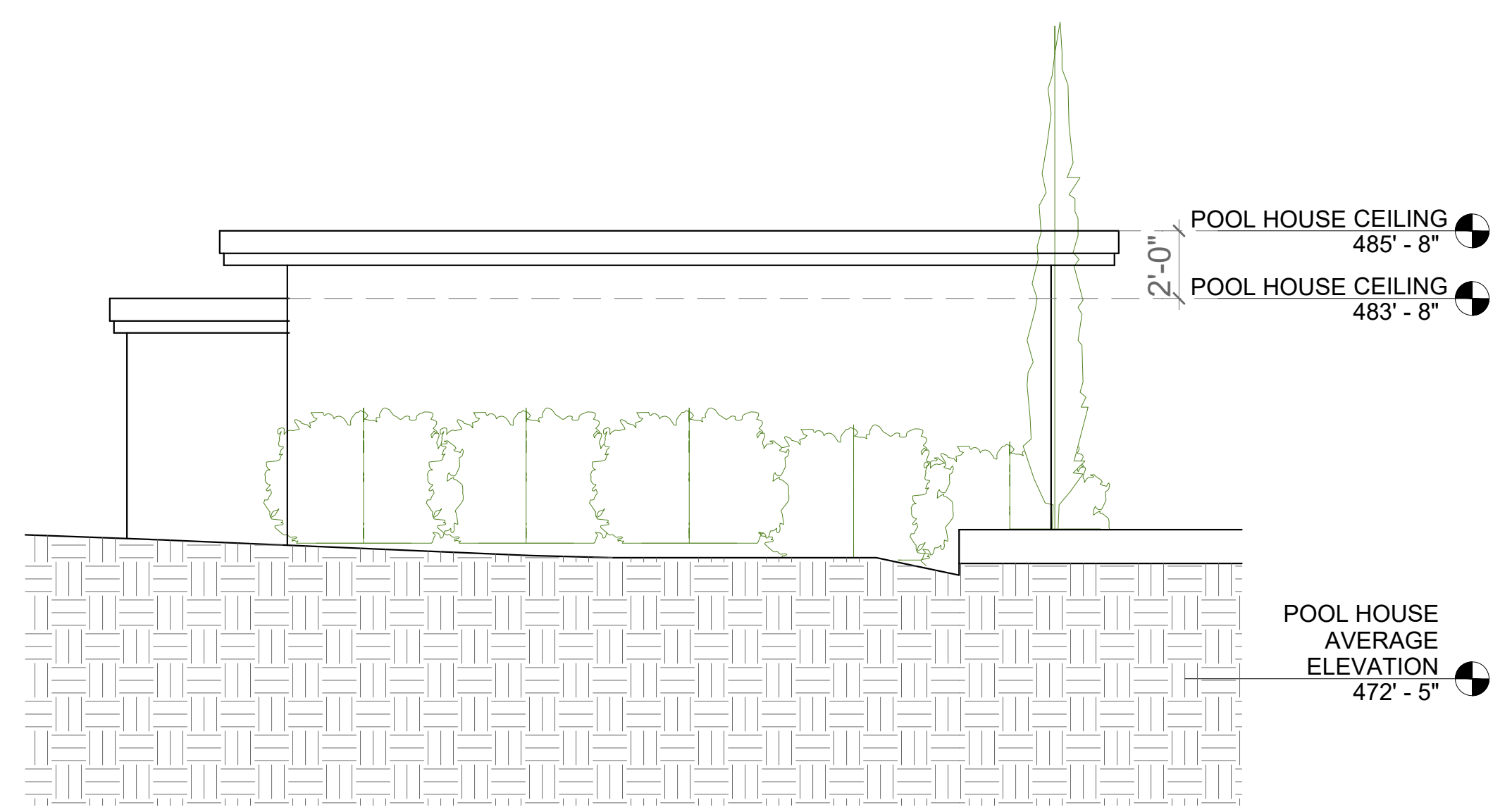
**A203**



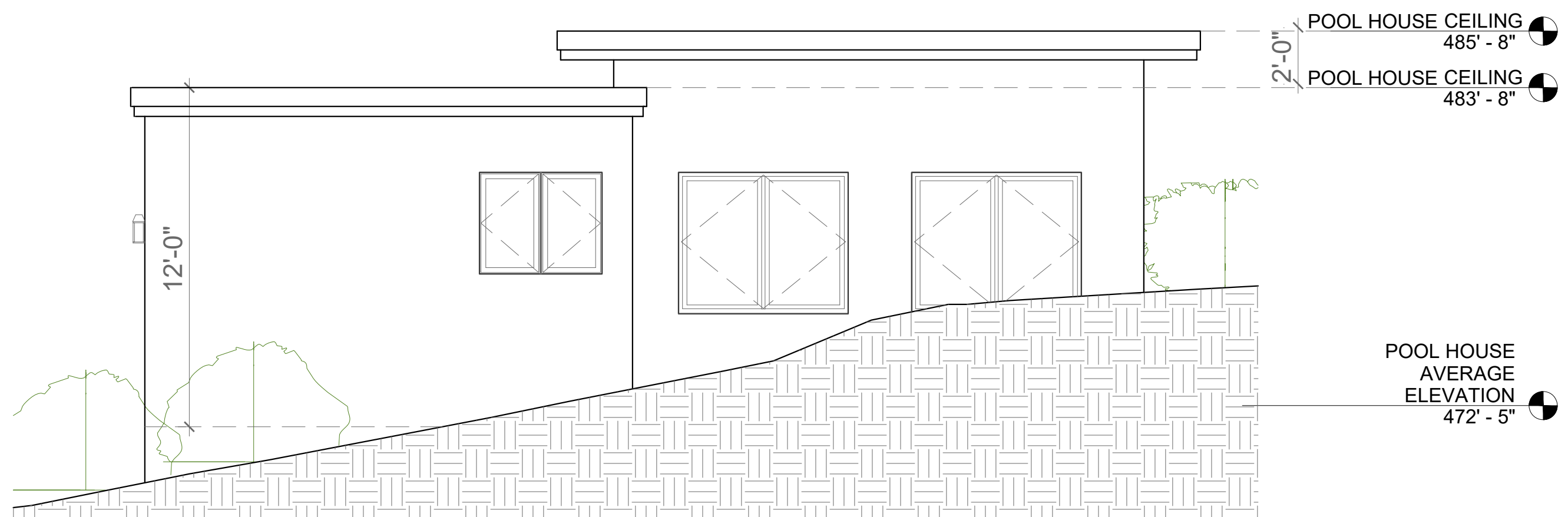
1 POOL HOUSE - SOUTH ELEVATION  
1/4" = 1'-0"



2 POOL HOUSE - WEST ELEVATION  
1/4" = 1'-0"



3 POOL HOUSE - NORTH ELEVATION  
1/4" = 1'-0"



4 POOL HOUSE - EAST ELEVATION  
1/4" = 1'-0"

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

POOL HOUSE  
ELEVATION

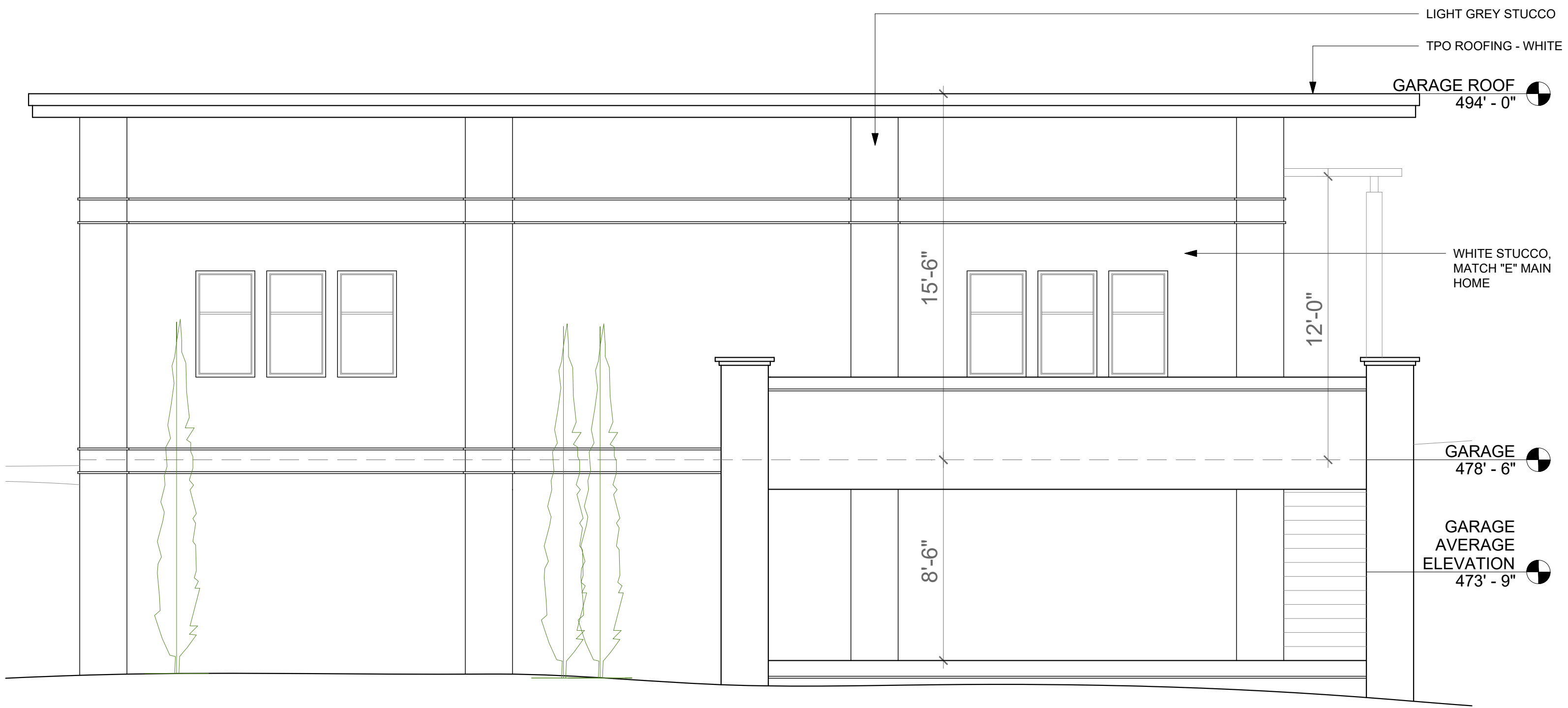
**SCALE**

AS INDICATED

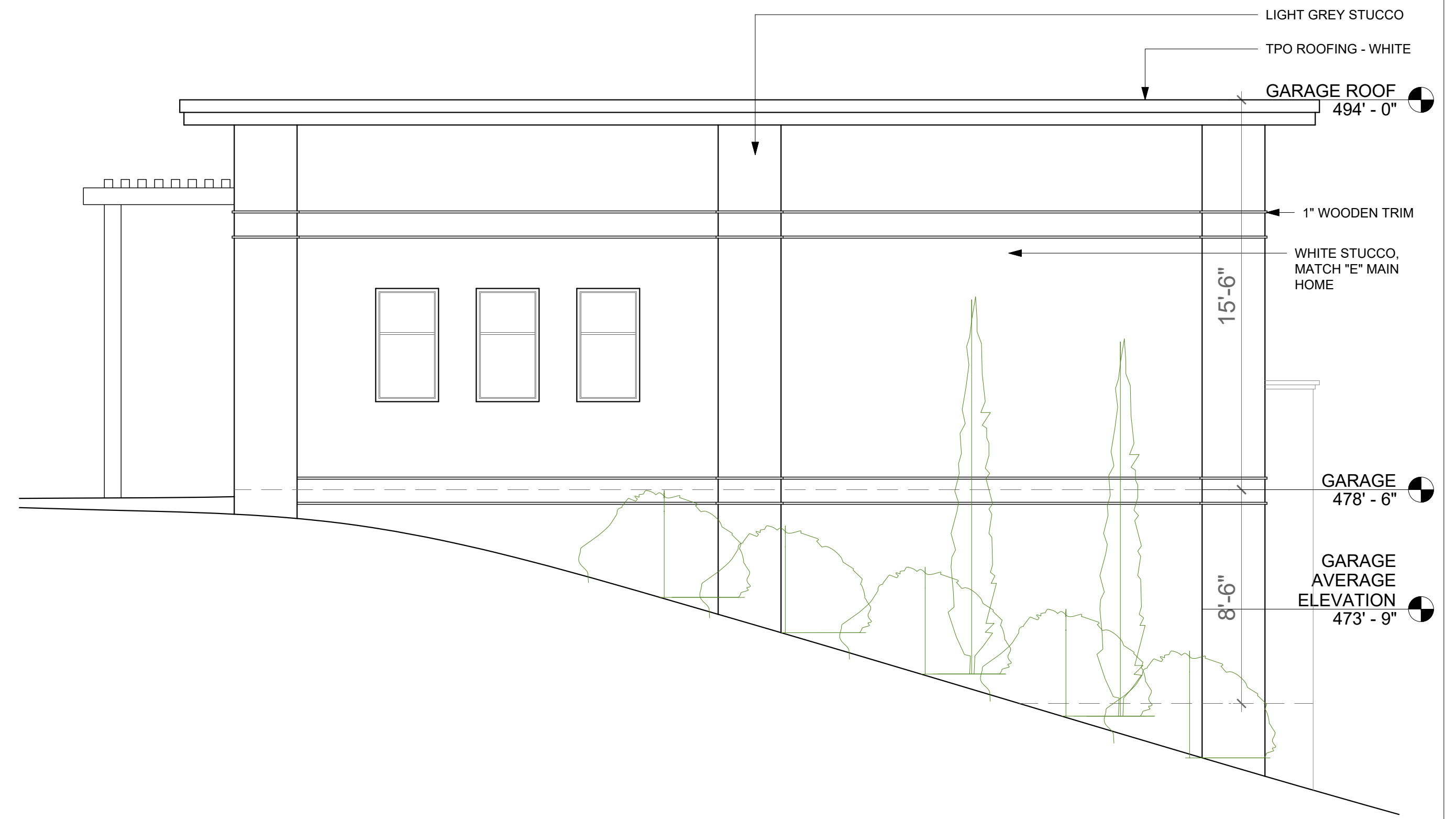
**SHEET NUMBER**

**A204**

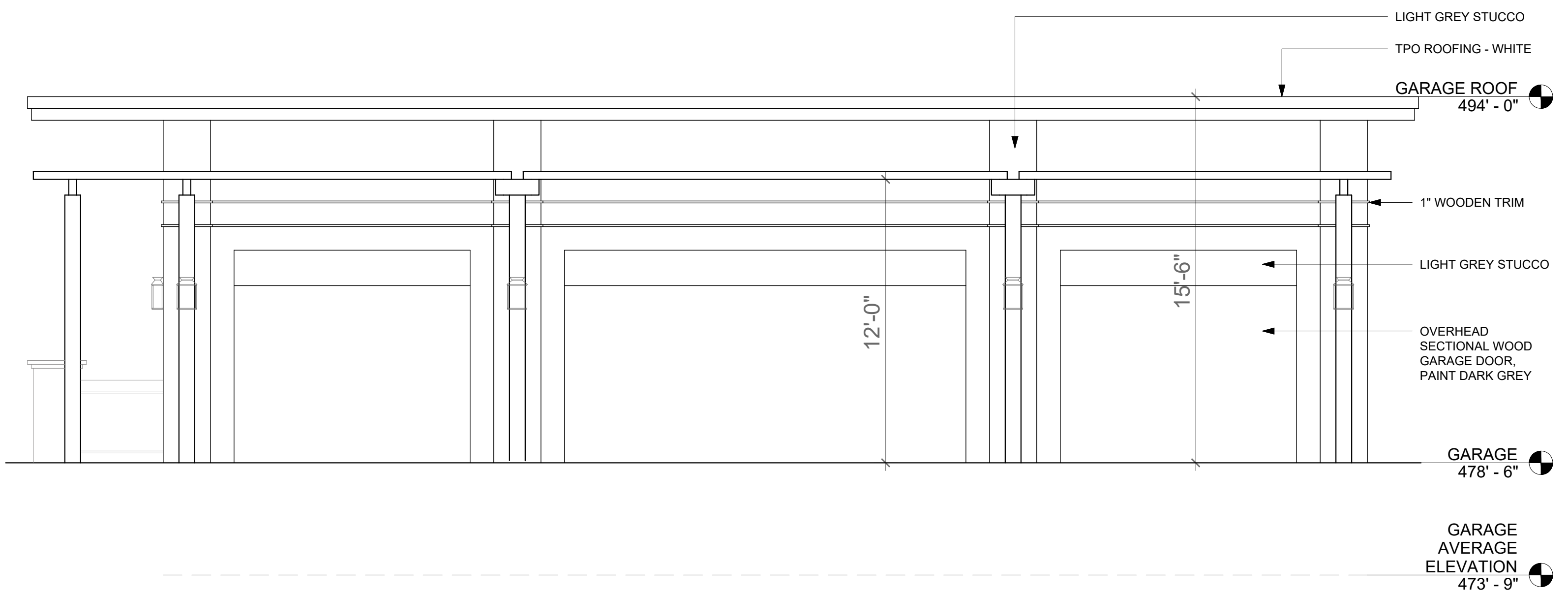




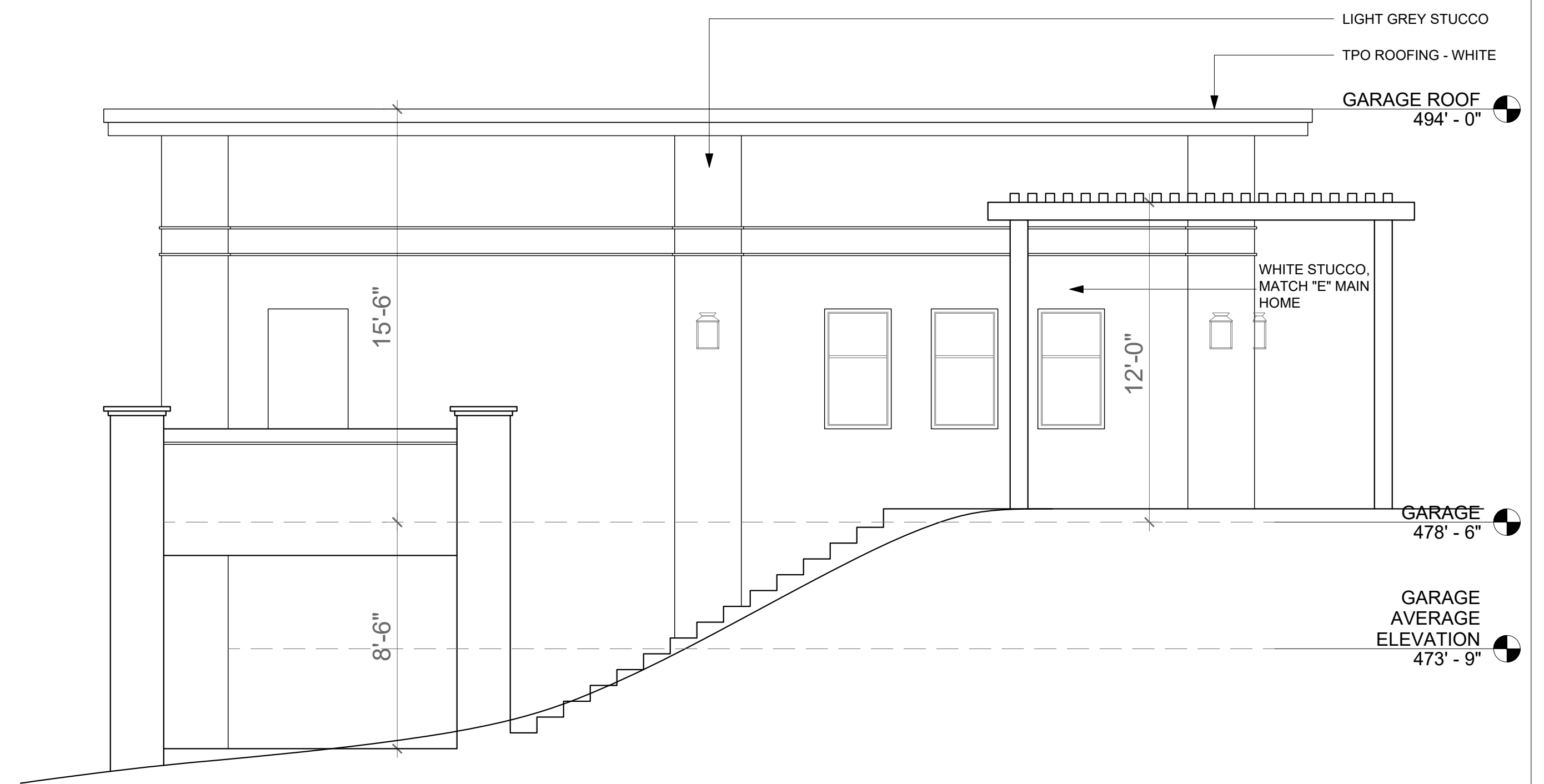
① GARAGE - SOUTH ELEVATION  
1/4" = 1'-0"



② GARAGE - WEST ELEVATION  
1/4" = 1'-0"



③ GARAGE - NORTH ELEVATION  
1/4" = 1'-0"



④ GARAGE - EAST ELEVATION  
1/4" = 1'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

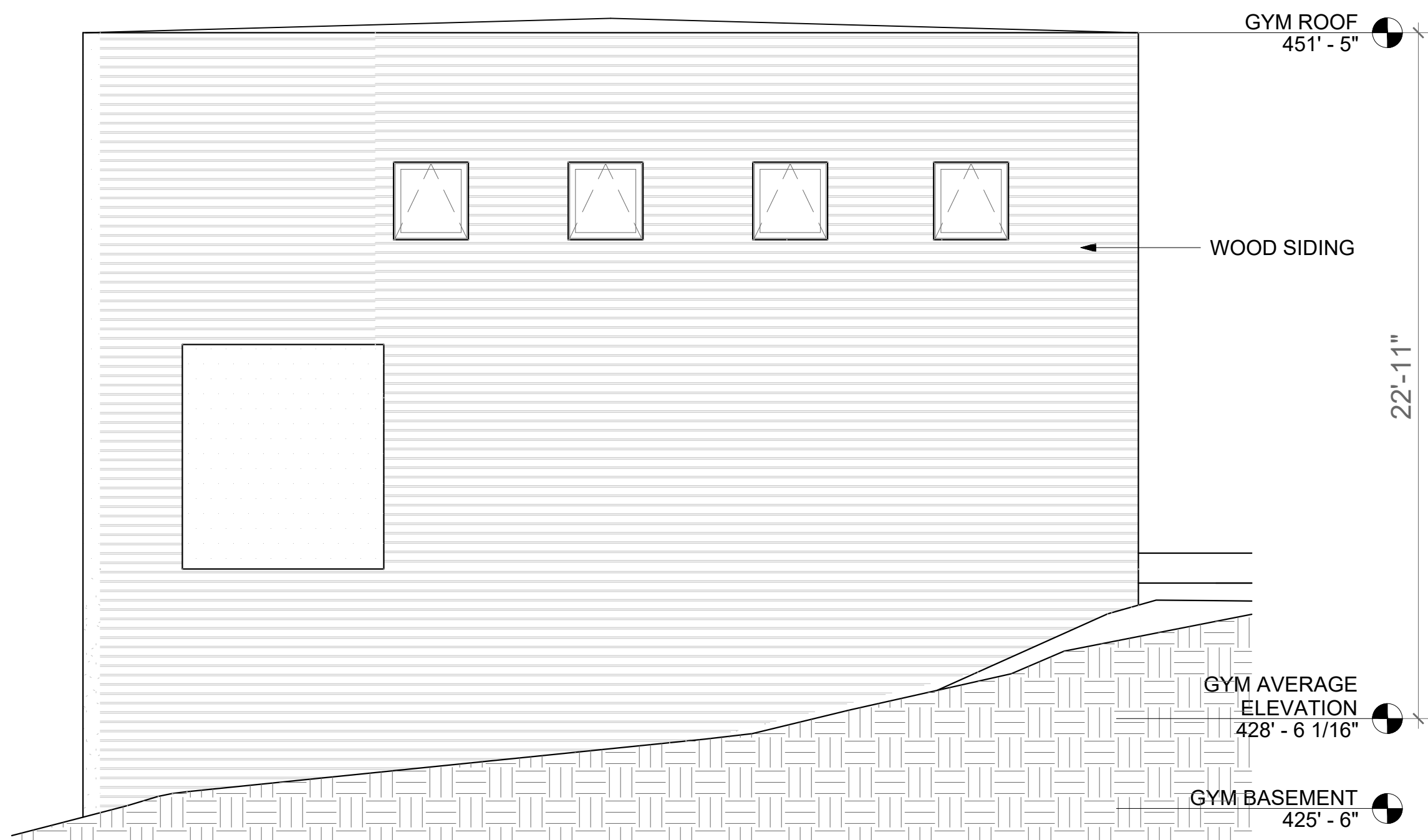


1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

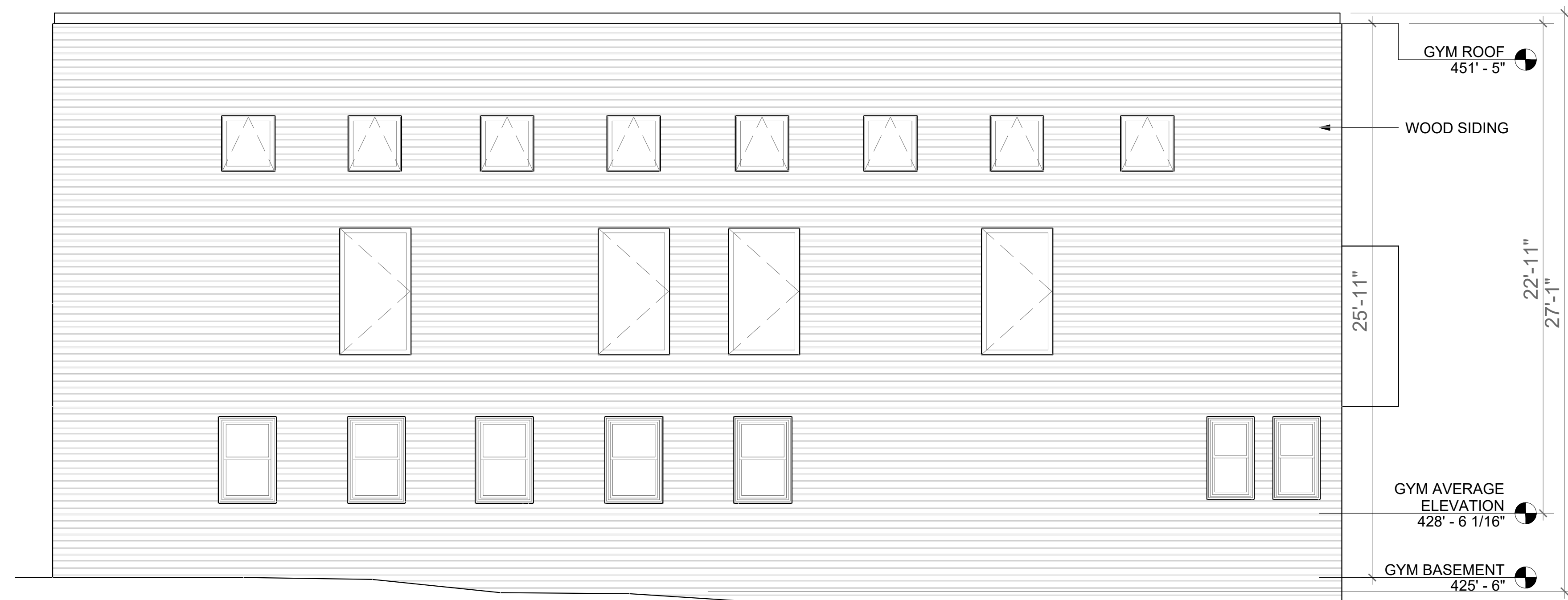
GARAGE ELEVATION

AS INDICATED

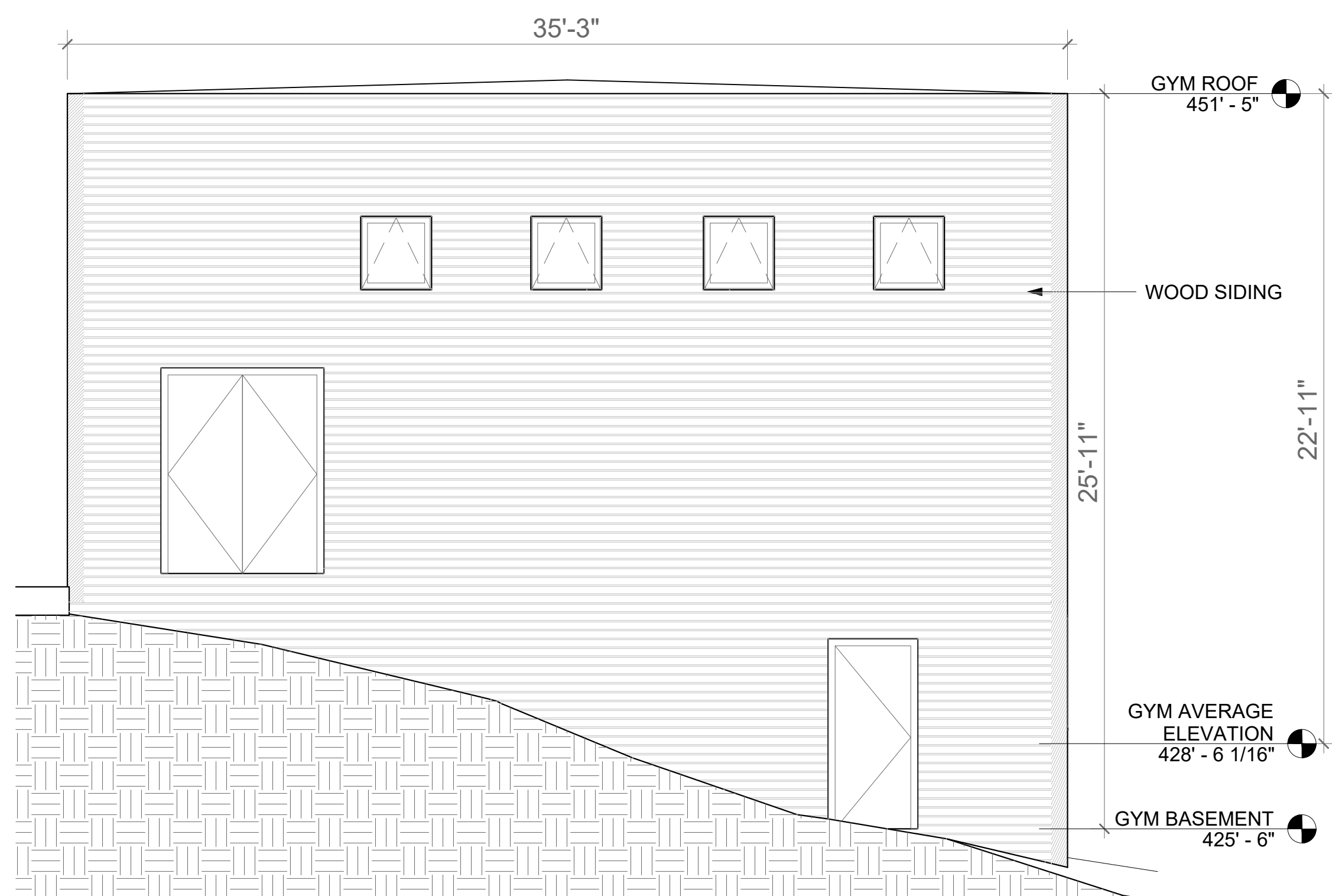
**A205**



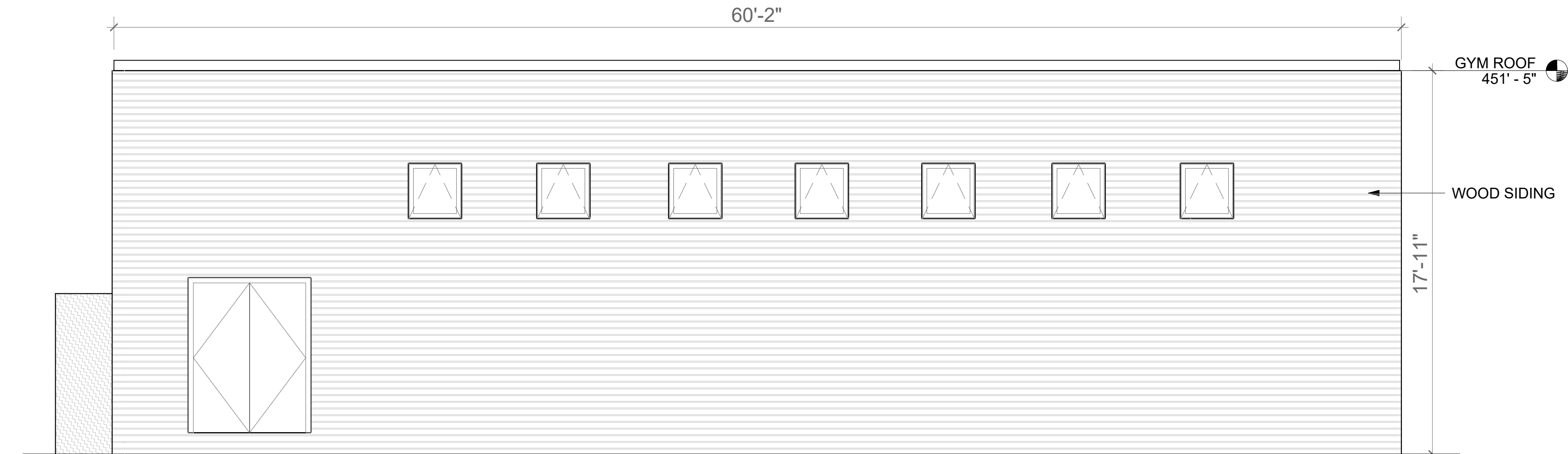
① GYMNASIUM - SOUTH ELEVATION  
1/4" = 1'-0"



② GYMNASIUM - WEST ELEVATION  
1/4" = 1'-0"



③ GYMNASIUM - NORTH ELEVATION  
1/4" = 1'-0"



④ GYMNASIUM - EAST ELEVATION  
1/4" = 1'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |



1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

GYMNASIUM ELEVATION  
EXISTING

AS INDICATED

**A206**



① SITE SECTION FROM ARLINGTON AVE - EXISTING  
1/12" = 1'-0"

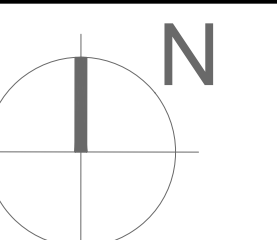


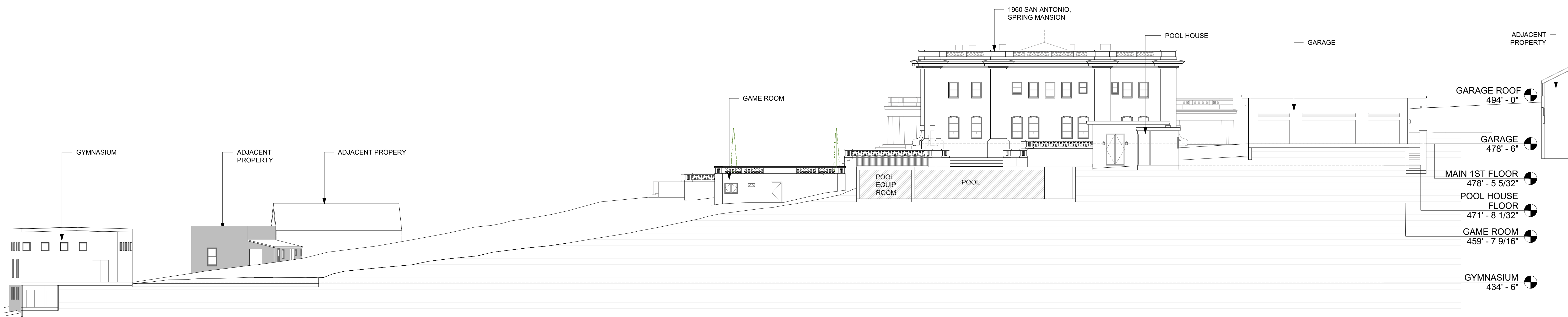
② SITE SECTION FROM ARLINGTON AVE - PROPOSED  
1/12" = 1'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

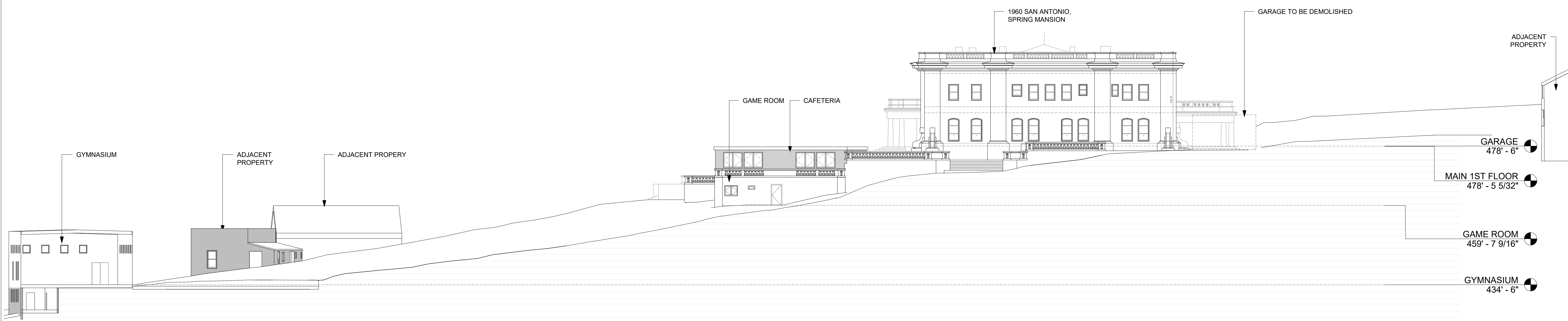


1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707



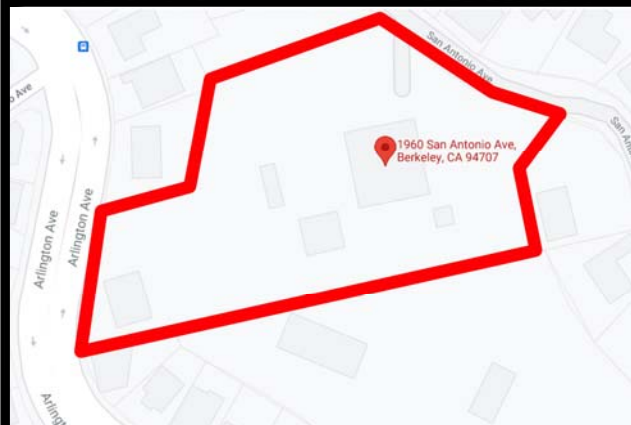


① SITE SECTION - PROPOSED  
1/16" = 1'-0"



② SITE SECTION - EXISTING  
1/16" = 1'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

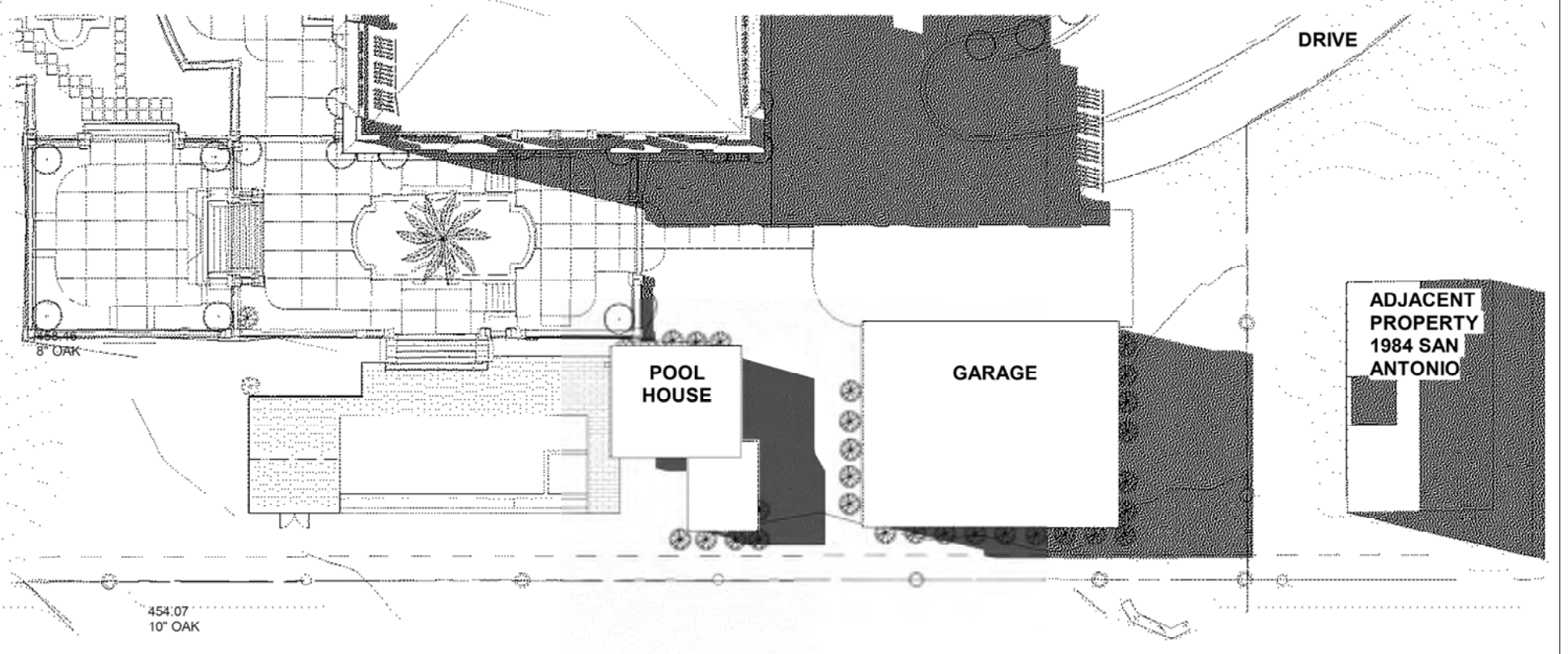
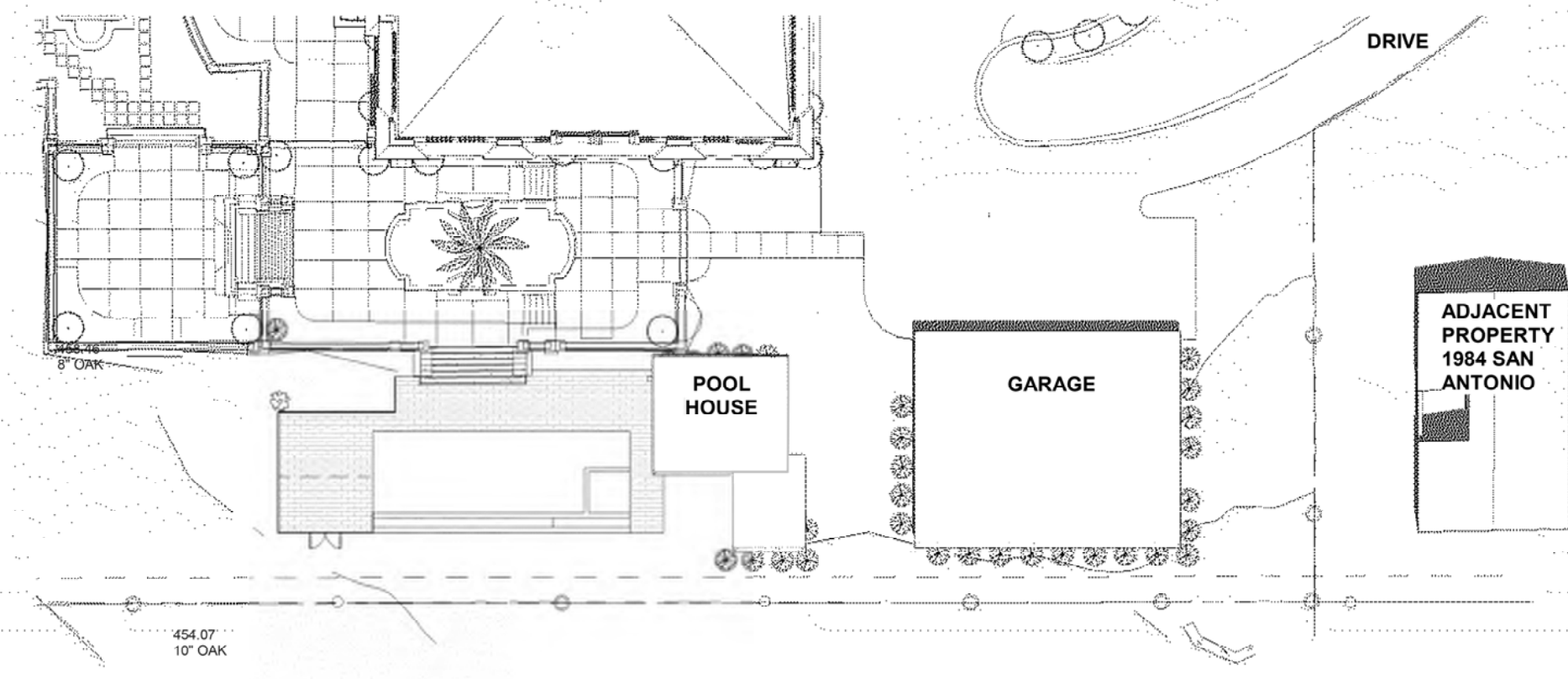
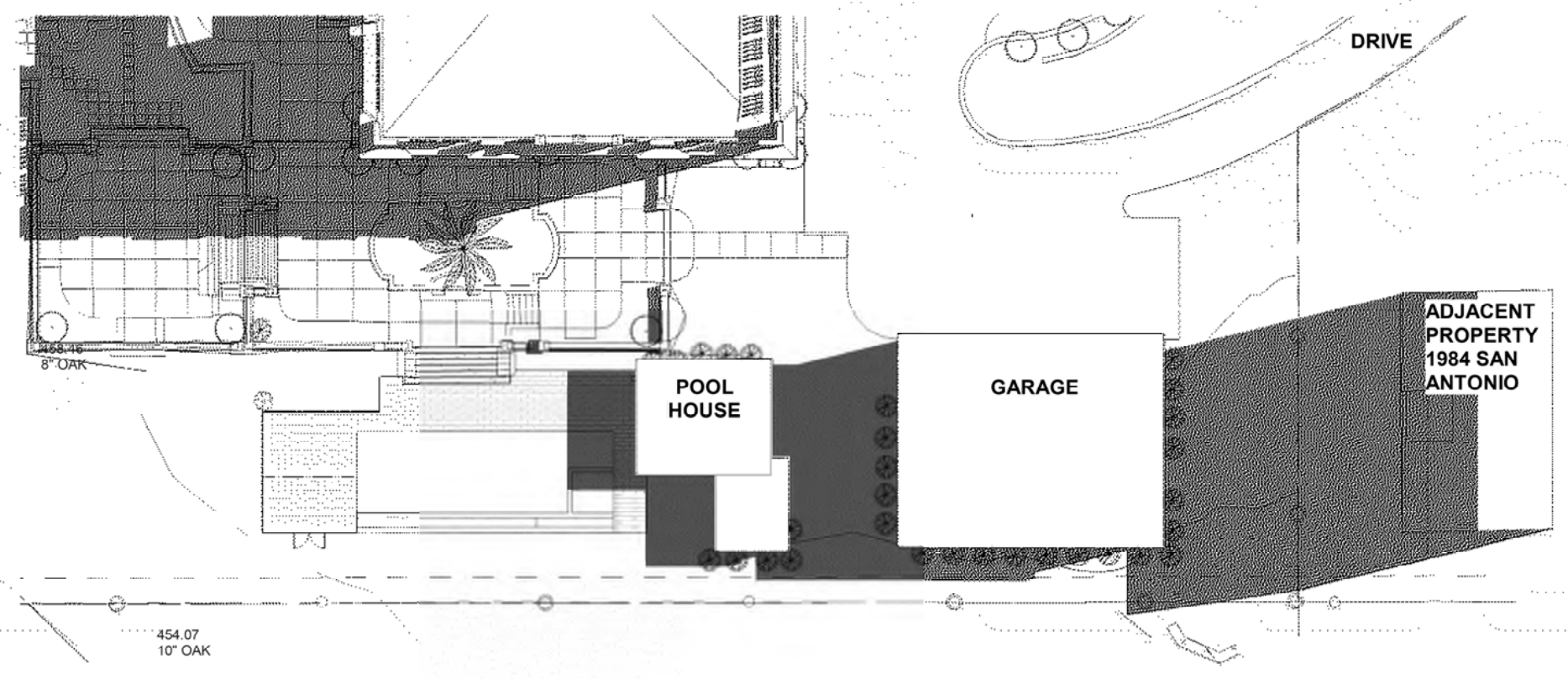


1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

SITE SECTIONS

AS INDICATED

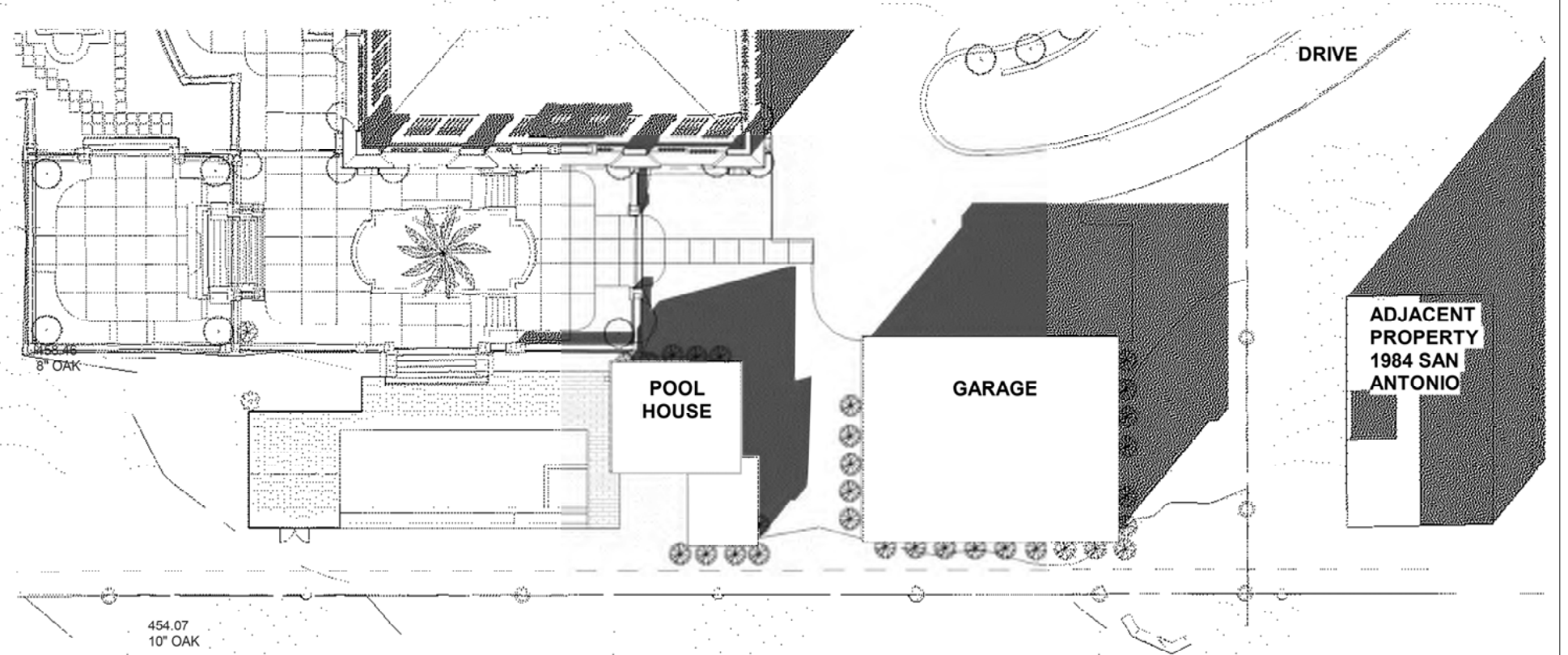
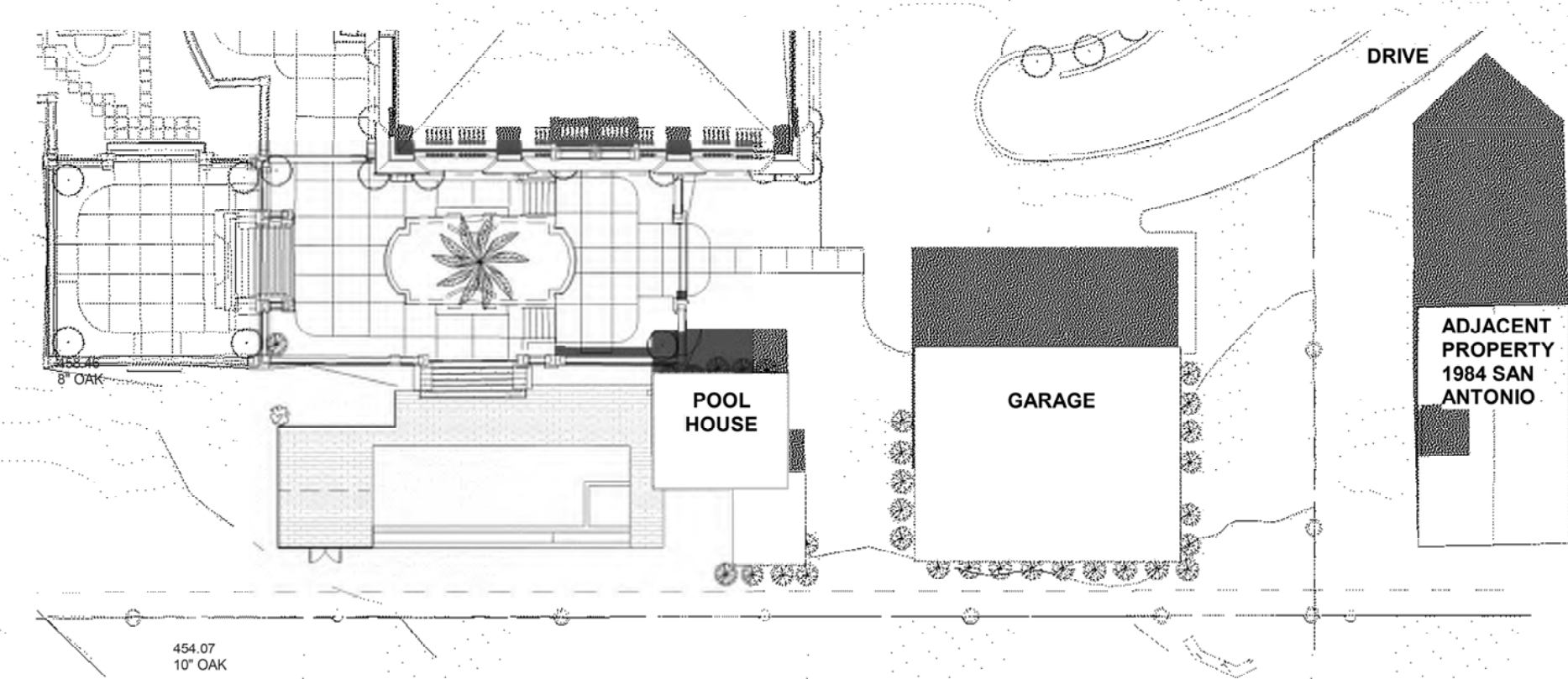
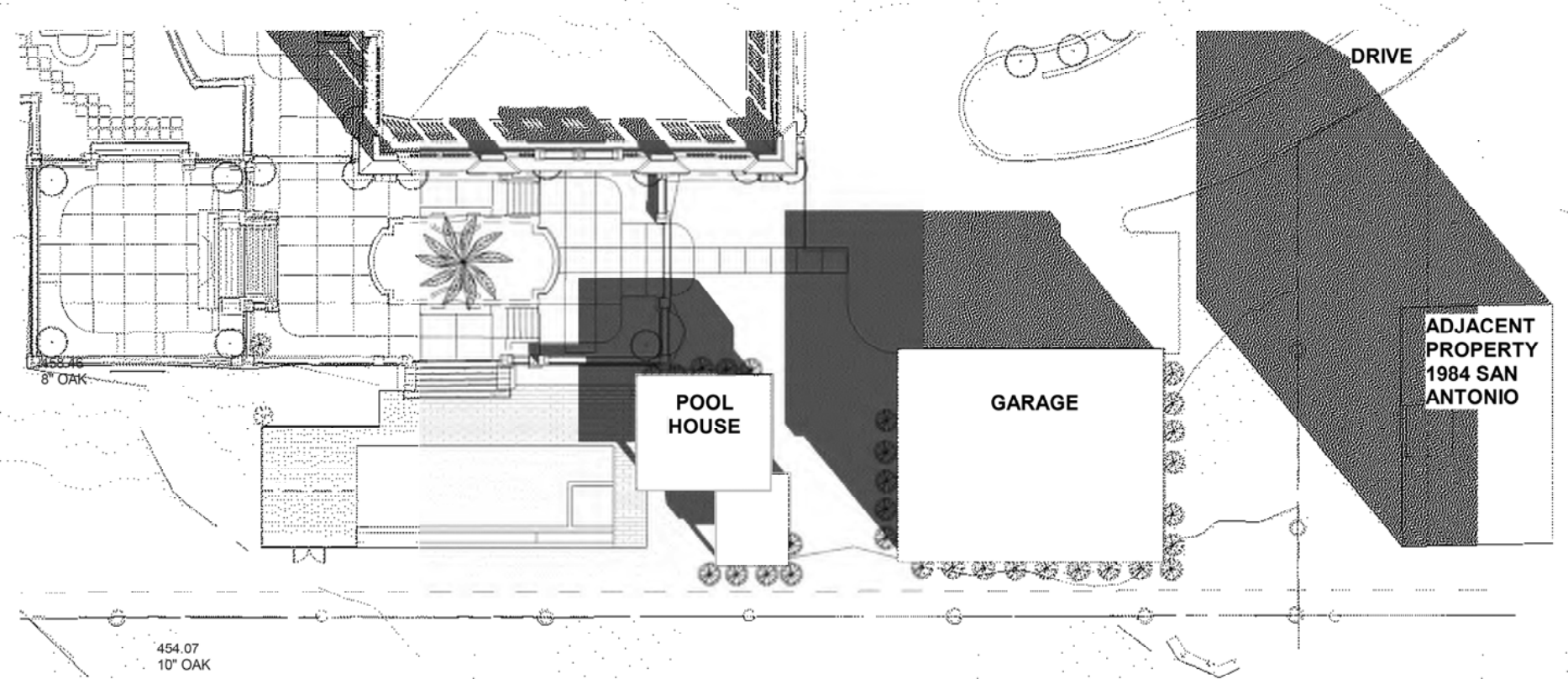
**A302**



1 SHADOW STUDY - SUMMER SOLSTICE - 2HRS AFTER SUNRISE  
1" = 30'-0"

2 SHADOW STUDY - SUMMER SOLSTICE - NOON  
1" = 30'-0"

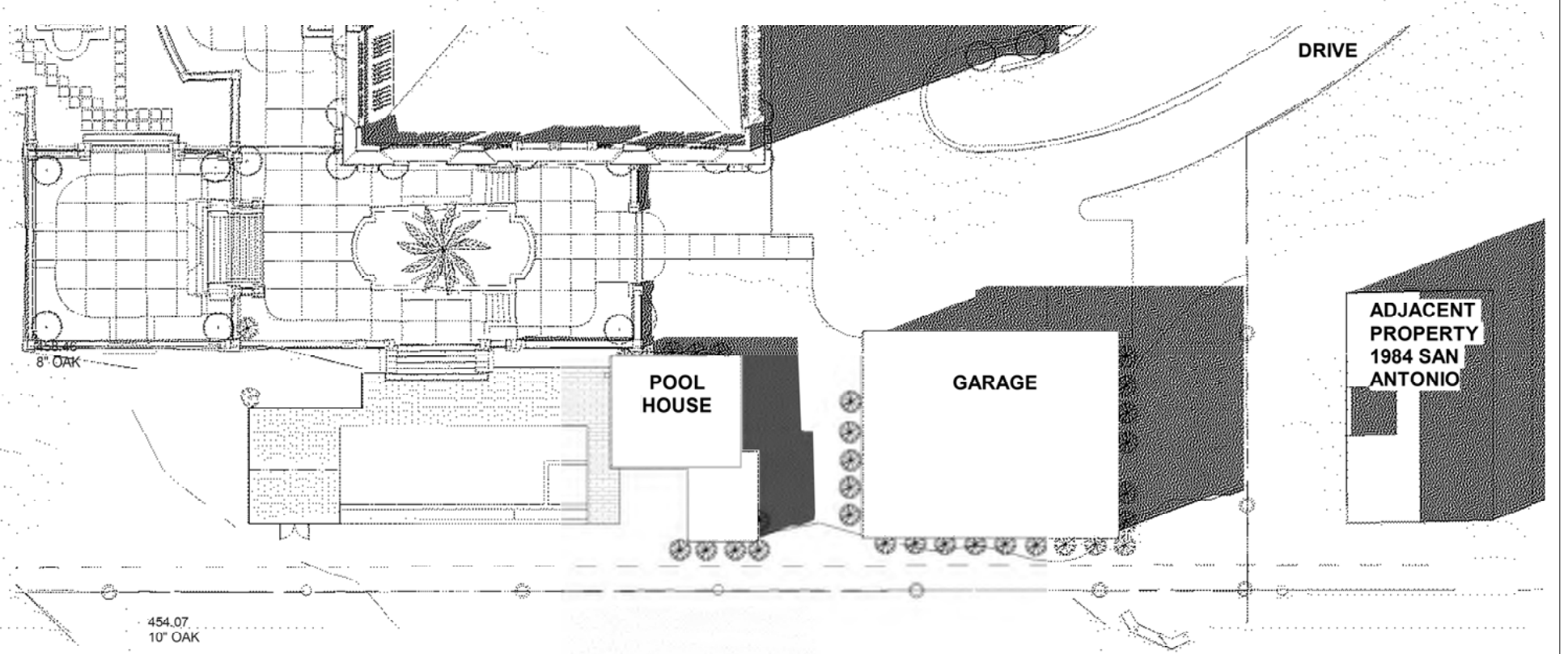
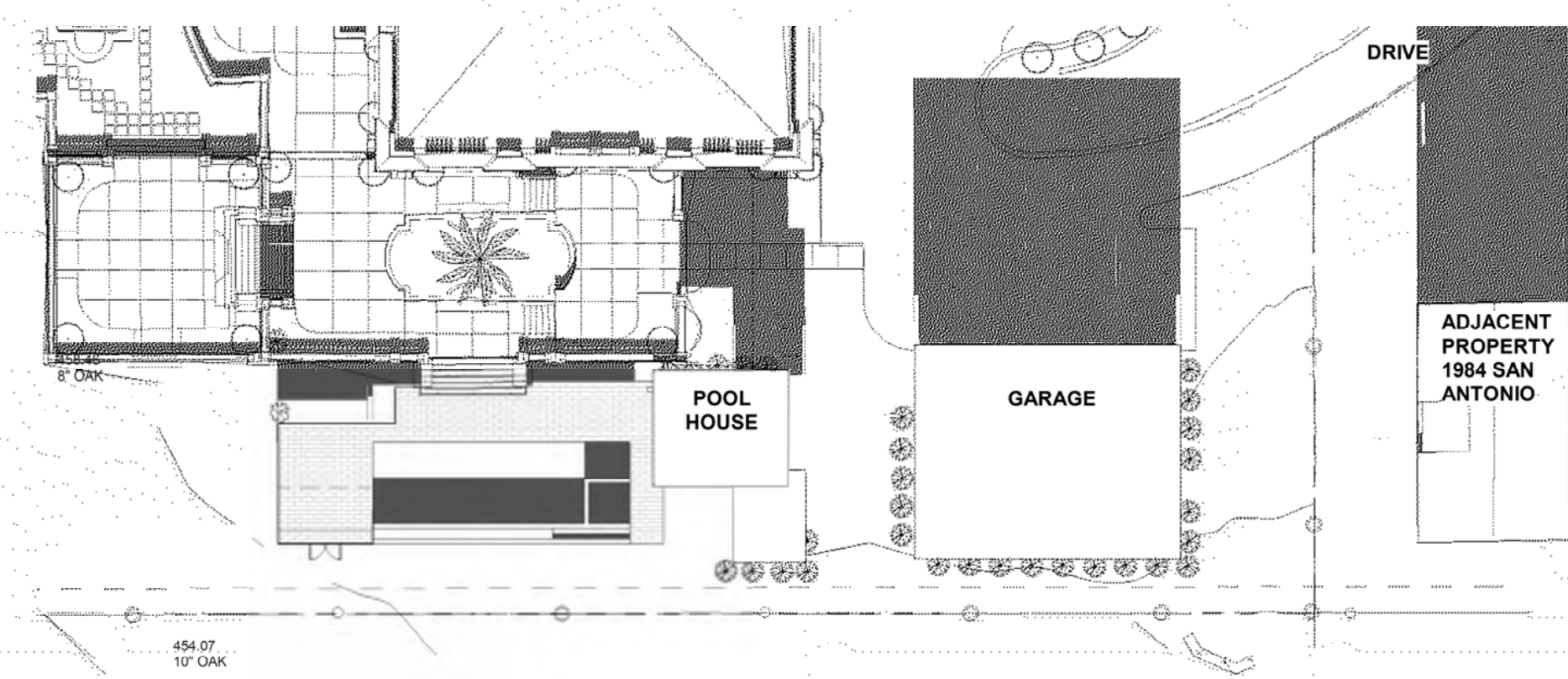
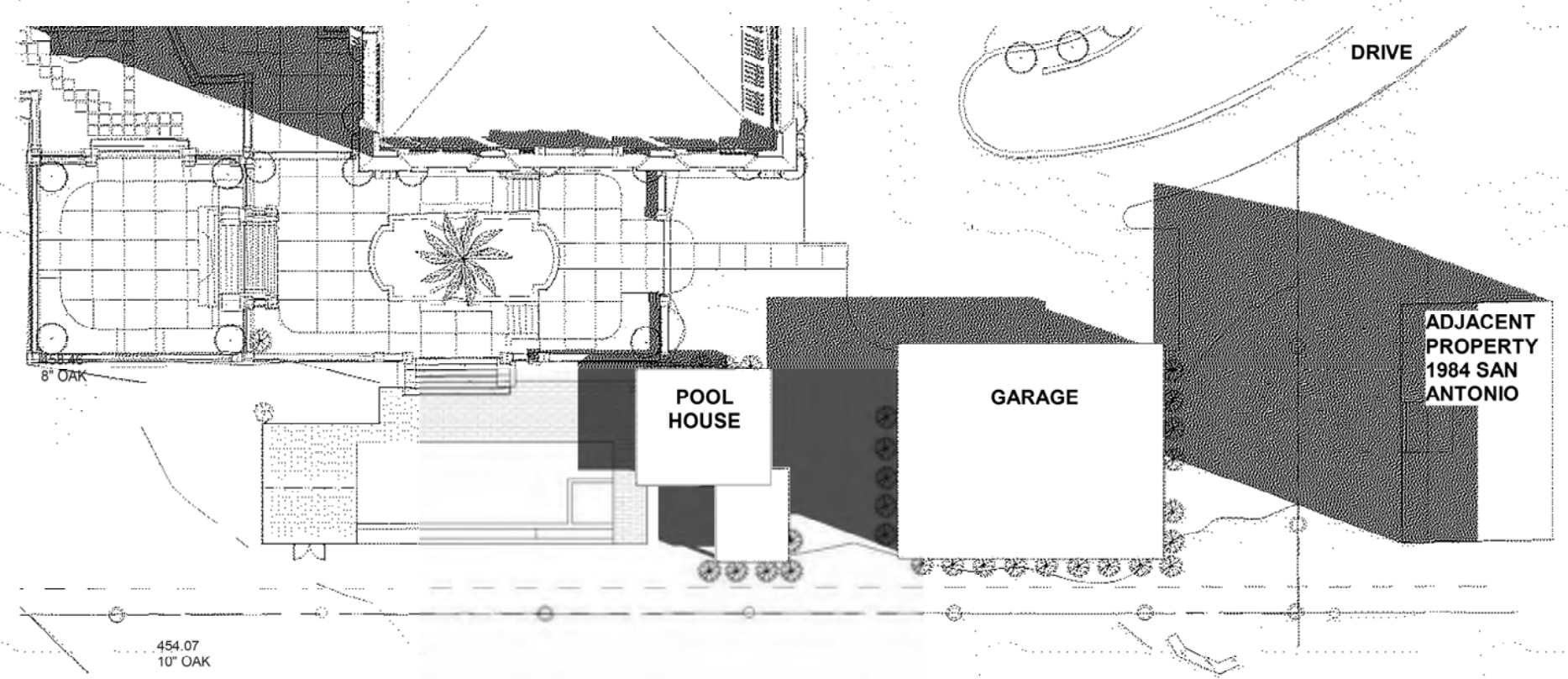
3 SHADOW STUDY - SUMMER SOLSTICE - 2HRS BEFORE SUNSET  
1" = 30'-0"



4 SHADOW STUDY - WINTER SOLSTICE - 2HRS AFTER SUNRISE  
1" = 30'-0"

5 SHADOW STUDY - WINTER SOLSTICE - NOON  
1" = 30'-0"

6 SHADOW STUDY - WINTER SOLSTICE - 2HRS BEFORE SUNSET  
1" = 30'-0"

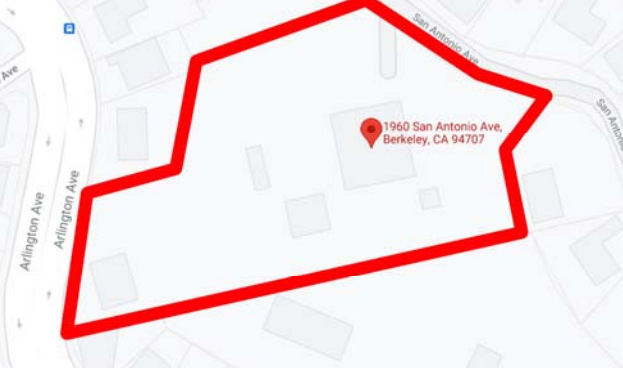


7 SHADOW STUDY - 9/26/2022 - 2HRS AFTER SUNRISE  
1" = 30'-0"

8 SHADOW STUDY - 9/26/2022 - NOON  
1" = 30'-0"

9 SHADOW STUDY - 9/26/2022 - 2HRS BEFORE SUNSET  
1" = 30'-0"

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |



1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

SHADOW STUDY

AS INDICATED

**A901**



**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

GARAGE AND POOL HOUSE  
RENDERING

**SCALE**

AS INDICATED

**SHEET NUMBER**

**A902**



**PAYMUN™**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140  
Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING & DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

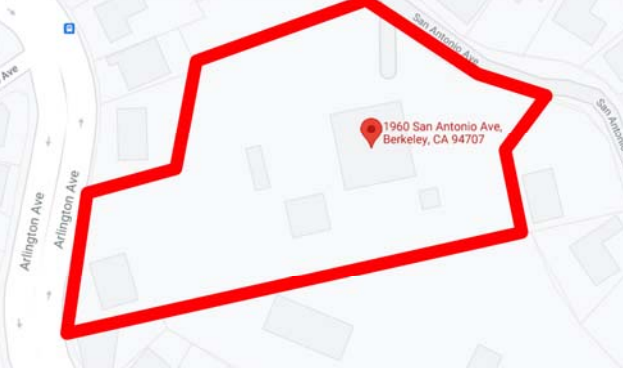
**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

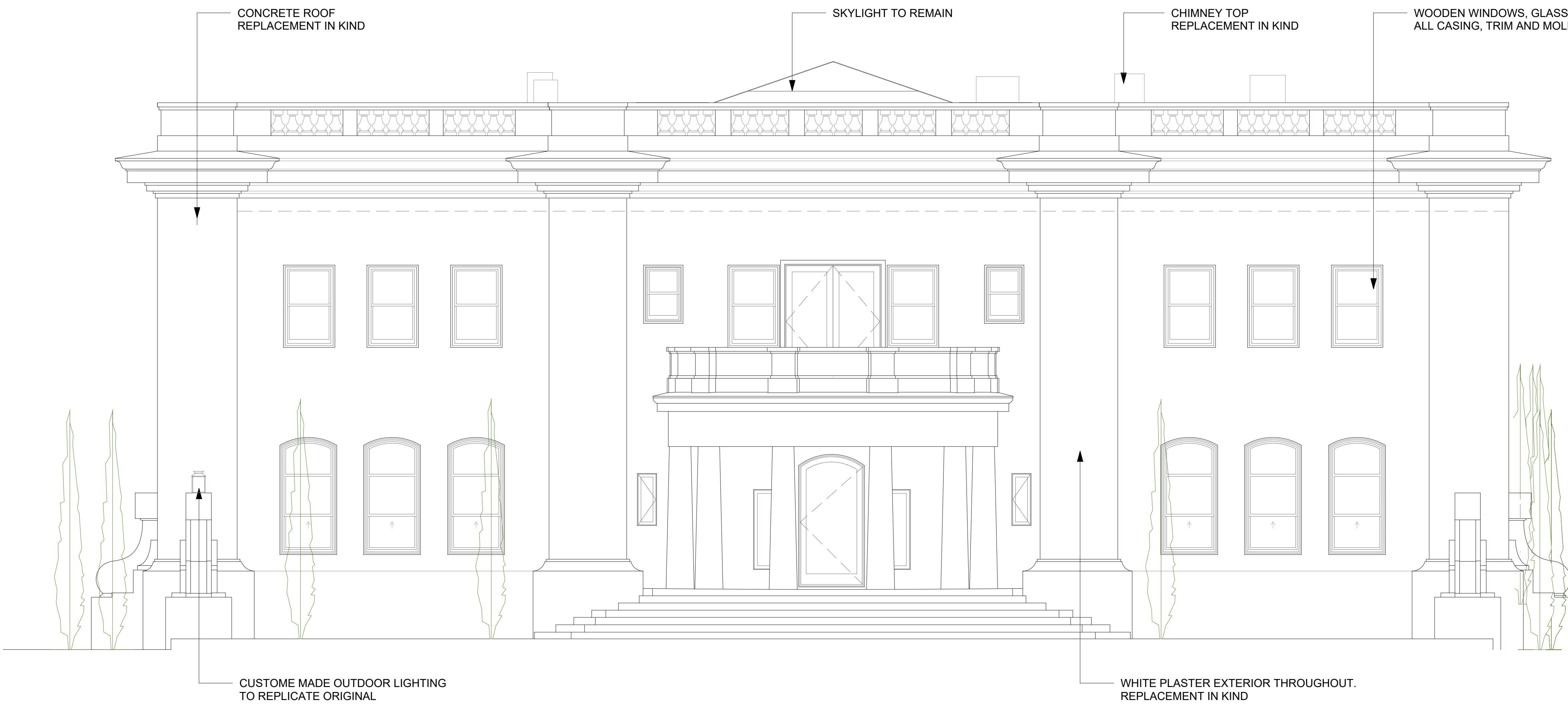
MATERIAL BOARD  
(MAIN HOUSE)

**SCALE**

AS INDICATED

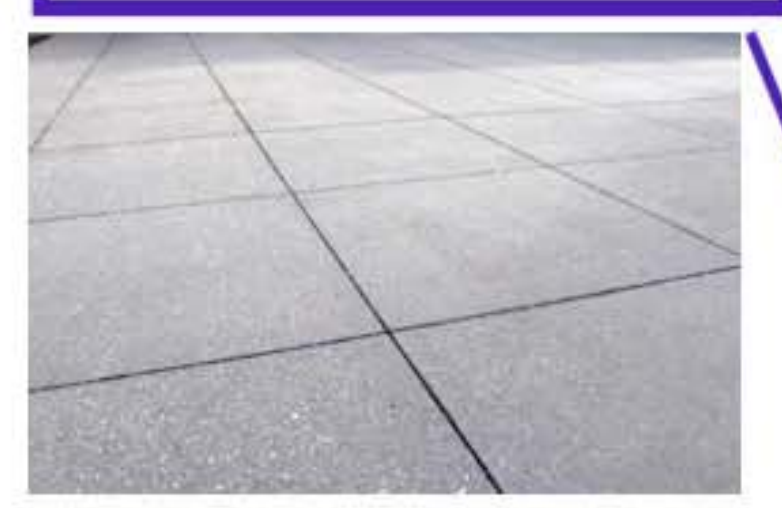
**SHEET NUMBER**

**M01**



NOTE :  
ALL COLORS AND TEXTURES ARE REPRESENTATIVE SAMPLES ONLY, PENDING VERIFICATION OF ACTUAL MATERIAL SUPPLIERS AND MANUFACTURERS FOR THIS PROJECT.

**Sand Blasted concrete paving**



**Asphalt Paving**

**Sand Blasted concrete paving**



**Steps stay as is**

**Landing Marble tiles**



**24"x24" light gray stepping stone**



**light gray stone paving**



**Pool area lighting**



**Railing 42" H**

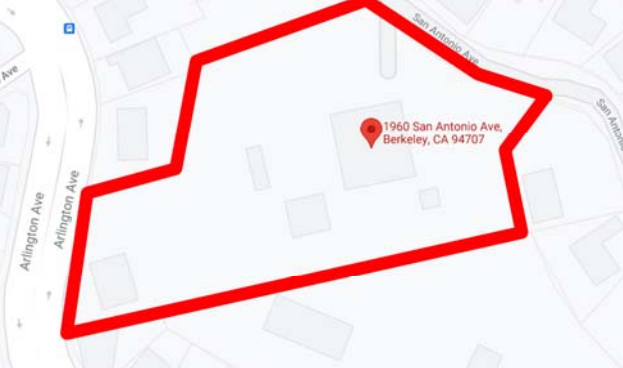


**OR**



NOTE :  
ALL COLORS AND TEXTURES ARE REPRESENTATIVE SAMPLES ONLY, PENDING VERIFICATION OF ACTUAL MATERIAL SUPPLIERS AND MANUFACTURERS FOR THIS PROJECT.

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |



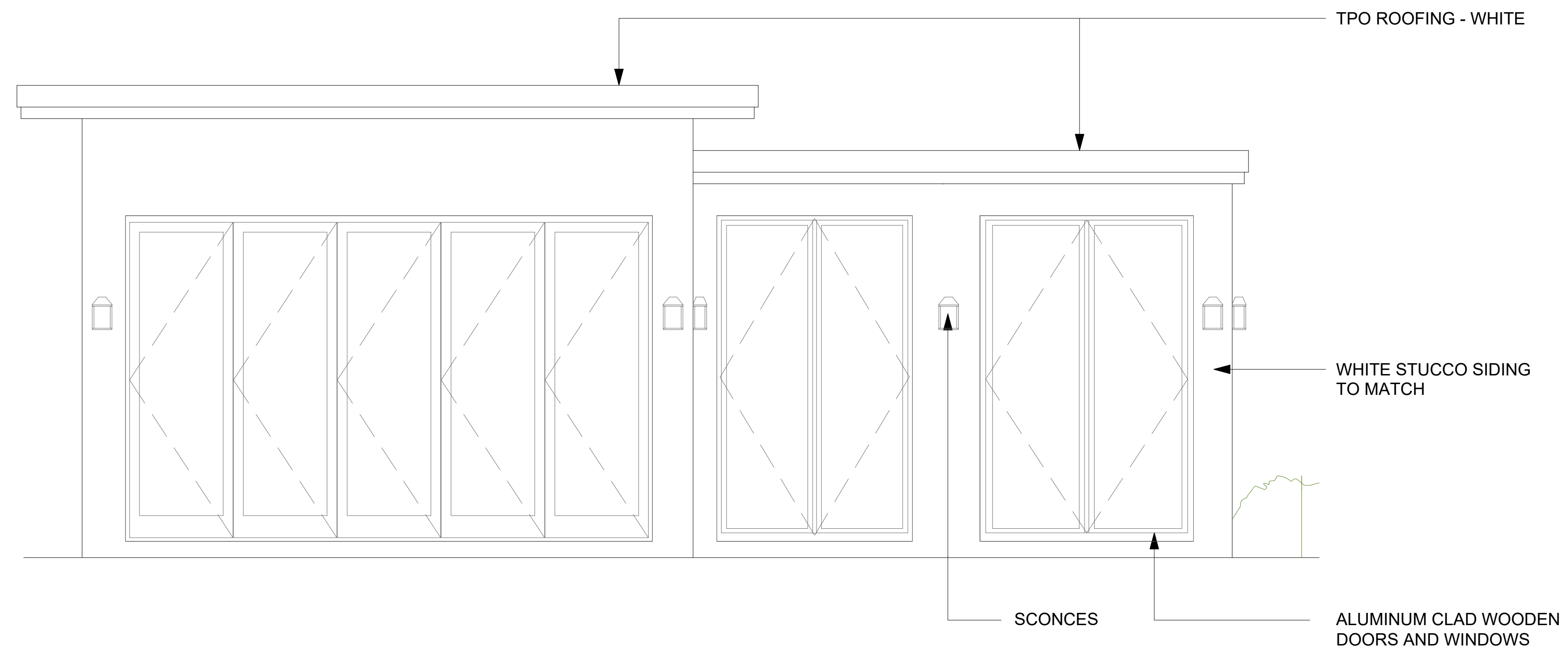
1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

MATERIAL BOARD  
(OUTDOOR)

AS INDICATED

**M02**





NOTE :  
 ALL COLORS AND TEXTURES ARE REPRESENTATIVE SAMPLES ONLY, PENDING VERIFICATION OF ACTUAL MATERIAL SUPPLIERS AND MANUFACTURERS FOR THIS PROJECT.



**PAYMUN™**

25 Orinda way, Suite#200  
 Orinda, CA 94563  
 Tel: (925) 587-2140  
 Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
 DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
 SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
 BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

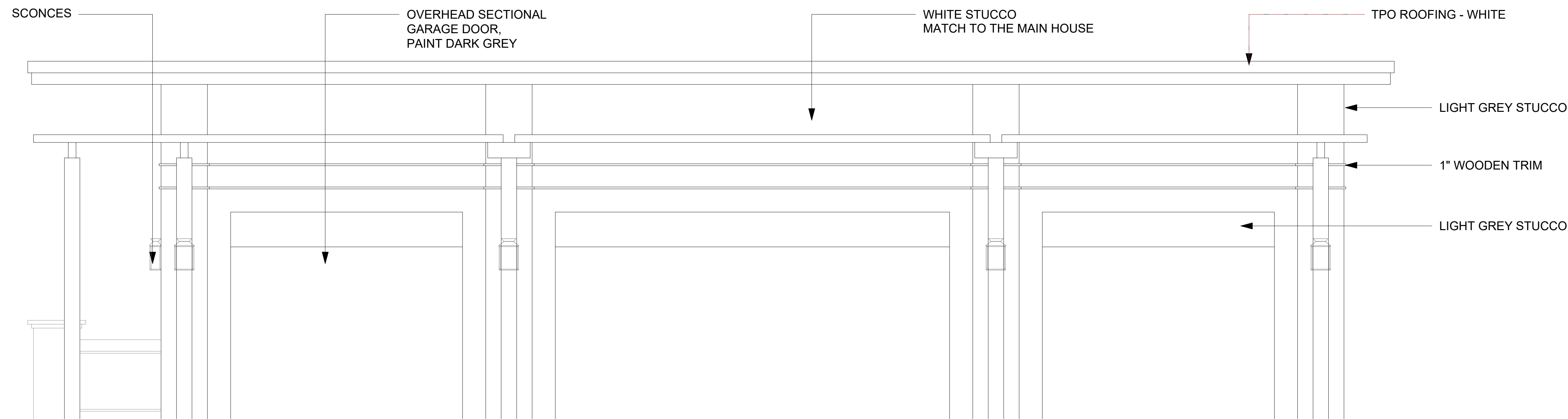
MATERIAL BOARD  
 (POOL HOUSE)

**SCALE**

AS INDICATED

**SHEET NUMBER**

**M03**



NOTE :

ALL COLORS AND TEXTURES ARE REPRESENTATIVE SAMPLES ONLY, PENDING VERIFICATION OF ACTUAL MATERIAL SUPPLIERS AND MANUFACTURERS FOR THIS PROJECT.



**PAYMUN**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING & DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

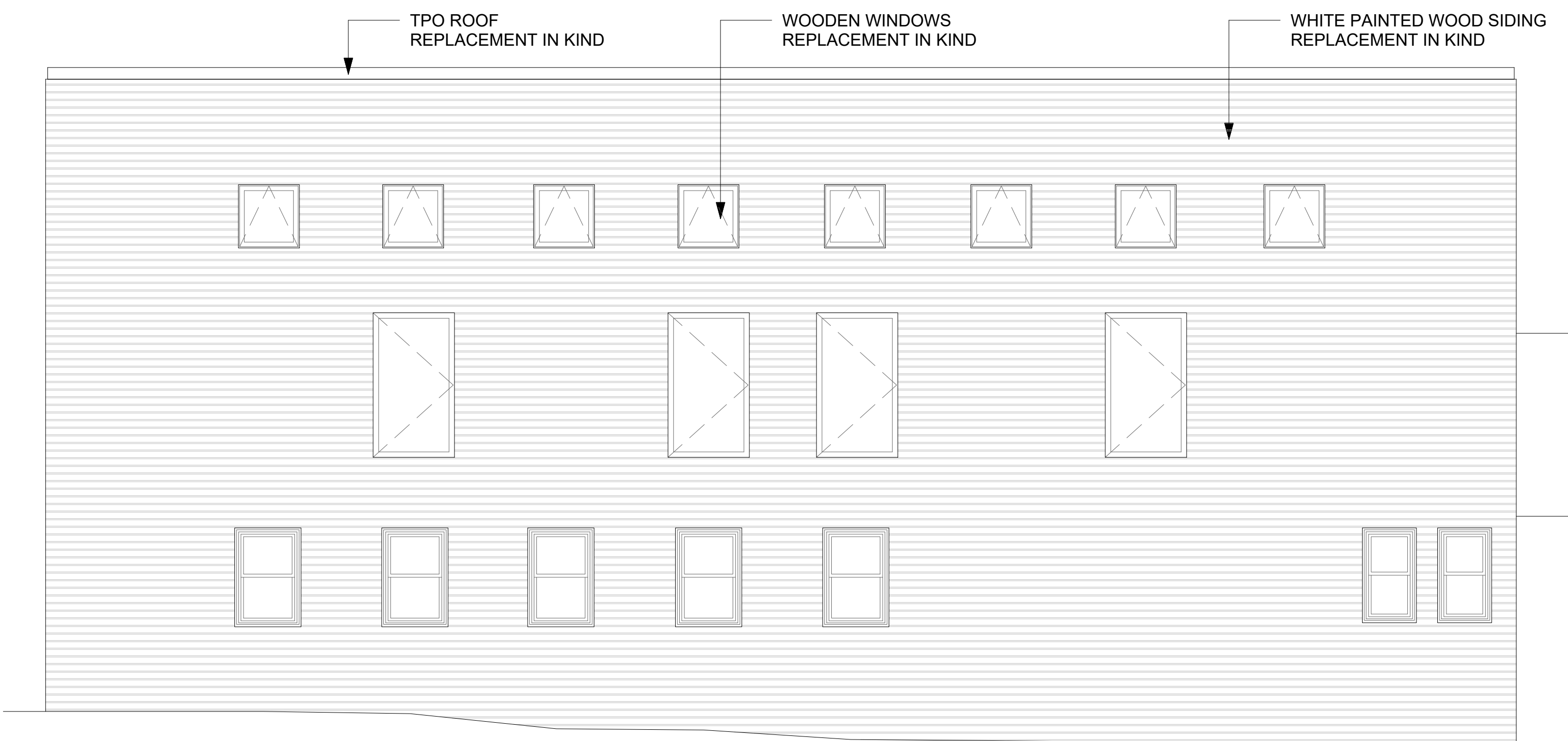
MATERIAL BOARD  
(GARAGE)

**SCALE**

AS INDICATED

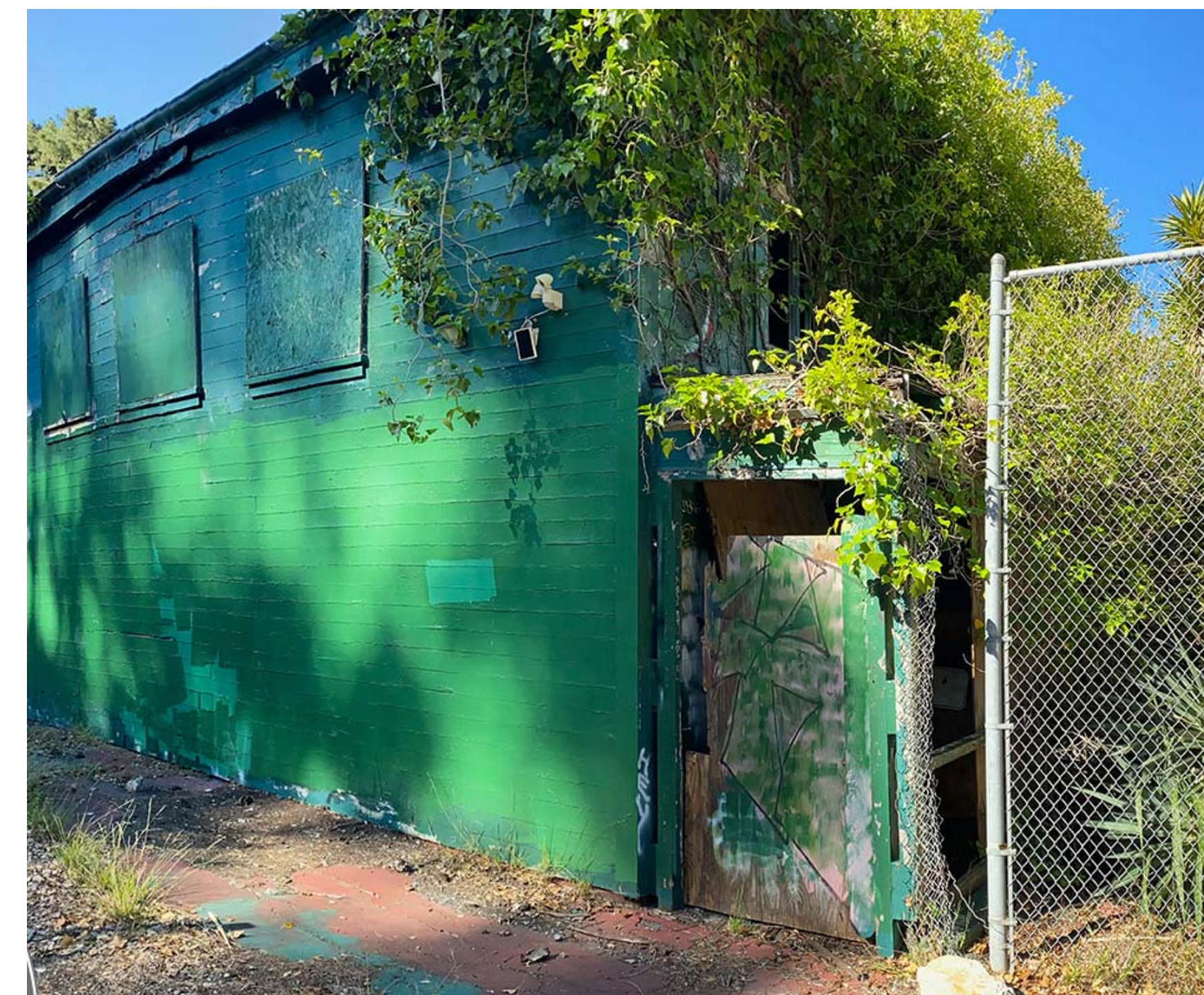
**SHEET NUMBER**

**M04**



**NOTE :**

ALL COLORS AND TEXTURES ARE REPRESENTATIVE SAMPLES ONLY, PENDING VERIFICATION OF ACTUAL MATERIAL SUPPLIERS AND MANUFACTURERS FOR THIS PROJECT.



**PAYMUN™**

25 Orinda way, Suite#200  
Orinda, CA 94563  
Tel: (925) 587-2140

Ben@paymun.com

**LEAD DESIGN CONSULTANT**

PAYMUN BUILDING &  
DEVELOPMENT, Inc.

DESIGNER & DRAFTER :  
SADAF DAYLAMI

**PROJECT**

SPRING MANSION

**OWNER(S)**

ABBAS MASH

**NOTES**

| REVISION             | DATE       |
|----------------------|------------|
| PLANNING SUBMITTAL I | 05/13/2023 |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |
|                      |            |

**LOCATION**



**ADDRESS**

1960 SAN ANTONIO AVENUE  
BERKELEY, CA 94707

**AREA**

**ORIENTATION**

**SHEET TITLE**

MATERIAL BOARD  
(GYMNASIUM)

**SCALE**

AS INDICATED

**SHEET NUMBER**

**M05**

11/13/2023  
CITY OF BERKELEY - CITY CLERK  
2023 NOV 13 PM 2:07

**Property:** 1960 San Antonio Ave / 639 Arlington, Berkeley, CA, 94707  
**Email:** [Amash200@gmail.com](mailto:Amash200@gmail.com)  
**Number:** (925) 487-8075

City of Berkeley, 2180 Milvia Street, 1st Floor, Berkeley, 94704

**Subject:** Appeal of structural alternation permit based on contingency of Rehabilitation of the gymnasium building #LMSAP2022-0005

**Request:** Remove contingency of rehabilitation of gymnasium building located at 639 Arlington

Dear City of Berkeley Officials,

We trust this letter finds you well. We are writing to formally appeal any decision regarding rehabilitation of the abandoned historical structure located at 639 Arlington Ave with a specific emphasis on the urgent need for the gymnasium's removal. Attached to this correspondence, you will find a comprehensive report from one of the most highly experienced historical architects and a structural engineer, both of whom affirm that the rehabilitation of the gymnasium is not feasible due to: lack of structural and material integrity, lack of historical and architectural character, generations of neglect, and safety concerns.

Our appeal is grounded in the pressing need for removal of this structure, as outlined in the attached report. The structural assessment conducted by a certified engineer has identified critical safety issues and can be reviewed by your department. It is crucial to underscore that the rehabilitation of the historic gymnasium is deemed unfeasible based on the professional judgment of these experts, given its deteriorated condition. We firmly believe that prioritizing removal of this building for public safety and for bettering the community should guide the decision-making process.

Furthermore, the attached report from the historical architect provides a detailed analysis that found no conclusive evidence supporting the historical significance of the gymnasium. While we understand and respect the city's commitment to preserving its history, the overriding concern is the safety of our community members, and creating a cohesively beautiful community for all of us to live in.

We kindly request that any decision contingent for the rehabilitation of the gymnasium be removed on recognizing the impracticality of rehabilitating the gymnasium due to safety concerns, as substantiated by the attached expert report. We are committed to collaborating with the city to ensure a thoughtful and community-centric approach to this matter.

Thank you for your time and consideration. We believe that prioritizing public safety aligns with the values of our community, and we trust that the city will make decisions that safeguard the well-being of its residents.

Sincerely,

Abbas Mash, Property Owner

November 11, 2023

**The Spring Estate, 1960 San Antonio Rd., Berkeley  
 Historical Considerations**

re: Former gym building at 639 Arlington Ave., appeal of LPC Rehabilitation condition

The present author is an historical architect with extensive experience in the rehabilitation of historic properties and structures throughout Berkeley and the Bay Area. It is my understanding that the City of Berkeley's Landmarks Preservation Commission (LPC) has conditioned that, in order to proceed with the rehabilitation of the Spring Mansion, the former gym building on the Spring Estate must also be rehabilitated. The following addresses the former gym building's lack of historical and historic architectural character along with its lack of historical, structural and material integrity.

In historic architectural practice, the term *Rehabilitation* is technical: *Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.* (from Kay D. Weeks and Anne E. Grimmer, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, 1995, rev.2017)

The Secretary of the Interior's *Standards for Rehabilitation* – to which the City's Planning and Development Department procedurally adheres under the City's California Environmental Quality Act obligations – affirm the need to alter or add to an historic building for continuing or new uses while retaining the building's historic character. While adaptation and change are allowable, the identified historic resource must be retained and rehabilitated for use or appropriate reuse.

The LPC's condition to *Rehabilitate* the former gym building at 639 Arlington Ave. appears to be unsupported by any historic architectural or structural evaluations. The extant building is not retainable, rehabilitation worthy or reinhabitable. Given its conditions, to attempt to legally reuse that structure would unequivocally require removal and new construction from the ground up, which is not *Rehabilitation*.

The subject building has been without a use for at least 2 generations and is, in fact, collapsing. Its roof failed decades ago. Its foundations, east and west exterior walls have thrust outwards to an alarming extent (figs.1-2). While the building was in somewhat better condition in 2006, when this historical architect last surveyed it, even then – a generation ago – my 2006 survey notes recorded that it was a "dilapidated building;" that its "roof, floor and foundations were failed;" and that the "exterior wall conditions ranged from fair to poor." Neither was there then, nor is there now any potential building purpose. Without intervention and without potential use, the former gym building has deteriorated to the extent that it is in evidently dangerous structural and material condition.

The same is true of the contemporaneously built concrete steps on the Arlington, which have completely failed and are irreparable (figs.3-4). As is also the case with the other infill structures added to the Spring Mansion in the Williams Institute period (1917-c1938), which evidence leads to the direct conclusion that what was built in that period was poorly constructed. As a basic example, reinforced concrete was of course standard construction in the 1920s-30s. Yet, like the steps, there is no reinforcing in the concrete work at the former gym building, despite the period of construction and the steep hillside setting (figs.5-11). Clearly, the Williams Institute did not prioritize design or construction.

Further, this former gym building was landmarked in 2000 without any supporting historical research or documentation. As noted, it was associated with the Williams Institute, the history of which was

barely addressed in the landmark application. The building is loosely dated to 1929, though the record contains no specific research in support of that date, nor is it known who designed or built it.

The year 2000 Spring Estate landmark record provided clear historical and historic architectural evidence of historic significance in support of the landmarking of the 1914 Spring Mansion (John Hopkins Spring, owner; John Hudson Thomas, architect). Briefly inserted within that landmark record was the following:

*Celina Spring married the brother of her first husband and sold the family estate to a private academy, the Cora Williams Institute of Creative Development. (Miss Williams maintained a highly cultural and refined environment for her students, who came from University and neighborhood families. Her school, which featured small classes and employed faculty wives as part-time teachers, had its heyday in the 1920's and 30's). (from City of Berkeley Landmark Application: John Hopkins Spring Estate, page 4)*

Those 2 sentences – 1 parenthetical – provided the only information in the historical record about Cora Williams and the Williams Institute. No historical analysis was presented to support the historical or cultural importance of the Williams Institute's use of the former Spring Estate.

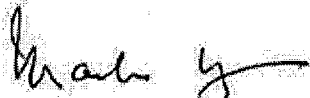
Moreover, in the landmark record, statements recording the cultural and architectural significance of the Spring Estate do not include the Williams Institute's buildings. (*John Hopkins Spring Estate*, pages 4-6). Yet, despite the total lack of documentation and analysis, the former gym building was identified as a contributor to this City of Berkeley Landmark.

The landmark effort made no attempt to address the potential importance of the Williams Institute and no further assessment has been made since. Thus, to date, whether Cora Williams and/or the Williams Institute are historically or culturally important is not known. What is known, based on the surviving physical evidence from their tenure on the Spring Estate, is that the Williams Institute does not have potential historical importance on the basis of the few structures they erected on that property, as none of those structures have identified or identifiable design and construction distinction and as the design and construction integrity of each structure is poor.

Yet another salient factor is that the Spring Estate landmark application was prepared and submitted by neighbors without any historical qualifications yet with the clear intent of stopping possible change – the application authors indicated that the property, then up for sale, was “endangered” – which intent evidently succeeded as almost nothing has happened on this site in the 23 years since.

To reiterate, the former gym building at 639 Arlington Ave. has not been used for generations. It is not retainable, rehabilitation worthy or inhabitable. Given its conditions, to attempt to legally reuse this structure would unequivocally require removal and new construction from the ground up, which is not *Rehabilitation*.

Signed:



Mark Hulbert  
Preservation Architect

attached: figs.1-11; MH qualifications

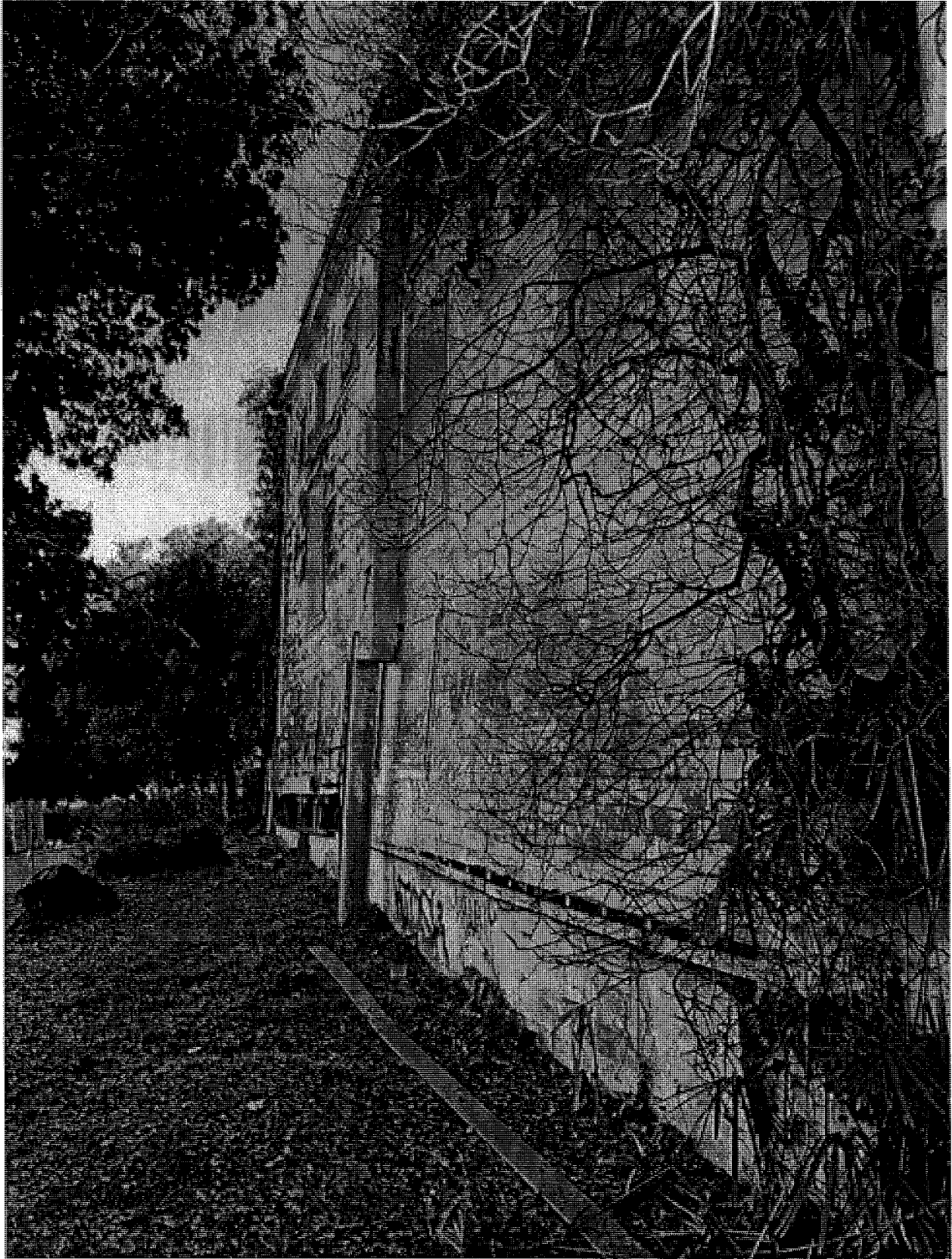


Fig.1 – 639 Arlington Ave. – West side (figs.1-10, MH 2023)

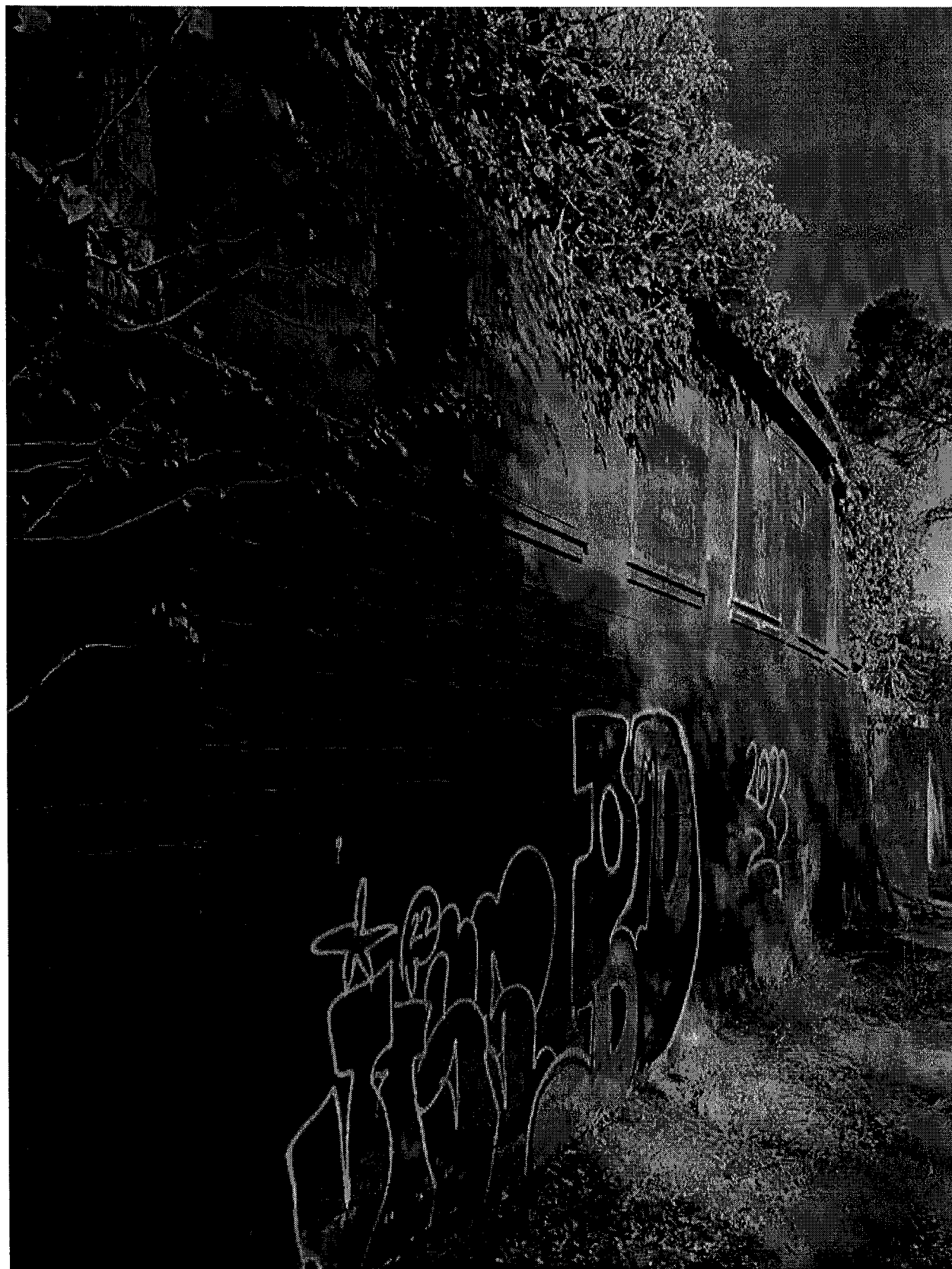


Fig.2 – 639 Arlington Ave. – East side



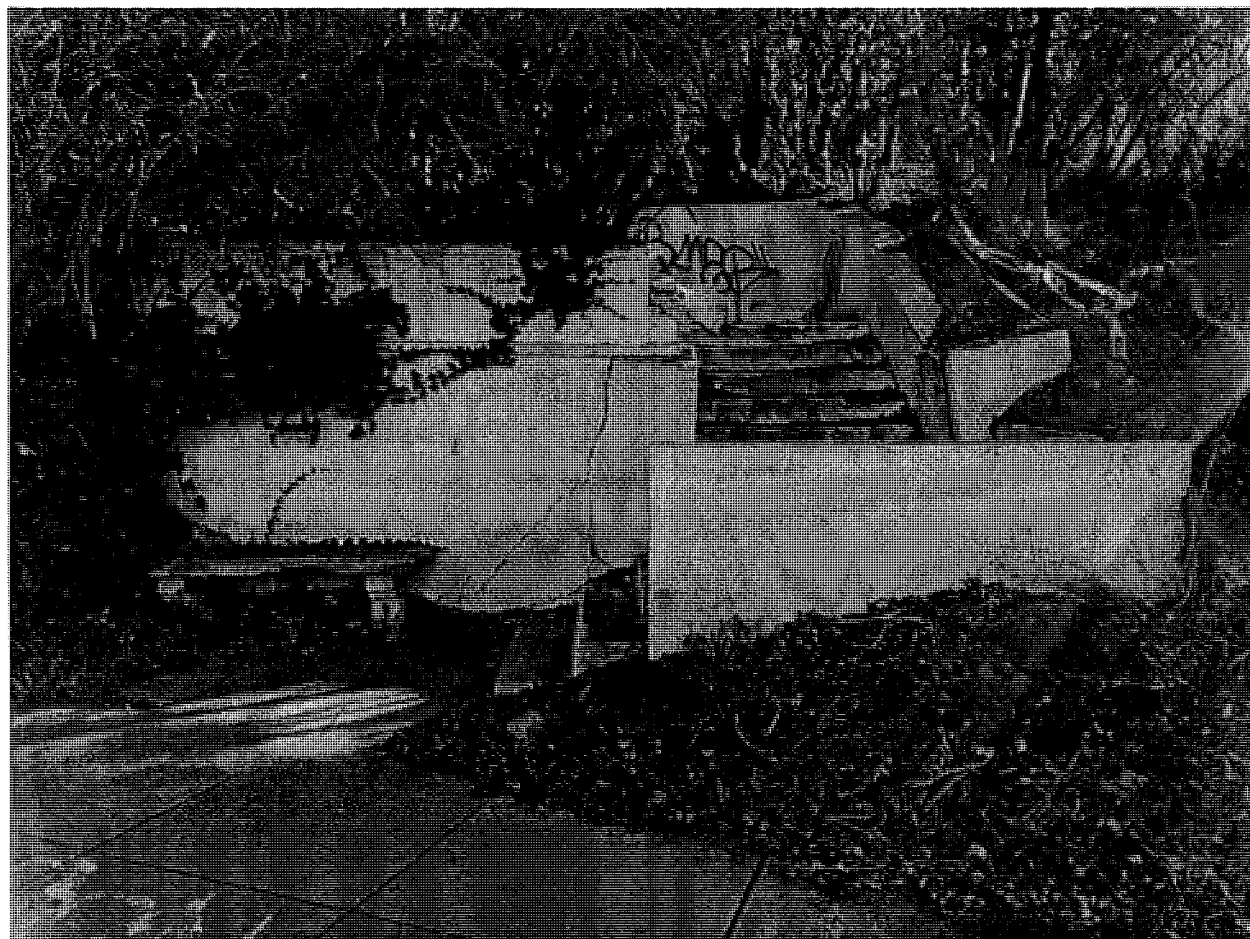


Fig.3 – 639 Arlington Ave. – Entry steps on Arlington



Fig.4 – 639 Arlington Ave. – Entry steps on Arlington



Fig.5 – 639 Arlington Ave. – West side from Arlington sidewalk



Fig.6 – 639 Arlington Ave. – West side foundations



Fig.7 – 639 Arlington Ave. – West side foundations



Fig.8 – 639 Arlington Ave. – West side foundations



Fig.9 – 639 Arlington Ave. – West side foundations



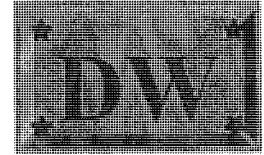
Fig.10 – 639 Arlington Ave. – Interior, east side wall and roof



Fig.11 – 639 Arlington Ave. – Interior (MH, 2006)

DWong Engineering, Inc.

644 Pacific Ave. #22, San Francisco, CA 94133 Tel:415.726.8168



Property Inspection Report  
639 Arlington Ave, Berkeley, CA

Inspection Date:  
Nov. 12, 2023

Prepared For:  
Mr. Mash

Prepared By:  
Darren Wong  
(415)726-8168

Nov. 12, 2023

Inspection Address: 639 Arlington Ave, Berkeley, CA

Report Number: 23075

Dear Mr. Mash,

Enclosed please find the inspection report for the above referenced address.

Darren Wong has conducted this inspection in accordance with the Standards of Practice of the American Society of Home Inspector(ASHI). The purpose of this inspection is to identify and disclosed visually observable major deficiencies of the inspection systems at the time of the inspection only. The inspection and the report do not, and are not intended to, address code and regulatory compliance, the possible presence of, damage caused by, or danger from asbestos, radon gas lead paint, urea formaldehyde, fungi, mold, mildew, wood-destroying insects or organisms such as termites or carpenter ants, insects, soil contamination and other indoor and outdoor substances or pollutants. The full scope and limitation of this inspection are addressed in the Pre-Inspection Agreement, which is part of this report.

The inspection report provides an evaluation of major components, including Structural and interior components of the subject property.

We appreciate the opportunity to be of service to you. Please feel free to call us if you have any questions or concerns regarding this inspection or report

Sincerely

Darren Wong  
Structural Engineer, P.E.

## Structural Components

### Description of Structural Components

Foundation: Cracks are in the foundation

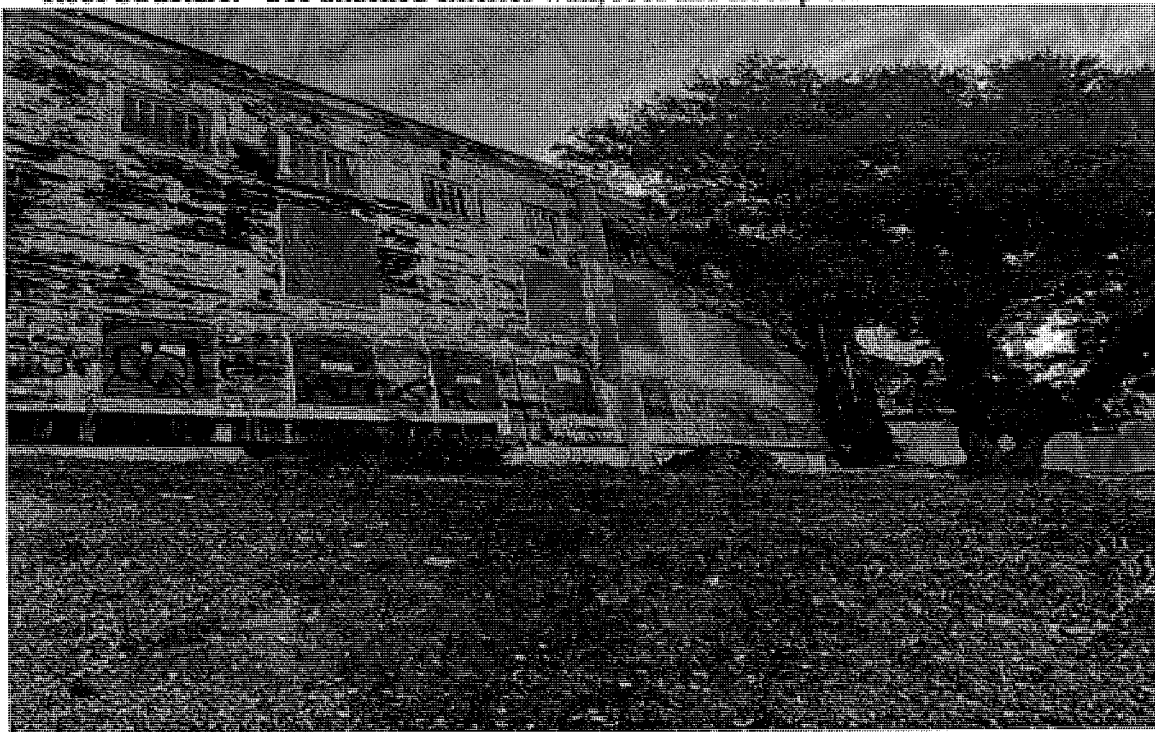
Exterior wall: Tilt toward to inside of the building. Siding in the exterior was damaged severe and expose 2x stud wall which lead to dry-rot 2x stud wall.

Roof Structural: 2x12 roof rafter @16"o.c. on the roof and brace with 4x4 @6'-0" o.c., Some rafters were dry-rot at the bearing wall support location.

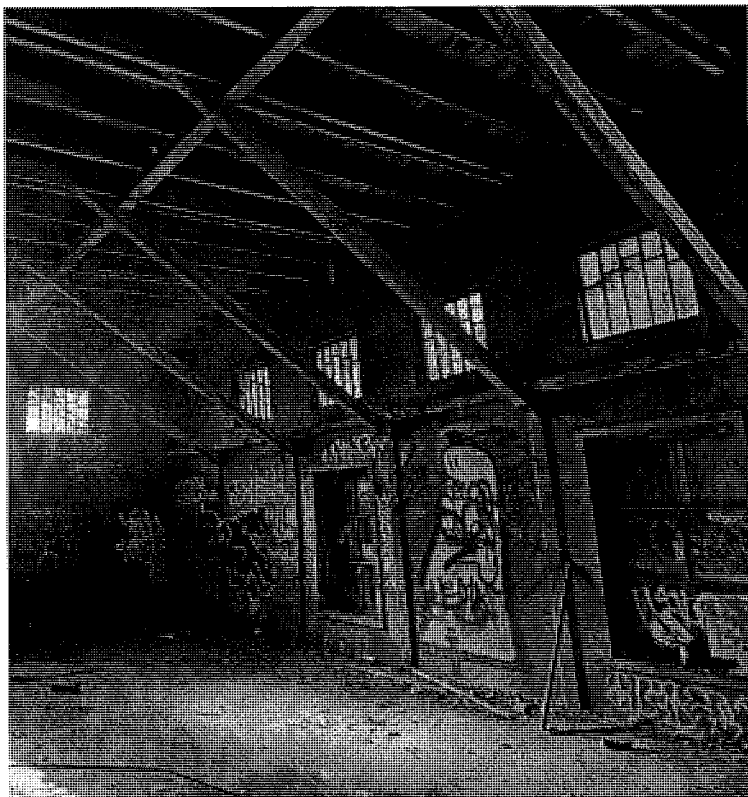
Floor Structural: Damaged plywood and floor joist are not safe to support the floor

Wall Structure: Wood Frame 2x stud

Roof Structure: See attached exterior wall, roof and floor pictures







Structural Components Observations

The construction of this property is poorly support by structural brace and beams in the roof.



The exterior wall siding and roof are in bad shape, see picture below



In conclusion, the subject building is not structurally sound and needs to be demolished. The wood framing, as originally built, is grossly deficient and does not meet the building code requirement. It is not habitable due to unsafe structural framing and cracked foundation. In addition, the west side of building is tilt toward to east direction. The existing concrete footing has no rebar reinforcing and missing portion of the retaining wall in the west side of building. The existing 2x stud load bearing walls were dry-rot without siding protection on the west side lead to structurally unsafe to the building. Furthermore, the existing roof is severe damage without proper connection to the existing structural members and some area settled. The existing roof beams were not support the roof rafters properly lead to settlement in some area on the roof.



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

S t a f f R e p o r t

FOR COMMISSION ACTION  
 JUNE 1, 2023

## 1960 San Antonio Avenue/645 Arlington Avenue – The Spring Estate

**Structural Alteration Permit (#LMSAP2022-0005) to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring Mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house, excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood, contingent upon rehabilitation of the historic gymnasium building.**

### I. Application Basics

#### A. Land Use Designations:

- Zoning: Single Family Residential District, Hillside Overlay (R-1H)

#### B. CEQA Determination: pending.

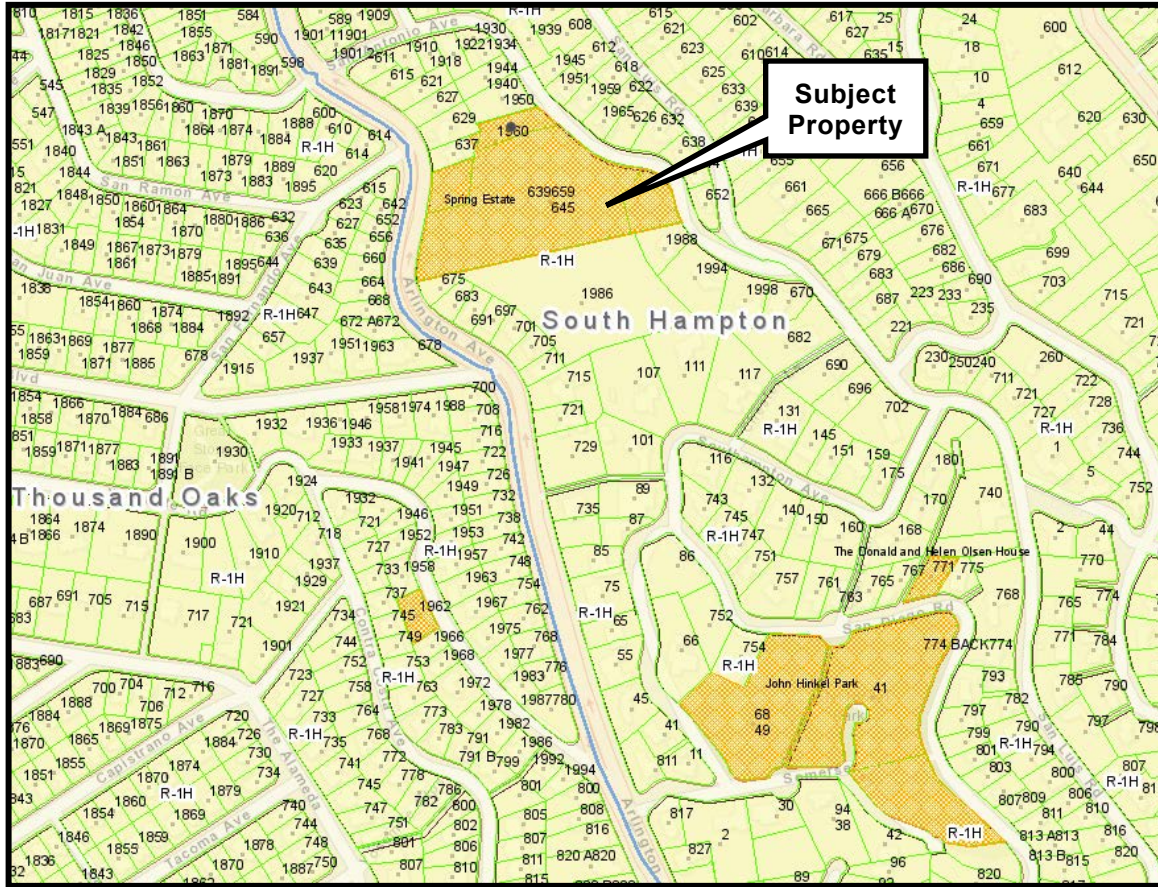
#### C. Parties Involved:







- Property Owner: Abbas Mash  
18 Deer Oaks Drive  
Pleasanton, CA
- Project Applicant: Bahadour Zarrin  
Paymun Building & Development  
25 Ordina Way, Suite 200

Orinda, CA

**D. Recommendation:** Review revised proposal and consider final action.

Figure 1: Vicinity Map showing nearby City Landmarks & Districts



|                                                                                     |                                     |                                                                                     |                      |
|-------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------|----------------------|
|  | Landmarks / Structure of Merit; LM, |  | Parcels              |
|  | Features                            |  | Demolished           |
|  | Districts                           |  | Partially Demolished |




Figure 2: Proposed site plan

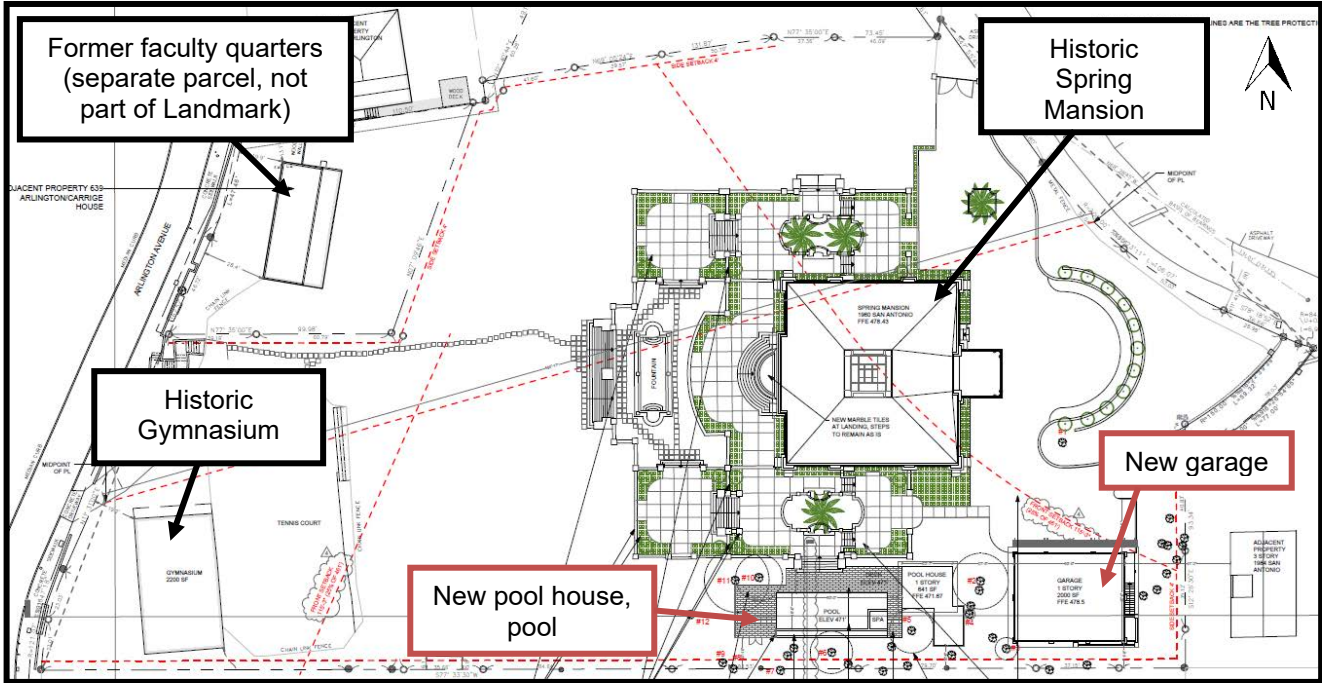


Figure 3: Subject property, east elevation of main house, north elevation of garage, current site conditions (Jonathan Rachman Design).





**Figure 4: Subject property, north elevation of garage to be demolished (2022).**



**Figure 5: Subject property, west elevation of addition off west terrace. Upper level cafeteria/auditorium to be demolished to restore the southwest terrace. Game room below the terrace to be rehabilitated (2022).**



**Figure 6: Subject property, southwest terrace, to be restored to match existing terrace (2022).**



Figure 7: Subject property, gymnasium, east elevation, rehabilitation needed (2022).



Figure 8: Enlarged proposed site plan

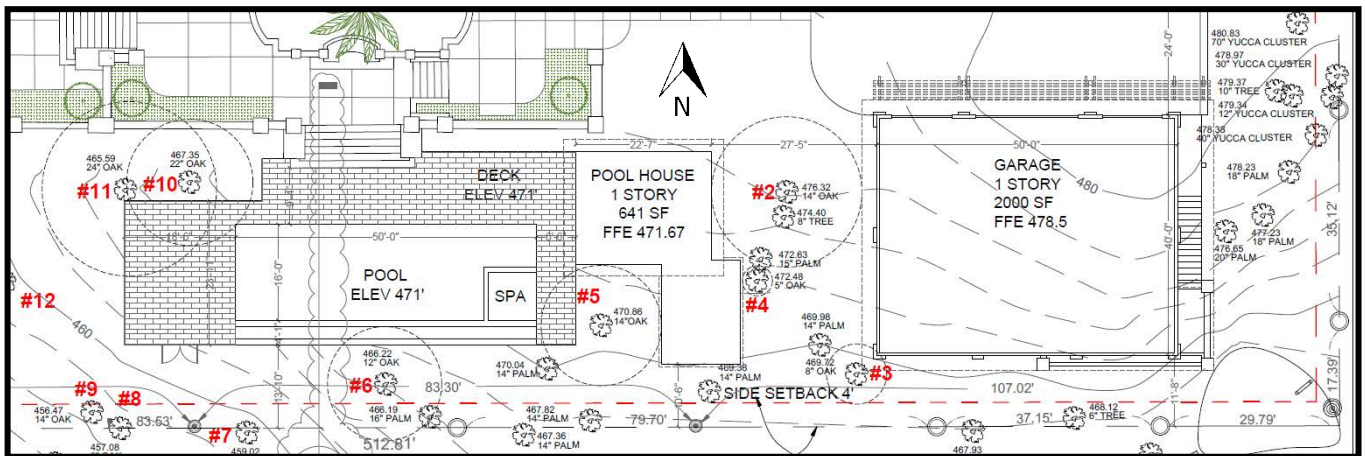


Figure 9: Proposed east elevation

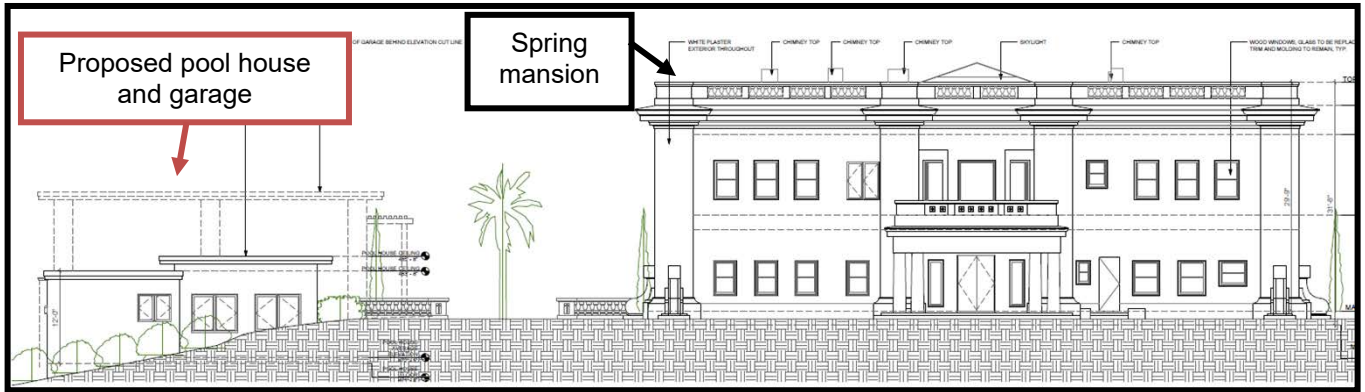


Figure 10: North-south section

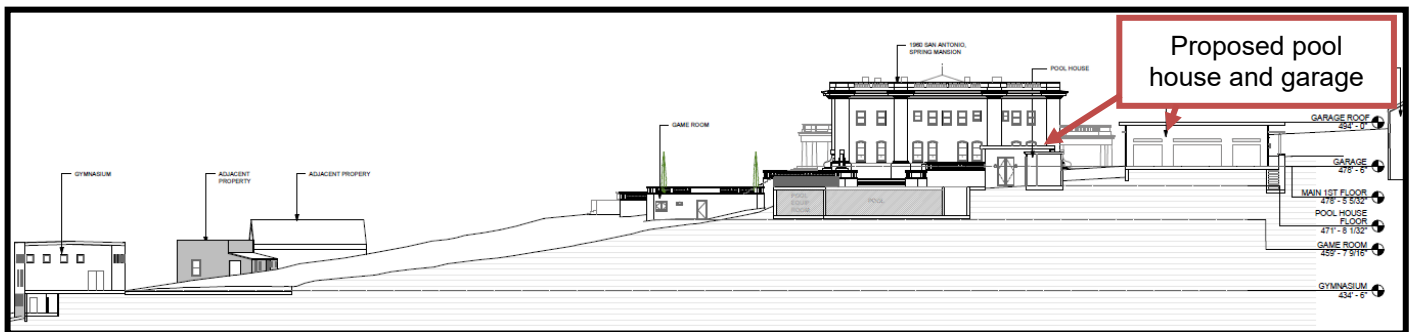
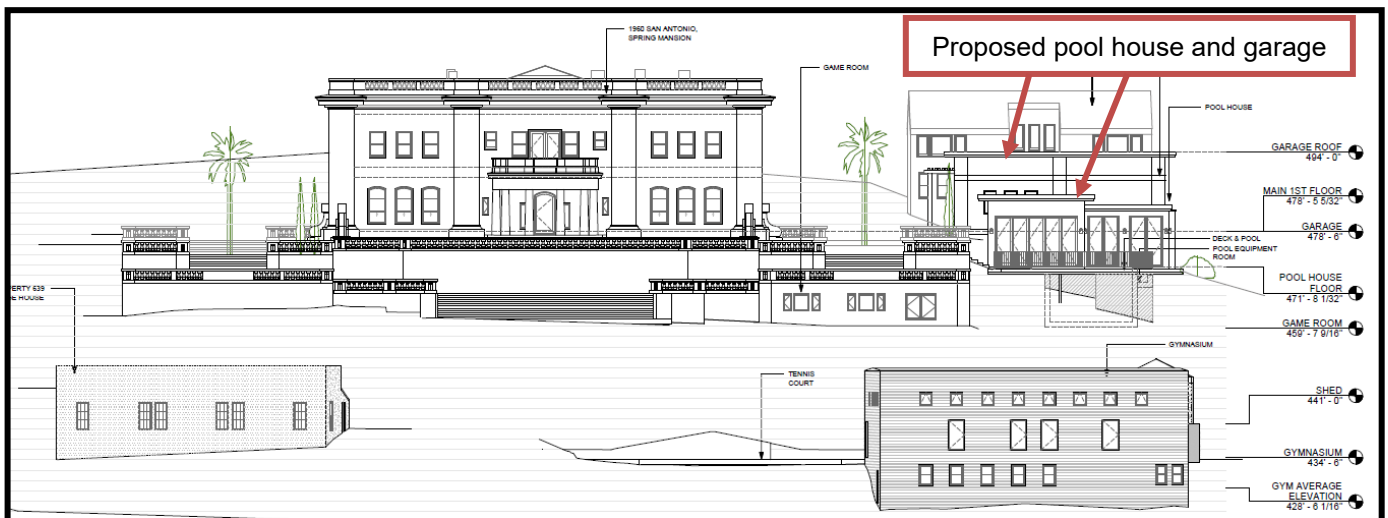


Figure 11: Section from Arlington Avenue



## II. Background

### Brief History & Site Conditions

The subject property is comprised of three parcels under the same ownership. The largest is approximately 112,000 sq. ft., with frontage on San Antonio Avenue and Arlington Avenue. The second parcel has frontage on San Antonio Avenue and contains no structures. The third parcel is located at 639 Arlington Avenue and contains a building that was faculty quarters when the property was a college.

The City Landmark Spring Estate consists of a grand main building designed by John Hudson Thomas in the Beaux-Arts architectural style. It was completed in 1912 and features concrete and iron architectural features, terraces to the west, north, and south; and stairs and walkways leading to Arlington Avenue. The site includes a gymnasium adjacent to Arlington Avenue and a single-family dwelling (1984 San Antonio) known as the carriage house. The dwelling at 1984 San Antonio Avenue is part of the Landmark, but under separate ownership.

### Historically Significant Features:

- Mansion with concrete and iron architectural features
- Terraces and balustrades to the front, rear, and side of the mansion
- Fountain west of the mansion
- Stairs and walkway to Arlington Avenue
- Statues, urns, retaining walls in the Beaux Arts style
- Gymnasium at Arlington Avenue
- Carriage house at San Antonio Avenue (1984 San Antonio Avenue)
- Design landscape and hardscape features original to the estate

The Landmarks Preservation Commission (LPC) designated this property as a City Landmark in 2000 (see Attachment 5). The designation excludes a building addition on the original southwest terrace of the Spring Mansion; garden sheds; tennis courts; a fountain and entrance features at the east, adjacent to San Antonio Avenue; the detached, two-car garage; and the residence at 639 Arlington Avenue (originally faculty housing, currently vacant and on a separate parcel).

The gymnasium and residence at 639 Arlington Avenue are in poor condition, and much of the grounds have been neglected, with failing or damaged retaining walls and overgrown vegetation. The condition of the property does not comply with BMC Section 3.24.290, *good repair and maintenance required*. If this SAP were granted, then a rehabilitation plan could be required as a Condition of Approval to ensure the gymnasium is rehabilitated. A Use Permit application to demolish and replace the former faculty house may be submitted to the Zoning Adjustments Board without LPC consideration because it is not part of the Landmark.

### **Application Chronology**

On June 1, 2022, the applicant submitted Administrative Use Permit (AUP) #ZP2022-0070 and the subject Structural Alteration Permit application. The AUP is subject to review and approval by the Zoning Officer. AUP consideration is contingent upon the Commission's approval of the subject SAP. In accordance with BMC Section 3.24.220, the Commission opened the SAP hearing on August 4, 2022, and then continued the matter without discussion while awaiting receipt of a complete application and recommendation for final action. On August 19, October 11 and November 19, 2022, the applicant submitted additional material, and on March 2, 2023, the Commission resumed the hearing, provided comments and direction to the applicant, and then continued to await receipt of the revised application submittal in response to their comments.

On May 15 and May 16, 2023, the applicant provided revised plans, material boards, an applicant statement, and a draft rehabilitation plan for the gymnasium; see Attachment 2 for the plans and material boards. Staff mailed and posted ten-day advance public notices on (or before) May 22, 2023, in accordance with the requirements of BMC Section 3.24.230.

### **Community Discussion**

The City received two correspondences from concerned neighbors in August and September 2022 (included previously with the March 2, 2023 staff report). At the August 4, 2022 hearing, a neighbor shared concerns related to animals and public noticing procedures, and another neighbor was supportive of the project. At the March 2, 2023 LPC meeting two neighbors expressed concerns about the poor condition of the gymnasium and faculty house, located on a separate parcel. A letter was received from a neighbor in May 2023, and they expressed concerns about the neglect of the Arlington side of the property, and the size of the proposed garage. Overall, neighbors are concerned about the neglect of the property, and continued inadequate maintenance (e.g. overgrown vegetation along the Arlington).

## **III. Project Description**

The applicant proposes to demolish the detached garage, the auditorium building on top of the southwest terrace, and concrete walls, concrete steps, and the fountain near the San Antonio Avenue entrance; repair concrete walkways, retaining walls, railings, and balusters north, south, and west of the mansion; rehabilitate the room below the auditorium; modify the driveway area off of San Antonio Avenue; and add a pool, pool house, and new garage. Table 1, below, summarizes the scope of work. The proposed project would comply with many of the ministerial development standards for the R-1 zoning district, but would require approval from the Zoning Officer to add the pool house, add a garage more than 24 feet in length, and add an unenclosed spa.

**Table 1: Summary of Proposed Scope of Work at Spring Estate site**

| Location                                  | Feature to be Preserved? | Scope of Proposed Work                                                                                                                                                                                              | Project Plans Sheets                                     |
|-------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Main Building<br>Spring<br>Mansion        | Yes                      | <ul style="list-style-type: none"> <li>▪ Restore terrace, remove non-historic “cafeteria” addition</li> </ul>                                                                                                       | A050, A100-A101B, A108, A201, A301-A302                  |
|                                           |                          | <ul style="list-style-type: none"> <li>▪ Renovate existing recreation room below southwest terrace</li> </ul>                                                                                                       | A050, A107, A301-A302                                    |
|                                           |                          | <ul style="list-style-type: none"> <li>▪ Repair &amp; replace walkways, retaining walls, railings and balusters</li> </ul>                                                                                          | A100-A101, A301-A302                                     |
| San Antonio Site Entrance Features (east) | No                       | <ul style="list-style-type: none"> <li>▪ Demolish driveway, and replace with new, expanded driveway</li> <li>▪ Remove existing retaining walls, stairs and fountain, and add replacement retaining walls</li> </ul> | A050, A100-A101                                          |
| Detached Garage                           | No                       | <ul style="list-style-type: none"> <li>▪ Demolish 2-car garage</li> <li>▪ Construct new 10-car garage</li> </ul>                                                                                                    | A050, A100-A101B, A105, A201-A203, A205, A301-A302       |
| South Yard Area                           | No                       | <ul style="list-style-type: none"> <li>▪ Construct 641 sq. ft, single-story pool house</li> <li>▪ Excavate and install below-grade swimming pool with decking and equipment enclosure</li> </ul>                    | A050, A100-A101B, A105, A109, A201-A202, A204, A301-A302 |
| Landscape throughout site                 | No                       | <ul style="list-style-type: none"> <li>▪ New plantings</li> <li>▪ Preserve oak trees</li> </ul>                                                                                                                     | L1-L6                                                    |



## IV. Issues and Analysis

At the March 2, 2023 LPC meeting, the Commission received a presentation from staff and the applicant, and then provided comments on the proposed design of the new buildings. In response, the Applicant revised some aspects of the proposal and the project design, and then re-submitted the project plans for further consideration; see Attachment 2 of this report.

The Commission's comments and the Applicant's responses are summarized in Table 2, below.

**Table 2. March 2, 2023 LPC Comments – Project & Design Improvements**

| Topic            | LPC Direction                                         | Response                                                                                                                                                   | Project Plans Sheet                      |
|------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Two-Story Garage | Improve massing; consider terracing                   | New features including pilasters, windows, pedestrian door, & balcony; new vehicle door arrangement; new decorative details such as pilasters & a pergola. | A105A, A201, A205, A301, A302, A902, M04 |
|                  | Reduce overall size                                   | No change                                                                                                                                                  | A105A, A201, A205, A301, A302            |
|                  | Avoid pitched roof                                    | Flat roof                                                                                                                                                  | A105A, A201, A205, A301, A302, A902, M04 |
|                  | Use plantings to screen structure                     | Plants shown in renderings only, no new information in landscape plan.                                                                                     | A902, M04                                |
|                  | Improve design of vehicle doors                       | Change of color only                                                                                                                                       | A205, A902, M04                          |
|                  | Lower height to less than main building porte cochère | No change                                                                                                                                                  | A302                                     |
|                  | Consider pedestrian access/door                       | Person door added to east elevation (not shown in floor plan).                                                                                             | A205, A902, M04                          |
| Pool House       | Consider lower, flatter roof                          | Flat roof                                                                                                                                                  | A204, A902, M03                          |
|                  | More glazing                                          | Windows are modern in design, with larger pieces of glass.                                                                                                 | A204, A902, M03                          |
| Vehicle Pavement | Reduce pavement                                       | No change                                                                                                                                                  | M02                                      |
|                  | Consider alternative to asphalt                       |                                                                                                                                                            |                                          |

The Secretary of the Interior's Standards for the Treatment of Historic Properties (1977) and the Landmarks Preservation Ordinance (BMC Section 3.24) would apply to this

request for improvements to the Spring Estate City Landmark property. Analysis of applicable Standards is provided below.

#### **A. The Secretary of the Interior's Standards for Rehabilitation**

The Secretary of the Interior's Standards for the Treatment of Historic Properties defines *Rehabilitation* as "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." The analysis below summarizes staff's preliminary findings for this project with respect to the most pertinent Secretary's Standards.

##### **SOI Standard 6**

*Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

**Analysis:** The proposed scope of work includes repairing and replacing concrete features including steps, railings, balustrades, and retaining walls around the mansion. The new features will match the old in design, color, texture, and materials.

The historic gymnasium is in poor condition and has received considerable attention from the neighbors who are concerned that it has or will become a nuisance. The condition of the property does not comply with BMC Section 3.24.290, *good repair and maintenance required*. At this time, the Building Official has not made a formal determination about the status of the structure. Meanwhile, staff and the applicant have discussed a possible requirement to rehabilitate the structure if the subject SAP were to receive a favorable final outcome. The applicant has been advised that a Site/Structure Specific Historic Preservation Treatment Plan would be included as a Condition of Approval and, the scope of this project has been expanded to include rehabilitation of the gymnasium.

The applicant proposes to introduce marble at the landing off of the west entrance of the mansion, where marble tiles would replace concrete under the balcony. This change is limited in scope and location and not likely to result in a significant impact on the Landmark. The material change at the west landing would not be visible from the right-of-way, and would not be very visible due to the balcony above.

##### **SOI Standard 9**

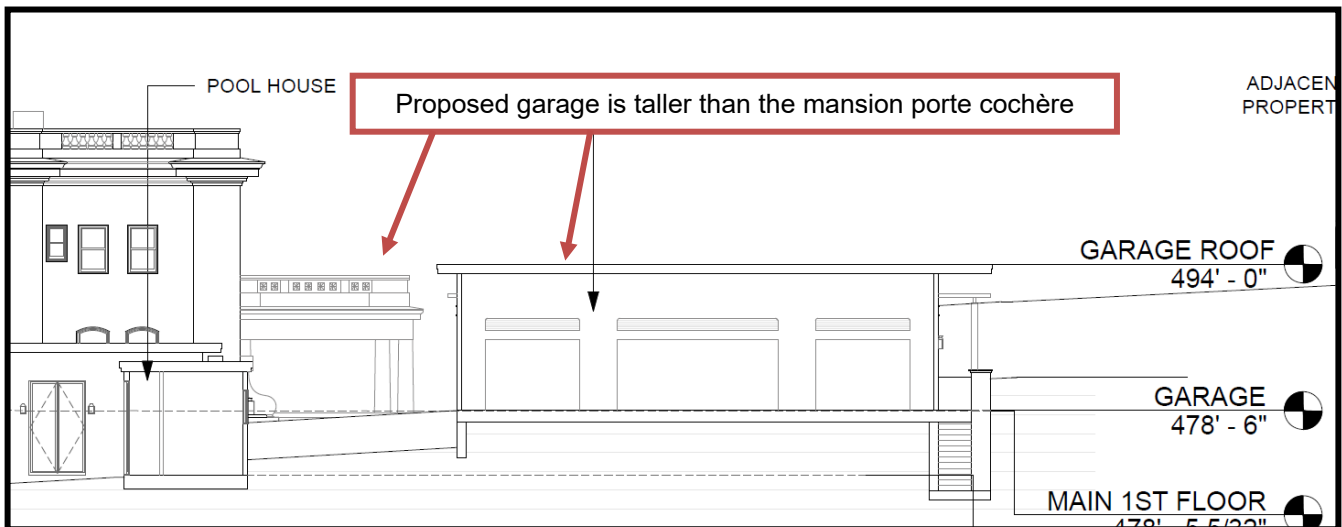
*New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new*

*work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

**Analysis:** Originally the applicant proposed a new garage with a flat roof and decorative pilasters that matched the design of the mansion. In the first incomplete letter staff said that the design of the garage was in conflict with Standard 9. Subsequently, the applicant revised the design, and removed the pilasters and changed the roof to a hipped roof. At the March 2 LPC meeting Commissioners and staff provided feedback on the design of the garage and pool house. The applicant submitted revised plans in May. The revised garage is still large in massing and tall, particularly when viewed from the south, but the new details on the building have elevated the design. The revised pool house and garage both have flat roofs which are compatible with the mansion, and the overall design of the pool house and garage is differentiated from the mansion (Figures 12 and 13).

The revised design of the new buildings and features is contemporary and, therefore, distinct from the Beaux Arts architectural design of the historic Spring Mansion, but the garage height should be lowered, and additional details are needed on the doors, windows, and lighting.

**Figure 12: Proposed garage next to the mansion, from the north-south section**



## B. Landmarks Preservation Ordinance (LPO) Review Standards and Criteria

The analysis below summarizes staff's findings for this project with respect to the requirements for SAP approval in accordance with the LPO.

### **BMC Section 3.24.260, Paragraph C.1**

*"For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features..."*

**Analysis:** The revised design of the proposed pool house and garage with flat roofs and modern design elements is both complimentary to and distinct from the existing mansion. The mansion will remain unchanged, and non-historic features such as the fountain on the San Antonio side of the property will be removed.

*"...nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting."*

**Analysis:** The new garage may be visible from the public right-of-way, and the height could be lowered to reduce any negative impacts on the Landmark.

## V. Rationale for Recommendation

Improvements have been made to the design of the proposed garage and pool house. Table 2 provides a summary of LPC comments and the applicant's response. The following aspects of the project should be considered before final action:

- Garage massing and visibility. The height of the garage could be lowered, which would reduce the visual impact of the garage. The applicant has attempted to address the blank walls of the garage, but it is not clear why particular design choices were made. There are some inconsistencies between the floor plan, elevations, and renderings. Congruence between the floor plan, elevations, and renderings could be a condition of approval. The height, size, and details of the garage could be addressed with conditions of approval.
- Pool House. Staff believes revisions to the pool house design successfully addressed to the Commissioners' comments. However, if further refinements are needed, then the Commission can direct staff to include Conditions of approval as needed.
- New expanded driveway. Commissioners' concerns about the amount of proposed asphalt have not been addressed. The driveway design and material could be discussed tonight.

## VI. Recommendation

Staff recommends that the Commission:

- 1) Review and discuss the proposed project design and the project's potential regulatory compliance.
- 2) Take favorable action and adopt the Draft Findings and Conditions for Approval if the proposal is found to satisfy the requirements of BMC Section 3.24.220.

### Attachments

1. Draft Findings and Conditions for Approval
2. Project Plans (including Landscape Plans), and Material Boards received May 15, 2023
3. Correspondence, May 2023

**Prepared by:** Allison Riemer, Associate Planner, [ariemer@cityofberkeley.info](mailto:ariemer@cityofberkeley.info), 510-981-7433

**Reviewed by:** Fatema Crane, Principal Planner/LPC Secretary; [fcrane@cityofberkeley.info](mailto:fcrane@cityofberkeley.info) (510) 981-7410

## CITY OF BERKELEY LANDMARK APPLICATION

## JOHN HOPKINS SPRING ESTATE

1. Street Address: 1960 San Antonio Road  
1984 San Antonio Road  
639 The Arlington  
County: Alameda City: Berkeley Zip: 94707
2. Assessor's Parcel Number: 062-2916-059-00 Block 2916 Lot 60  
Lot size: 19,816 square feet  
Cross Street: The Arlington
3. Is property on any survey? State of California Historic Resources Inventory  
State Inventory: Yes National Register: No
4. Application for Landmark includes:
  - a. Building(s): Yes Garden(s) Yes Other Feature(s) Yes
  - b. Landscape or open space: Natural: Yes  
Designed: Yes Other: Please see Description
  - c. Historic Site: Yes
  - d. District: Thousand Oaks
  - e. Other
5. Historical Name of Property: John Hopkins Spring Estate  
Commonly Known Name: Spring Mansion
6. Date of Construction: 1912 a. Factual Yes  
Source of Information: See Bibliography
7. Architect: John Hudson Thomas Builder: Spring Construction Co.
8. Style: Classical, Beaux Arts house
9. Original Owner: John Hopkins Spring Original Use: Residential
10. Present Owner: Larry Leon Address: 1960 San Antonio, 1984 San Antonio  
Present Occupant: Owner 639 The Arlington
11. Present Use: Residential / Single-Family  
Current Zoning: ES-R (Single Family)  
Adjacent Property Zoning: ES-R (Single Family)

## 12. Present Condition of Property

Exterior: Good  
Interior: Good  
Grounds: Good

## 13. Description:

The Spring estate is in a scheme of broad terraces on four acres. The land slopes downward to the west at a 15% to 20% grade and has a good selection of ground cover and trees. Redwood, eucalyptus, pine and palm trees are scattered on the upper reaches of the site and a good windbreak of trees are ranged along the prevailing wind property line. The site opens to the sun and provides excellent vistas to the south, west and north, which includes the University of California, the San Francisco Bay with its two majestic bridges and Mount Tamalpais.

The Spring Mansion is a large, awe-inspiring two story grand estate designed in the Beaux Arts fashion. The exterior design features rectilinear ornament and elegant corner volute buttresses. The house, including the roof is built of reinforced concrete. Formal in spirit and classical in style, the building is massively impressive.

The main house (80' x 83') is built around a 39 square foot atrium, which extends to the roof and is covered by a skylight 30 feet above the main floor. In the center of the atrium is a lovely Italian fountain. Tuscan columns support the balconies above and frame the fountain that carries the central theme of this room. The grand staircase, a full 15' wide, leads the eye to the landing with its window seat. The grand living room (24' x 45') has a generous oak fireplace and oak is used extensively throughout for moldings, bookcases and doors. The house contains seven fireplaces, and each bedroom has its own bathroom. The velvet carpeting and the tapestries and silk damask wall coverings in the billiard room, dining room, living room, and study are all original to the house.

## 14. History

John Hopkins Spring (1862-1933) was a daring capitalist with imaginative vision and business acumen. He had a family background that served his career well. His grandfather and namesake was a New England sea captain who came to California in 1852 on his own ship with two sons and settled in San Francisco. In his youth, Spring was an outstanding athlete, excelling in bike racing and swimming. His father and uncle were partners of a thriving real estate firm, where the youth presumably learned the business. In 1888 he married Celina Dusperry Warfield, a divorcee from a prominent Baltimore family with two children (Frances and Katherine). Out of there union came five more children (Anne, Dorothy, Gertrude, Marjorie, and Francis). After his father died in 1897, Spring moved his

family to Oakland. He built a lovely home along Sausel Creek amidst giant redwoods and big ferns that made his estate a great showplace of the Fruitvale area. It was his residence until 1912.

The Spring family was already involved in East Bay land ventures before John's move to Oakland. Spring inherited from his father a sizable fortune which he used to pay \$35,500. for the land holdings of his uncle, who withdrew from the real estate business. He soon acquired substantial holdings in the East Bay, ranging from farm lands in the Decoto area, real estate in Oakland, and the Galpin ranch in present-day El Cerrito. These land holdings provided the broad base for launching his spectacular real estate ventures.

While San Francisco was smoldering in ruins after the 1906 earthquake and fire, Spring bought a lot with a steel structure in Union Square for \$400,000. He formed a company, erected a building that was leased to the City of Paris and sold the property in 1915 for \$1,250,000. In 1906-07 he purchased a 142-acre tract in the sparsely settled area around El Cerrito Hill and laid out the subdivisions that formed the basis of Albany. Over the years he acquired tidelands along the Oakland-Berkeley-Richmond waterfront and sold them in 1925 to the Santa Fe Railroad for \$700,000.

Spring apparently developed a special spot in his heart for Berkeley. During the decade after 1900, Berkeley experienced a dramatic population increase that completed the community's transition from a rural village to a suburban city. Spring was part of an enterprising Berkeley group that included real estate developer Duncan McDuffie and local capitalists Louis Titus and W. E. Creed (late PG&E president). All were partners and/or officers of the Berkeley Development Company and the North Berkeley Land Company. Spring was also a business associate of Francis "Borax" Smith and Frank Havens, especially in the East Bay real estate ventures of their Realty Syndicate.

Spring's first venture into Berkeley real estate was in the Claremont District. In 1903, he bought from the Glasscock Estate for \$63,000 the land between Panoramic Way and Fish Ranch Road, including University Terrace and the Claremont Tract. Before long, Spring had two other partners in the Claremont Tract, Frank Havens and W. P. Mortimer, a Berkeley capitalist. The partners financed the grand Hotel Claremont but construction was slowed down due to financial stringency resulting from the 1907 Panic.

In 1910, Spring approached his partners with a proposal to play a game of dominoes with the hotel property as the stake. Spring first played Mortimer and beat him. Later he played Havens and lost. It was Spring who planned the lovely garden terraces around the hotel that became known as the "Jewel of the East Bay."

Spring next turned his attention to the north Berkeley area. In 1904-05, he acquired for \$100,000 the Dunn Estate in the Hopkins Terrace subdivision, including the quarry Dunn had operated from 1879 to around the time of his death in 1900. He formed Spring Construction Company, with Creed and Titus as partners, in building streets and other projects in the north Berkeley area. The



company quarried rock at its Spruce Street facility (La Loma Park and Codornices Park area) and later at The Arlington facility (Cerrito Canyon). Construction vehicles and equipment were maintained at a depot on the old Boswell Ranch site (Solano and Peralta junction).

Spring's best known venture was the Thousand Oaks subdivision in the northeast corner of present-day Berkeley. In developing this huge tract after 1909, Spring may have been inspired by McDuffie, who began four years earlier in laying out the adjacent Northbrae subdivisions, marked by winding streets with attractive homes with prominent boulders and green landscape to enhance the scenic view. His lasting monument was the magnificent estate off The Arlington, which he completed for his family in 1914. His estate was considered among Berkeley's most beautiful landmarks.

Within two years the public life of John Spring fell apart. Christmas, 1915, he left his wife for another woman. The lovers divorced their respective spouses and were married a "year and a day" after his marriage dissolution. Celina Spring married the brother of her first husband and sold the family estate to a private academy, the Cora Williams Institute of Creative Development. (Miss Williams maintained a highly cultural and refined environment for her students, who came from University and neighborhood families. Her school, which featured small classes and employed faculty wives as part-time teachers, had its heyday in the 1920's and 30's.)

Spring spent his remaining years in relative obscurity. He lived in San Francisco, then in Los Gatos, where he died in 1933, shortly after divorcing his second wife. By that time he had gambled away his wealth after the 1929 stock market crash.

A journalist reported in those later years that Spring still had his old spunk and spirit. As he had said of himself in a earlier and happier time, he was just a "plaything of the winds of fortune." Fate may have dealt the man an unkind blow, but his contributions to Berkeley's historical development in these middle years will not be forgotten. (Edward Staniford, "Spring's Time in Berkeley: A Gambler's Legacy," Berkeley Historical Society, 1980.)

In 1975 the estate was purchased by Larry Leon and is his residence.

## 15. Significance:

### Cultural Significance

The Southampton area is unique in Berkeley. The grand development scheme of John Spring, hillside landscape, vistas of the bay, and 1920s work of noted Berkeley architects combine to create a streetscape unlike anything else in the city. Here imposing houses reminiscent of Italian villas, Spanish Farmhouses, and Tudor manors stand side by side along curving, treelined streets, evoking an aura of the past. To design their grand houses local architects were chosen, such

as Bernard Maybeck, Walter Ratcliff and John Hudson Thomas. Others were John Galen Howard, Warren Perry, Henry Gutterson, Roland Stringham and William Wurster.

### **Architectural Significance**

In 1912 John Hopkins Spring commissioned John Hudson Thomas to design a grand residence for his family and which would promote his development of the Thousand Oaks area. According to the Daily Pacific Builder, February 1912:

"...the virgin whiteness of the mansion will be admired from great distances on and around the bay and it will stand for decades as one of the magnificent showplaces of Berkeley."

John Hudson Thomas (1878-1945) was one of Berkeley's most innovative and prolific architects. Born in Nevada, Thomas spent his boyhood in the Bay Area, until he left for Yale University. After graduation, he returned to Berkeley to enter the Department of Architecture at the University of California, where he studied under such masters as Bernard Maybeck and John Galen Howard. Thomas completed the three year architecture course and went to work as a draftsman in Howard's office. Two years later he formed a business partnership with Howard's office supervisor, George T. Plowman; and in 1910 he established his own independent practice.

During the four year period in which Plowman and Thomas were partners, they were associated primarily with the Craftsman movement of architecture. Their small scaled buildings were made of wood and were rustic in nature.

When Plowman left Berkeley for Los Angeles, Thomas shifted his design approach from the unpretentious Craftsman to a more assertive style. His residences became dominant in relation to their landscapes, and wood gave way to stucco for their facades. The stucco acquired the appearance of more solid masonry and Thomas created a feeling of massiveness for his structures by incorporating such techniques as overscaled elements. Many times he designed separate windows to appear from the exterior as one grand unit. His interiors became more dramatic with such features as prominent stairways. In his designs Thomas selected motifs from many different sources and attempted to combine them into a unified statement. In fact, this tendency to combine seemingly unrelated imagery into a cohesive design certainly became one of Thomas' trademarks.

John Hudson Thomas developed his idiosyncratic approach to architecture during one of the most expansive periods of residential development in Oakland and Berkeley. From 1910 to 1920, Thomas' practice consisted of residential commissions for middle and upper class residents in new East Bay subdivisions.

The forms which his building took were influenced by the enterprising values of his clients and by the hilly topography on which his buildings stood. The buildings are dominant in relation to their sites and they convey the impression that their owners hold an esteemed place in the community.

Thomas did not hold an exclusive set of criteria which governed his decisions in design. His imagery is drawn from the published work of the Glasgow School, the Viennese Secession and the Prairie School, in addition to the work which he knew first-hand of Irving Gill, Green and Green, Bernard Maybeck, and the Mission and Pueblo Revivals.

Thomas' method of design was similar to the approach of two Bay Area eclectic designers of an earlier generation, Ernest Coxhead and Bernard Maybeck. Their work is a rich blend of motifs from diverse periods and cultures. Although Thomas confined himself to early twentieth century imagery, his process of design lends a vitality to his buildings which is in line with the work of Coxhead and Maybeck.

Thomas' buildings dominate their sites. A quality of indisputable presence provides a common ground for the diverse forms of his houses. Thomas seems to have satisfied a large number of clients who held two basic aspirations for the emotional impact of their houses. His clients were businessmen and professionals who wanted the ideals of "home sweet home" and "house as castle" combined. The house had to be individual in design and it had to look substantial in order to provide roots for families of recently established social status. Thomas was unwilling to respond to these needs by applying historical elements to his facades. Fortunately, his clients held a strong priority on individuality and allowed him to execute the inventive forms which make his buildings distinctive.

Thomas over-scaled certain parts of his buildings to give them a quality of solid mass. Parapet gables and arch soffits are thickened in wood frame and stucco to simulate masonry construction. The excess material is concentrated in places which can be observed from the street; this scenographic technique gives an air of grandeur to the entire building.

As early as 1890, architects in the Bay area had developed hybrid architectural forms. These buildings were the basis for a regional style which was free from the limitations of a strict ideology. Between 1910 and 1915, John Hudson Thomas helped to establish the Bay Area Tradition in architecture.

"John Hudson Thomas' buildings frequently hold an aggressive relation to their sites and their stucco composition enhances their boldness. His ability to make a simple material suggest a grand one and a small space suggest a large one provides valuable lessons for today's architects." (Thomas Gordon Smith, The Work of John Hudson Thomas, 1910-1915, Berkeley, Calif. 1975.)

16. Is the property endangered? Yes  X  No

Explain if yes: It is considered endangered until it is preserved.

17. Photographs: BAHA Archives

18. Bibliography

Cerny, Susan Dinkelspiel, Berkeley Landmarks: An Illustrated Guide to Berkeley, California's Architectural Heritage, Berkeley, Berkeley Architectural Heritage Association, 1994

Emmington, Leslie. Notes on the Spring Family BAHA Archives

Gebhard, David. Montgomery, Roger. Winter, Robert. Woodbridge, John. Woodbridge, Sally. A Guide to Architecture in San Francisco and Northern California, Second Edition, Peregrine Smith, Inc., Santa Barbara and Salt Lake City, 1976.

Hawthorne, Trish, Historic Resources Inventory, (BAHA), prepared January 25, 1978.

Hawthorne, Trish, "Southampton's Villas," BAHA Tour Brochure, 1991.

Hayes, Linda and Meyer, Christina, "A Tour of Seven Classic Berkeley Homes designed by John Hudson Thomas" Ecole Bilingue Tour Brochure May, 1979.

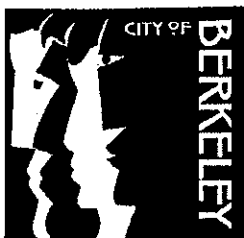
Preliminary Architects Report of the Spring Estate drawn up for Cora Williams, Williams College. BAHA Archives.

Smith, Thomas Gordon, The Work of John Hudson Thomas, 1910-1915, Berkeley, California, 1975.

Staniford, Edward, "Spring's Time in Berkeley: A Gambler's Legacy," for the Berkeley Historical Society, 1980.

19. Recorder (s):

Cindi Clymer  
Barbara Dornfeld  
Frances Townes



Planning and Development Department  
Current Planning Division  
Landmarks Preservation Commission

ORIGINAL

## NOTICE OF DECISION FOR MEETING OF: JULY 10, 2000

PROPERTY ADDRESS: 1960 San Antonio Road, 1984 San Antonio Road and 639 The Arlington  
 ALSO KNOWN AS: John Hopkins Spring Estate or the Cora Williams Institute  
 OWNER OF PROPERTY: Larry Leon  
 ACTION: Approval of the City of Berkeley Landmark Designation  
 APPLICANT: Cindi Clymer

**WHEREAS**, the properties located at 1960 San Antonio Road, 1984 San Antonio Rd, and 639 The Arlington, collectively known as the John Hopkins Spring Estate, also known as the Cora Williams Institute, have special historical, cultural and architectural value to the City of Berkeley; and

**WHEREAS**, the Spring Mansion at 1960 San Antonio Road, its original exterior concrete and iron architectural features, its porticos and balconies, its windows, its front, rear and side terraces and balustrades, its west fountain, its stairs and walkway to The Arlington, its original statues, urns and remaining walls are all outstanding examples of the Beaux Art style and an outstanding example of the work of architect John Hudson Thomas, one of Berkeley's most innovative and prolific architects; and

**WHEREAS**, the gymnasium building located at 639 The Arlington, the Carriage House at 1984 San Antonio Road, the designed landscape and hardscape features original to the estate, and natural rock outcroppings all contribute to the historical, cultural and architectural value of the site; and

**WHEREAS**, the site is an architectural example worth preserving for the exceptional value it adds to the Southampton and Thousand Oaks neighborhood fabric; and

**WHEREAS**, the site has historical and cultural value to the City of Berkeley for its association with the Cora Williams Institute and for its association with John Hopkins Spring and his role in the development of residential subdivisions in the Claremont and North Berkeley areas of the city;

**THEREFORE**, it is moved that the property be designate a City of Berkeley Landmark, specifically excluding:

- The roof and walls of the recreation addition that cover the mansion's original southwest terrace, balustrades and stairs.
- The small gardener's sheds on the property.
- The tennis courts which are in poor condition.
- The new fountain at the San Antonio Road side of the mansion.

- The two-car garage.
- The house at 645 The Arlington.

VOTE: 7-0-0

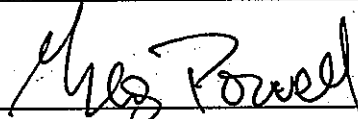
Aye: Dishnica, Eichenfield, Kehlmann, Korte, Morse, Olson, O'Malley  
Nay: None  
Abstain: None  
Absent: Edwards, Emmington

**DATE NOTICE MAILED: August 7, 2000.**  
**THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: August 22, 2000**  
**Appeal must be filed with City Clerk by this date.**

Pursuant to Section 3.24.300 of the Landmarks Preservation Ordinance:

'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.'

ATTEST:

  
\_\_\_\_\_  
**Greg Powell**  
Secretary, Landmarks Preservation Commission

cc: City Clerk

Larry León  
1960 San Antonio Ave  
Berkeley, CA 94704

Cindi Clymer  
1950 San Antonio Ave  
Berkeley, CA 94704

**LEGAL LIMITATIONS:**

If you object to this project or any city action or procedure relating to this project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the Public Hearing on this project or in written communications presented at or prior to the Public Hearing. The time limit within which to commence any lawsuit or legal challenge related to this (these) application(s) is governed by Section 1094.6, any lawsuit or legal challenge to any quasi-administrative decision made by the City must be filed no later than the 90<sup>th</sup> day following the date on which such decision becomes final. Any lawsuit or legal challenge which is not filed within that 90-day period will be barred.









This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

or from:

**The City of Berkeley's Website**  
<http://www.berkeleyca.gov>

**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL**

**LANDMARKS PRESERVATION COMMISSION APPEAL: 1960 SAN ANTONIO AVENUE/645 ARLINGTON AVENUE- SPRING ESTATE  
STRUCTURAL ALTERATION PERMIT #LMSAP2022-0005**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, FEBRUARY 13, 2024 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Landmarks Preservation Commission to **APPROVE Structural Alteration Permit #LMSAP2022-0005 to restore the terrace, remove the non-historic building addition, and repair railings and walkways of the Spring mansion; demolish the detached, non-historic garage and construct a new ten-car garage; demolish and replace the non-historic driveway, retaining walls and stairs on the east side of the property; construct a new, detached pool house, excavate and install a new swimming pool; and complete landscape improvements at a City Landmark residential property in the Hillside neighborhood, contingent upon rehabilitation of the historic gymnasium building.**

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at [www.berkeleyca.gov](http://www.berkeleyca.gov) as of February 1, 2024. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Allison Riemer, Project Planner, (510) 981-7433 or [ariemer@berkeleyca.gov](mailto:ariemer@berkeleyca.gov). Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, 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@berkeleyca.gov](mailto:clerk@berkeleyca.gov) for further information.

---

Mark Numainville, City Clerk

Mailed: **January 30, 2024**

**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 Board or Commission 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 Board or Commission 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.*

*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 prior to the public hearing.*



Office of the City Manager

ACTION CALENDAR  
February 13, 2024

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: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley Community Action Agency Commission

RECOMMENDATION

Adopt first reading of an Ordinance to:

1. Repeal Chapter 3.68, Peace and Justice Commission; and,
2. Repeal Chapter 3.78, Human Welfare and Community Action Commission; and,
3. Establish the Berkeley Community Action Agency Commission with Chapter 3.70

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley receives approximately \$300,000 of CSBG funding per calendar year to support programs and services that combat poverty for Berkeley residents. Currently, the Human Welfare and Community Action Commission (HWCAC) acts as the federally mandated tripartite board for CSBG funding and advises the Council on how to use these funds. The duties associated with CSBG funding will be transferred to the newly-established Berkeley Community Action Agency Commission (BCAA), which will take on the advisory responsibilities previously held by the HWCAC. The City Council will continue to be the decision-making body and will be responsible for all final CSBG funding decisions.

The dissolution of two commissions and establishment of one commission may reduce staffing and operating costs associated with running commission meetings, because the total number of commissions will be decreased by one. This staff cost saving was identified in the June 15, 2021 Council item, "Commission Reorganization for Post-COVID19 Budget Recovery" (Attachment 2).

CURRENT SITUATION AND ITS EFFECTS

In order to sustain civic engagement and remain fiscally responsible, in June 2021 the City Council directed the City Manager to consolidate several City commissions, including the HWCAC and Peace and Justice Commission (PJC). Additionally, as of this writing, the HWCAC has two commissioners and has not achieved a commission meeting quorum since June 21, 2023. This is a significant problem for both the City

commission meeting requirements as well as CSBG funding requirements, for which the HWCAC serves as an advisory board to Council. Without regular meetings of the HWCAC, the City is in violation of the contract requirements for CSBG funding, which include approval of CSBG revenue contracts, regular review of community agency performance reports, public hearings on community needs, and funding recommendations to City Council. With over half of the seats currently vacant, the PJC has also struggled to maintain its membership.

The proposed Berkeley Community Action Agency Commission (BCAA) would adopt all CSBG-related requirements, ensuring contract compliance and preservation of the approximate \$300,000 per calendar year that the City receives in CSBG funding for anti-poverty programs and services for Berkeley residents.

The proposed change from 15 members of the HWCAC to a nine-member structure for the BCAA would achieve a balance between the strict federal funding requirement to have a tripartite board, and the ability to keep the seats on the commission filled. The three parts of the tripartite board are one-third elected public officials (or their designees), at least one-third elected low-income individuals residing in the CSBG agency's designated service area (in this case, the City of Berkeley), and the remaining members from the private sector (such as representatives from business, industry, labor, religious, human services, education, or other groups with interest in the community). City staff received technical assistance from the California Community Action Partnership Association (CalCAPA), which supports Community Action Agencies and CSBG funding recipients with HUD compliance, to ensure that the new commission structure will be CSBG compliant.

The new BCAA municipal code chapter will include the key responsibilities and requirements from both the HWCAC and PJC.

### BACKGROUND

On June 15, 2021, City Council directed the City Manager to examine a multi-phased approach to the consolidation of City commissions, including a merger of the HWCAC and the PJC. The merging of these two commissions was delayed due to conflicting municipal code requirements, as well as challenges to ensuring CSBG funding compliance. City staff have now determined that the commissions are able to be merged without disrupting the responsibilities of each respective commission. City staff shared a memo with both commissions that included a description and timeline for the merger, as well as staff contact information for any questions, concerns, or feedback.

The HWCAC was established to identify social welfare needs of the community and to advise City Council on the use of CSBG funds for services that benefit low-income Berkeley residents, acting as a tripartite board for the City of Berkeley's CSBG funding.

The PJC was established to advise City Council and the Berkeley Unified School Board on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts associated with this report.

#### RATIONALE FOR RECOMMENDATION

The proposal to dissolve the HWCAC and PJC and establish the BCAA is consistent with Council's directive to consolidate those two commissions. The new commission (BCAA) will be responsible for all CSBG-related requirements, which are currently not being met by the HWCAC due to ongoing commissioner vacancies and a lack of commission meeting quorum. The formation of the BCAA addresses these issues explicitly, by introducing new strategies and configurations for the tripartite board. In addition, the PJC has struggled to maintain its membership as well with over half of the seats currently vacant. Combining the two commissions will help maintain a more robust membership and public participation, and will support carrying out the assigned duties.

#### ALTERNATIVE ACTIONS CONSIDERED

Due to the ongoing commission vacancies in the HWCAC and PJC, as well as Council's directive to consolidate the HWCAC and PJC, no alternative actions were considered.

#### CONTACT PERSON

Mary-Claire Katz, Associate Management Analyst, HHCS, 981-5414

#### Attachments:

- 1: Ordinance
2. "Commission Reorganization for Post-COVID19 Budget Recovery", June 15, 2021

ORDINANCE NO. -N.S.

ADDING CHAPTER 7.26 TO THE BERKELEY MUNICIPAL CODE ESTABLISHING THE BERKELEY COMMUNITY ACTION AGENCY COMMISSION AND REPEALING CHAPTERS 3.68 AND 3.78

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

Section 1. That a new Chapter 3.70 of the Berkeley Municipal Code is added to read as follows:

**Chapter 3.70**

**BERKELEY COMMUNITY ACTION AGENCY COMMISSION**

**Sections:**

**3.70.010 Creation of the Berkeley Community Action Agency Commission**

**3.70.020 Membership**

**3.70.030 Term of office**

**3.70.040 Vacancy and removal**

**3.70.050 Temporary vacancies**

**3.70.060 Officers, meetings and procedures**

**3.70.070 Social welfare defined**

**3.70.080 Social justice defined**

**3.70.090 Functions of the commission**

**3.70.100 Elections for low-income representatives**

**3.70.110 Bylaws of the Berkeley Community Action Agency Commission**

**Section 3.70.010 Creation of the Berkeley Community Action Agency Commission**

The Berkeley Community Action Agency Commission is hereby created with an effective date of May 1, 2024.

**Section 3.70.020 Membership**

A. The commission shall consist of nine members. This commission is not subject to BMC Sections 2.04.030–2.04.130, the Fair Representation Ordinance, due to the Community Action Agency membership regulations in state and federal law.

B. Three of the members shall be appointed by the Berkeley City Council by majority vote.

C. Three of the members shall be low-income representatives, subject to the eligibility requirements of this paragraph, and elected to the commission using one of the methods in Section 3.70.100:

i. An individual who is at or below the federal poverty line, and who resides within the City of Berkeley; or

ii. An individual from a group(s) or organization(s) composed primarily of low-income persons and representing the interest of the low-income population in the City of

Berkeley, whose membership duly select a representative chosen in accordance with a democratic selection procedure.

D. Three of the members shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751 (and its successors), the language of which is incorporated herein by reference. These members should be identified and nominated for Council approval by the existing commissioners.

E. For the purpose of members appointed pursuant to paragraph C and D, the community service block grant (CSBG) target area is within the boundary of the City of Berkeley.

**Section 3.70.030 Term of office.**

For purposes of determining term limits under Section 3.02.040, a commissioner's service on the Human Welfare & Community Action Commission or the Peace & Justice Commission shall be counted toward their service upon their appointment to the Berkeley Community Action Agency Commission.

**Section 3.70.040 Vacancy and removal of elected members**

Elected members of the commission are subject to the same membership and attendance requirements as appointed members except as otherwise provided in this chapter.

A. A vacancy shall exist when an elected board member moves and establishes residence outside of their election district or otherwise no longer meets the eligibility requirements of Section 3.70.020.C.

B. Vacancies in any elected commission position shall be filled by a new election pursuant to Section 3.70.100.

**Section 3.70.050 Temporary vacancies**

An elected member of the commission may take a temporary leave of absence of up to three months in duration by notifying the City Clerk and the commission secretary in writing in advance of the absence, during which time a temporary vacancy shall exist. During the period of such temporary vacancy in an elected position, a temporary appointment shall be made by the remaining low-income representatives subject to the eligibility requirements of Section 3.70.020.C.

**Section 3.70.060 Officers, meetings and procedures**

A. The commission shall elect one of its members chairperson and one of its members vice-chairperson.

B. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be

expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

C. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

D. All subcommittees of this commission should fairly reflect the composition of the commission.

### **Section 3.70.070 Social welfare defined**

"Social Welfare" as used in this chapter, means that endeavor which is concerned with community-wide and group interests rather than with needs of individual residents and embraces such areas, among others, special needs of the family, children, youth and the aged, and the way in which people live and work together.

### **Section 3.70.080 Social justice defined**

"Social justice" shall refer to the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression.

### **Section 3.70.090 Functions of the commission**

The functions of the commission shall be as follows:

A. The commission shall function as the Board of the Community Action Agency as set forth in California Government Code Sections 12750 - 12763 and its successors, the terms of which are incorporated herein by reference;

B. Identify social welfare needs of the Berkeley community and create awareness of these needs among residents;

C. Review and accept the Community Needs Assessment as outlined in the Community Service Block Grant Organizational Standards and create a citizen awareness of these needs;

D. Encourage the development of programs designed to improve the social welfare of the Berkeley community;

E. Advise the Berkeley City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world;

F. Create citizen awareness around issues of social justice;

G. Advise the City Council on matters relating to the responsible investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A-N.S. and its successors.

H. Act in an advisory role to City Council on Socially Responsible Investment for the City of Berkeley as prescribed in B.M.C. Section 3.68.070.K, including socially responsible procurement policy, Nuclear Free Berkeley Act Waivers, and Oppressive States Contracting Prohibition (per Resolution 59,853-N.S. and its successors);

I. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City;



J. In prescribing the above duties and functions of the commission, it is not the intent of the Council to duplicate or overlap the functions, duties or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render assistance and advice to such board, commission or department as may be requested.

**Section 3.70.100 Elections for low-income representatives**

Low-income representatives shall be chosen in accordance with democratic selection procedures adequate to assure that they represent the low-income persons in the geographic service area of the City of Berkeley. Among the selection procedures which may be employed, as determined by the commission secretary, either separately or in combination, are the following: (a) nominations and elections, whether within the neighborhoods, community, or service area as a whole; (b) selection at a meeting or conference of low-income persons such that the date, time, and place of such a meeting or conference have been adequately publicized; (c) selection of a small area basis (such as a neighborhood) of representatives who in turn select members for the commission; (d) the commission may recognize a group(s) or organization(s) composed primarily of low-income persons and representing the interest of the low-income population, whose membership may select one or more representatives to the commission. Persons at or below the federal poverty line shall be permitted to vote in the selection processes. The commission may request a waiver for the federal poverty line eligibility in order to establish residency or other relevant criteria as a basis for eligibility, which will be provided to and reviewed by the commission secretary for CSBG compliance

**Section 3.70.110 Bylaws of the Berkeley Community Action Agency Commission**

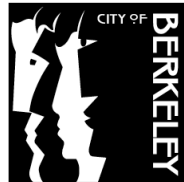
The commission shall prepare and maintain bylaws for the community action agency. These bylaws and amendments thereto shall be consistent with City, state and federal policies governing community action agencies.

Section 2. That Chapter 3.68 of the Berkeley Municipal Code is hereby repealed effective May 1, 2024.

Section 3. That Chapter 3.78 of the Berkeley Municipal Code is hereby repealed effective May 1, 2024.

Section 4. Posting

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



**PROCLAMATION  
CALLING A 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:

**Tuesday, June 15, 2021  
4:00 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 Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location 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/87908681987>. 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: 879 0868 1987. 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:

## 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. 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 – Old Business

- 1. Commission Reorganization for Post-COVID19 Budget Recovery**  
**From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)** (Reviewed by the Agenda & Rules Committee) (Continued from May 25, 2021)

### **Recommendation:**

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach. Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions. Phase 2: All other Commissions as proposed in the report. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.
2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
5. Refer to City Manager and Commissions the following additional considerations:
  - Federal, state or other external mandates that might be impacted, and determine how to handle.
  - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted.
  - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission's charter.
  - Whether the merged Commission might include 9, or a greater number of members.
  - The possibility of requiring specific qualifications for

## Action Calendar – Old Business

appointment to the merged Commission. - The possibility of recommended or required Standing Committees of the Merged Commission. - Volunteer workload and capacity given scope of Commission's charter

*Policy Committee Recommendation: Make a Qualified Positive Recommendation to City Council to: 1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach. Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions. Phase 2: All other Commissions as proposed in the report. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one. 2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions. 3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes. 4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions. 5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees. 6. Refer Councilmember Hahn questions to City Manager and Commissions: "Commissions to Combine/Merge - Suggested Considerations" - Federal, state or other external mandates that might be impacted, and determine how to handle. - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted. - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission's charter. - Whether the merged Commission might include 9, or a greater number of members. - The possibility of requiring specific qualifications for appointment to the merged Commission. - The possibility of recommended or required Standing Committees of the Merged Commission - Volunteer workload and capacity given scope of Commission's charter.*

**Financial Implications:** See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

## Public Comment - Items on this agenda only

## Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 3<sup>rd</sup> day of June, 2021.

Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:

Date: June 3, 2021  
Mark Numainville, City Clerk

**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.

## Communications

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

### **Item #1: Commission Reorganization for Post-COVID19 Budget Recovery**

1. Holly Scheider





Lori Droste  
Berkeley Vice Mayor

**ACTION CALENDAR**

June 15, 2021

*(Continued from May 25, 2021)*

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

**From:** Councilmember Lori Droste (Author), Councilmembers Rigel Robinson (Co-Sponsor), Rashi Kesarwani (Co-Sponsor) and Mayor Jesse Arreguín (Co-Sponsor)

**Subject:** Commission Reorganization for Post-COVID19 Budget Recovery

**RECOMMENDATION**

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

*Phase 1:* Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

*Phase 2:* All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

| New Commission Name                       | Former Commissions to be Reorganized                                  |
|-------------------------------------------|-----------------------------------------------------------------------|
| Commission on Climate and the Environment | Zero Waste, Energy, Community Environmental Advisory, and Animal Care |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Parks, Recreation, Waterfront (special Marina subcommittee)                                                                                                                                                                                                                                                                                                                                                                                                                          | Children, Youth, and Recreation and Parks and Waterfront                  |
| Peace, Justice, and Human Welfare <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Peace and Justice and Human Welfare, Community Action Commissions         |
| Public Health Commission & Sugar Sweetened Beverage Panel of Experts                                                                                                                                                                                                                                                                                                                                                                                                                 | Community Health Commission and Sugar Sweetened Beverage Panel of Experts |
| Housing Advisory Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Measure O and Housing Advisory Commission                                 |
| Homeless Services Panel of Experts                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Homeless Commission and Measure P Homeless Services Panel of Experts      |
| Public Works and Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Public Works and Transportation                                           |
| Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Planning and Cannabis                                                     |
| <p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p> |                                                                           |

2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
5. Refer to City Manager and Commissions the following additional considerations:
  - Federal, state or other external mandates that might be impacted, and determine how to handle.
  - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted

---

<sup>1</sup> Members will be appointed by Council and membership should adhere to Government Code Section 12736(e); 12750(a)(2) and 12751.

- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

| Policy Committee Oversight <sup>2</sup>                        | Commissions                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda and Rules                                               | <ol style="list-style-type: none"> <li>1. Fair Campaign Practices/Open Government Commission</li> <li>2. Personnel Board</li> </ol>                                                                                                                                                                                                                |
| Budget and Finance                                             | (Any legislation that requires funding)                                                                                                                                                                                                                                                                                                            |
| Public Safety                                                  | <ol style="list-style-type: none"> <li>1. Disaster and Fire Safety Commission</li> <li>2. Police Accountability Board/Police Review Commission</li> <li>3. Reimagining Public Safety Task Force</li> </ol>                                                                                                                                         |
| Facilities, Infrastructure, Transportation and the Environment | <ol style="list-style-type: none"> <li>1. Commission on the Environment</li> <li>2. Parks, Recreation and Waterfront with Marina subcommittee</li> <li>3. Public Works and Transportation</li> </ol>                                                                                                                                               |
| Land Use and Economic Development                              | <ol style="list-style-type: none"> <li>1. Measure O Housing Commission</li> <li>2. Planning Commission</li> <li>3. Labor</li> <li>4. Civic Arts Commission</li> </ol>                                                                                                                                                                              |
| Health, Equity, Life Enrichment, and Community                 | <ol style="list-style-type: none"> <li>1. Peace, Justice, and Civil Rights</li> <li>2. Health and Sugar Sweetened Beverage Panel of Experts</li> <li>3. Homeless Services Panel of Experts</li> <li>4. Mental Health Commission (state/federal mandate)</li> <li>5. Commission on the Status of Women</li> <li>6. Disability Commission</li> </ol> |

<sup>2</sup> Primary policy committee oversight but legislation may be referred to multiple policy committees.

**Other Commissions:** Zoning Adjustments Board (DRC), Landmarks Preservation, Board of Library Trustees, BIDs, Independent Redistricting Commission, Loan Administration Board

**POLICY COMMITTEE RECOMMENDATION**

On April 5, 2021, the Agenda and Rules Committee made a qualified positive recommendation to City Council to:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

| <b>New Commission Name (suggested)</b>                               | <b>Former Commissions to be Reorganized</b>                                    |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Commission on Climate and the Environment                            | Zero Waste, Energy, Community Environmental Advisory, and Animal Care          |
| Parks, Recreation, Waterfront (special Marina subcommittee)          | Children, Youth, and Recreation and Parks and Waterfront                       |
| Peace, Justice, and Human Welfare                                    | Peace and Justice Commission and Human Welfare and Community Action Commission |
| Public Health Commission & Sugar Sweetened Beverage Panel of Experts | Community Health Commission and Sugar Sweetened Beverage Panel of Experts      |
| Housing Advisory Commission                                          | Measure O and Housing Advisory Commission                                      |
| Homeless Services Panel of Experts                                   | Homeless Commission and Measure P Homeless Services Panel of Experts           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Public Works and Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Public Works and Transportation |
| Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Planning and Cannabis           |
| <p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p> |                                 |

2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions.

3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.

4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.

5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees.

6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”

- Federal, state or other external mandates that might be impacted, and determine how to handle
- Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

### **PROBLEM/SUMMARY STATEMENT**

Commissions provide an important mechanism for residents to shape public policy and provide input on City business. However, the City of Berkeley maintains far more commissions than other cities of similar size, with a significant investment of City resources to staff all 37 commissions. Some commission secretaries report spending upwards of 20+ hours per week on commission business, which takes valuable time away from addressing other pressing City priorities. The local public health emergency created by the global COVID-19 pandemic has required City staff to shift to new roles and maintain an Emergency Operations Center since January 2020; recovery from the pandemic will continue to demand the full attention of our City staff for the foreseeable future. Given the uncertainties that our City faces in recovering from the COVID-19 pandemic and the demands that this recovery places on our City staff, it is an appropriate time to consider how best to consolidate our commissions in a manner that helps the City to achieve its core mission.

### **REITERATION OF PRINCIPLES**

Commissions are a fundamental part of the City's policymaking process. Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services. Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility.

- The Public Works Commission, for example, develops the City's five year paving plan which they then present to City Council for approval. Through extensive community outreach and research, the Commission identifies the streets most in need of repaving.
- With the passage of Measure D in 2014, a Panel of Experts on Sugar-Sweetened Beverages has guided the City's spending of over \$5 million in revenue generated from the Measure. Those dollars have bolstered local public campaigns and education initiatives.

These are merely two examples of the powerful role that Commissions play in City policymaking.

## **CURRENT SITUATION AND ITS EFFECTS**

### *Current Commission Structure*

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter) Police Review Commission (ballot measure)
12. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley's Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California's Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

### *The Importance of Commissions*

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the commissions have created policy that have benefited the community in meaningful and important ways. In 2020, 14 of the 16 commission items submitted to Council passed. From 2016-2020, an average of 34 items were submitted by commissions to Council for consideration.

The City’s Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley’s size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

*Commission Structures in Neighboring Jurisdictions*

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

| Comparable Bay Area City | Population (est.) | Number of Commissions | Links                                                                                                                                                                                                         |
|--------------------------|-------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Berkeley                 | 121,000           | 37                    | <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf</a> |
| Antioch                  | 112,000           | 6                     | <a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>                                                                               |
| Concord                  | 130,000           | 14                    | <a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi</a>                                           |
| Daly City                | 107,000           | 7                     | <a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>         |
| Fairfield                | 117,000           | 7                     | <a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>                                                                                           |
| Fremont                  | 238,000           | 15                    | <a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>                                                                               |
| Hayward                  | 160,000           | 12                    | <a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>                                                                     |

|           |         |    |                                                                                                                                                           |
|-----------|---------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Richmond  | 110,000 | 29 | <a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>                           |
| San Mateo | 105,000 | 7  | <a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>                                   |
| Sunnyvale | 153,000 | 10 | <a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a> |
| Vallejo   | 122,000 | 17 | <a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192</a>                               |

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

*Staffing and Resources Supporting Berkeley’s Current Commission Structure*

| Commission Name                             | Overseeing Department (Total Commissions in Department) |
|---------------------------------------------|---------------------------------------------------------|
| Animal Care Commission                      | City Manager (8)                                        |
| Civic Arts Commission                       | City Manager (8)                                        |
| Commission on the Status of Women           | City Manager (8)                                        |
| Elmwood BID Advisory Board                  | City Manager (8)                                        |
| Loan Administration Board                   | City Manager (8)                                        |
| Peace and Justice Commission                | City Manager (8)                                        |
| Solano Ave BID Advisory Board               | City Manager (8)                                        |
| Cannabis Commission                         | Planning (7)                                            |
| Community Environmental Advisory Commission | Planning (7)                                            |
| Design Review Committee                     | Planning (7)                                            |
| Energy Commission                           | Planning (7)                                            |
| Landmarks Preservation Commission           | Planning (7)                                            |
| Planning Commission                         | Planning (7)                                            |
| Zoning Adjustments Board                    | Planning (7)                                            |



|                                                               |                                                        |
|---------------------------------------------------------------|--------------------------------------------------------|
| Children, Youth, and Recreation Commission                    | Parks (3)                                              |
| Parks and Waterfront Commission                               | Parks (3)                                              |
| Youth Commission                                              | Parks (3)                                              |
| Commission on Aging                                           | Health, Housing, and Community Services (HHCS)<br>(10) |
| Commission on Labor                                           | HHCS (10)                                              |
| Community Health Commission                                   | HHCS (10)                                              |
| Homeless Commission                                           | HHCS (10)                                              |
| Homeless Services Panel of Experts                            | HHCS(10)                                               |
| Housing Advisory Commission                                   | HHCS (10)                                              |
| Human Welfare & Community Action Commission                   | HHCS (10)                                              |
| Measure O Bond Oversight Committee                            | HHCS (10)                                              |
| Mental Health Commission                                      | HHCS (10)                                              |
| Sugar-Sweetened Beverage Product Panel of Experts             | HHCS (10)                                              |
| Disaster and Fire Safety Commission                           | Fire (1)                                               |
| Commission on Disability                                      | Public Works (4)                                       |
| Public Works Commission                                       | Public Works (4)                                       |
| Transportation Commission                                     | Public Works (4)                                       |
| Zero Waste Commission                                         | Public Works (4)                                       |
| Fair Campaign Practices Commission/Open Government Commission | City Attorney (1)                                      |
| Personnel Board                                               | Human Resources (1)                                    |

|                                                      |                                                            |
|------------------------------------------------------|------------------------------------------------------------|
| Police Review Commission/Police Accountability Board | Police Review Commission/Police Accountability Board Staff |
| Reimagining Public Safety Task Force                 | City Manager *(8) and BPD (2)                              |
| Board of Library Trustees                            | Library (1)                                                |

Gray=charter  
 Red=state/federal mandate  
 Yellow=quasi-judicial  
 Blue=ballot initiative  
 Orange=state/federal mandate and quasi-judicial  
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (7 commissions), and the City Manager’s department (8 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

*Policy Committee Structure Expands Opportunities for Public Input*

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular content area aligned with the City of Berkeley’s strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

**Department and Policy Committee alignment**

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

*Staffing Costs*

Based upon preliminary calculations of staff titles and salary classifications, the average commission staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work

anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

| Commission                        | Step 5 Rate of Pay | Reported Hours a Month | Total <b>Direct</b> Cost of Commission <b>per Month</b> |
|-----------------------------------|--------------------|------------------------|---------------------------------------------------------|
| Animal Care                       | \$70.90            | 8                      | \$567.20                                                |
| Landmarks Preservation Commission | \$57.96            | 80                     | \$4,636.80                                              |
| Design Review Commission          | \$52.76            | 60                     | \$3,165.60                                              |
| Peace and Justice                 | \$60.82            | 32                     | \$1,946.24                                              |

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

*Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley’s main homeless outreach workers staffed a commission within the City Manager’s department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach.

**RATIONALE FOR RECOMMENDATION**

At a time when the City needs to demonstrate efficiency and fiscal restraint, the current commission structure is costly and duplicative. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.

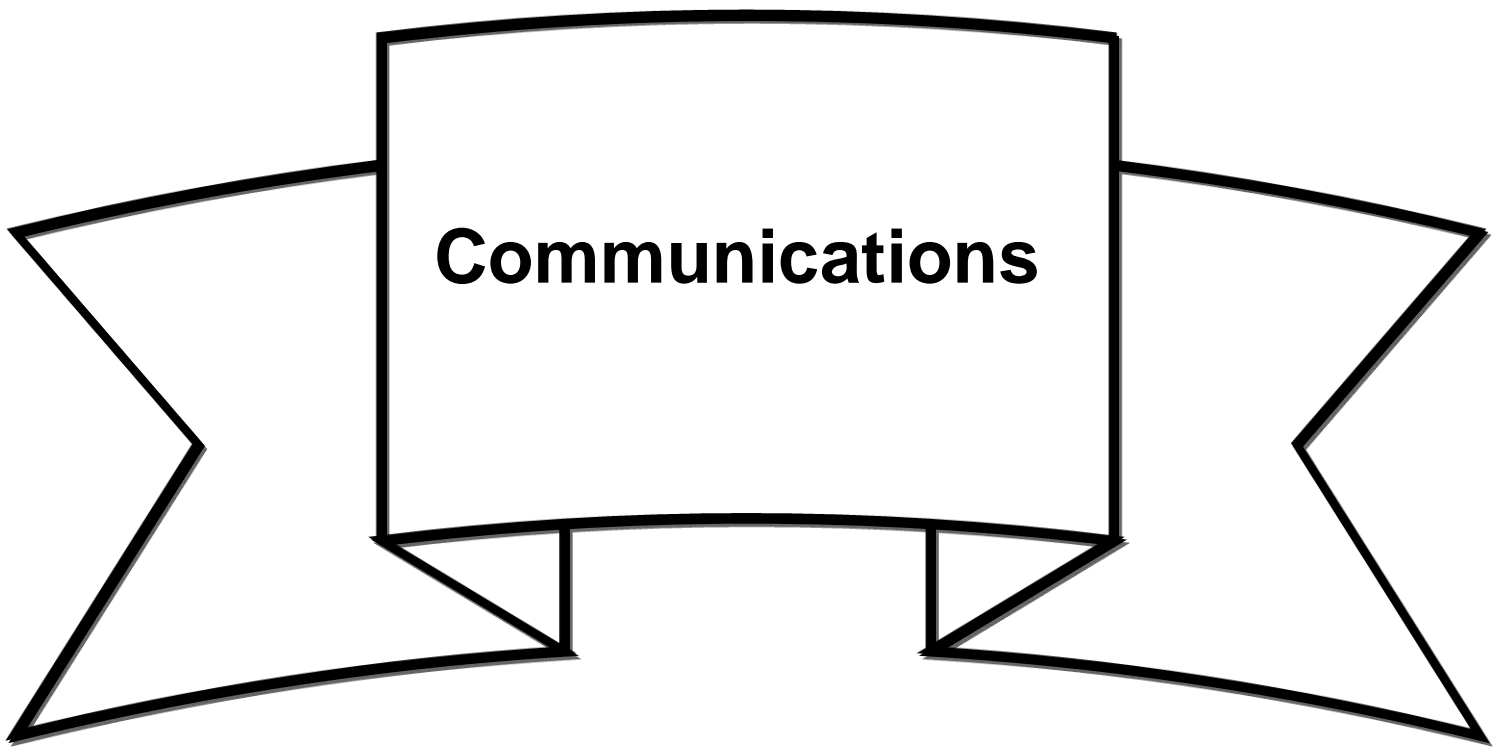
**FISCAL IMPACTS**

Significant savings associated with reduced staffing.

**CONTACT**

Vice Mayor Lori Droste 510-981-7180





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







Office of the City Manager

INFORMATION CALENDAR  
February 13, 2024

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: Small Sites Program Update

INTRODUCTION

City Council approved the Small Sites Program (SSP) in 2018. As individual loan applications do not require Council approval, Council directed staff to provide the Housing Advisory Commission and Council with project updates. The Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS) shared an information report in December 2019, after the approval of the first SSP project – Stuart Street Apartments (1638 Stuart). This report includes an update on that development, as well as information on the second project awarded SSP loan funds, Solano Avenue Cooperative (1685 Solano).

CURRENT SITUATION AND ITS EFFECTS

**Update on Stuart Street Apartments**

The City issued its first SSP Notice of Funding Availability (NOFA) in 2019, and initially awarded \$1M to Bay Area Community Land Trust (BACLT) for the acquisition and renovation of Stuart Street Apartments (Stuart). This loan included \$50k in previously awarded predevelopment funds. Stuart consists of two buildings with a total of eight units on the property owned by McGee Avenue Baptist Church. BACLT partnered with the church to renovate both buildings, which had been vacant for over 20 years. Staff's project analysis was included in the 2019 SSP information report.

Due to the extremely poor condition of the buildings and inadequate initial estimates, BACLT requested additional funding from the City in 2020 and 2021 to support the renovation work. The attached Stuart project review reflects staff's analysis for adding \$1,052,500 to the project's SSP loan through the first and second amendments. The third amendment, to add \$50,000, was approved via a Council budget referral on November 3, 2022 and is not reflected in staff's 2021 underwriting. The total City loan for Stuart is \$2,102,500, or \$263k per unit.

**Solano Avenue Cooperative**

Health, Housing, and Community Services (HHCS) issued its second SSP NOFA in December 2020, and received one application from BACLT for the acquisition and

renovation of the Solano Avenue Cooperative project (1685 Solano). BACL T initially requested \$2,846,402 for Solano, but submitted a revised request for \$3.9M after reevaluating the scope and budget. This was the maximum subsidy for the 13-unit property allowed under the program. The previous owner transferred the property partially occupied and partially renovated. BACL T used the City funds for phased renovation of the residential units with common area upgrades, exterior repairs, and landscaping improvements.

Contingent upon resident support, BACL T intends to operate the property as a non-equity or limited-equity cooperative serving households earning up to 80% of the Area Medium Income, with shared responsibilities between the residents and BACL T. Berkeley Housing Authority awarded three project-based Section 8 vouchers to the project. BACL T completed renovations, and expects to be fully occupied by January 2024. The project ended up \$165k over budget, which BACL T addressed by deferring an equal amount of their developer fee, which they will collect over time, out of the project's cash flow.

Due to its length, the Solano application is available online at the following link: <https://berkeleyca.gov/sites/default/files/documents/Solano%20Avenue%20Cooperative%20SSP%20Application.pdf>. HCS staff's project review is attached.

### BACKGROUND

The Small Sites Program was created in 2018 as an "over-the-counter" application process with projects approved by the City Manager. SSP proposals do not go to the Housing Advisory Commission or City Council for approval. Instead, projects that meet the program criteria receive funding, if funding is available.

There are no dedicated funds for the Small Sites Program; instead staff release NOFAs after Council allocates funds to the program. To date, HHCS/HCS released two SSP NOFAs, and received one application each time. If there were multiple proposals, staff would prioritize the application that best meets the goals of the Small Sites Program. The Small Sites Program Guidelines are posted on the City's website: <https://berkeleyca.gov/sites/default/files/2022-04/Housing-Trust-Fund-Guidelines.pdf>.

Renovations are inherently less predictable than new construction, as building deficiencies are often uncovered in the course of the project and may exceed the required construction contingency. To help mitigate the risk, the City requires SSP developers to hire third party construction managers if they cannot demonstrate sufficient in-house capacity. SSP projects require significant HHCS/HCS staff involvement, relative to new construction projects carried out by higher capacity developers with multiple other lenders and layers of oversight.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

BACLT acquired Solano partially renovated. The prior owner installed dual-paned windows, water-efficient plumbing fixtures, and bicycle parking. BACLT's renovations included energy efficiency upgrades, as was feasible.

POSSIBLE FUTURE ACTION

HHCS is not accepting applications for the Small Sites Program at this time since no funds are available. Council could allocate general funds to the Small Sites Program, or refer consideration of Housing Trust Fund program funding to the Housing Advisory Commission. Additionally, some aspects of the Small Sites Program have been incorporated into the Housing Trust Fund guidelines, so that source will work better for smaller sites.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The number and size of feasible projects scale with the amount of funds available for this program, so the fiscal impacts will depend on Council's future actions. A significant expansion of funds available for small sites projects would require additional staffing, since the program anticipates an expedited timeline and requires close staff involvement.

CONTACT PERSON

Jenny Wyant, Senior Community Development Project Coordinator, HHCS, 510-981-5228

Attachments:

- 1: Stuart Project Review Form 2021-10-29
2. Solano Project Review Form 2022-01-13

## Small Sites Program - Project Review

|                  |                               |
|------------------|-------------------------------|
| Applicant:       | Bay Area Community Land Trust |
| Project Name:    | Stuart Street Apartments      |
| Project Address: | 1638 Stuart Street            |
| Funds Requested: | \$2,052,500                   |

### Project Summary:

This revised analysis reflects BACLT's August 2020 request for \$652,500 and October 2021 request for \$400,000 in additional project funding.

BACLT is renovating 8 residential units located at 1638 Stuart Street. The property is owned by McGee Avenue Baptist Church, and has been vacant for more than 20 years. The buildings were in poor condition, and if they continue to deteriorate beyond the point of repair, current zoning could limit replacement development to two units. BACLT entered into a 57 year lease with MABC to renovate the property and rent the 8 units to households earning up to 80% of the area median income. If there is sufficient interest amongst the future residents, BACLT intends to operate the property as a non-equity cooperative and encourage as much resident management as possible.

### Program Objectives:

|                                                                                                                                                                                                             |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Are residents at imminent risk of Ellis Act evictions?                                                                                                                                                      | No         |
| Is the property occupied?                                                                                                                                                                                   | No         |
| Do the existing residents include vulnerable populations (i.e. families with minor children, elderly, disabled, and catastrophically-ill persons)?<br><i>If yes, describe vulnerable population, below.</i> | No         |
| Property is vacant.                                                                                                                                                                                         |            |
| Average AML of current residents:                                                                                                                                                                           | n/a        |
| Subsidy per unit:                                                                                                                                                                                           | \$ 256,563 |
| Number of affordable units proposed:                                                                                                                                                                        | 8          |
| Proposed conversion to cooperative?:                                                                                                                                                                        | Yes        |

### Developer Experience and Capacity

*Developer must have completed one comparable project, and have the demonstrated capacity to undertake the proposed project.*

BACLT has been involved with several renovations over the past few years, as the developer and co-developer. BACLT had a project management role in two renovations, which had a combined total development cost of \$350,000. BACLT most comparable project was an acquisition and renovation project with a budget of \$1.8 million, which BACLT co-developed with the San Francisco Land Trust. The former Executive Director, who lead previous development efforts, retired in June 2021. BACLT is now relying on consultants for project and construction management.

Stuart Street Apartments

Property Eligibility

|                                                                         |     |
|-------------------------------------------------------------------------|-----|
| Total number of units:                                                  | 8   |
| Do all residential units meet the City's definition of 'dwelling unit'? | Yes |
| Is the majority of the property residential?                            | Yes |

Project Scope

|                                                                                                    |     |
|----------------------------------------------------------------------------------------------------|-----|
| Does the proposed renovation meet the health and safety needs of the project?                      | Yes |
| Is the renovation scope and budget supported by a physical needs assessment (PNA) of the property? | Yes |

Project Budget

|                                                                                                                                                                                      |                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Is the proposed City loan leveraged with private financing?                                                                                                                          | Yes                                          |
| Is the proposed per unit subsidy under the program limits?                                                                                                                           | Yes                                          |
| Is the acquisition price substantiated by an appraisal showing both the fair market value and the anticipated restricted value?                                                      | n/a                                          |
| Are fees charged to the project reasonable?                                                                                                                                          | Yes                                          |
| Is the developer fee less than the program limit of \$80,000 plus \$10,000 per unit, not to exceed 5% of project costs (excluding the developer fee)?                                | Yes                                          |
| Are construction management fees less than \$25,500?                                                                                                                                 | no                                           |
| Does the renovation budget include state prevailing wage rates?                                                                                                                      | Yes                                          |
| Construction contingency (must be <b>15%</b> or higher)                                                                                                                              | 7%                                           |
| Soft cost contingency (must be <b>15%</b> or higher)                                                                                                                                 | 6%                                           |
| Do the reserves comply with the following?                                                                                                                                           |                                              |
| Operating: 25% of budgeted 1st year operating expenses                                                                                                                               | 25%                                          |
| Replacement: Greater of \$2,000 per unit or the amount necessary to pay replacement costs for the next 10 years, as specified in the PNA.                                            | Yes - \$16k.                                 |
| Vacancy: The monthly rent for units (residential and commercial) vacant at acquisition, multiplied by the number of months expected to remain vacant during renovation and lease-up. | No - \$24k reserve, equal to 1.9 months rent |

Operating Proforma

|                                                                                                                                                                   |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Is there a positive cash flow for 15+ years after project completion?                                                                                             | Yes        |
| Do the vacancy rates meet or exceed program requirements (5% residential, 20% commercial)                                                                         | Yes        |
| Do the reserve deposits comply with the following:                                                                                                                |            |
| Operating: None unless balance drops below 25% of prior year's operating expenses                                                                                 | Yes        |
| Replacement: The higher of a) the amount needed according to the approved 20-year PNA, or b) \$400 per unit per year (\$350 per unit for projects with 11+ units) | \$400 pupa |

Stuart Street Apartments

Existing Tenants and Affordability

Have 75% of existing households acknowledged their agreement to participate (in the conversion to restricted affordability and cooperative conversion, if applicable)?

n/a

Does the project have an average affordability of 80% of the area median income (AMI)?

Yes - all units at 80%

Do 66% or more of the existing households income-certify, with incomes averaging up to 80% AMI? Up to 34% of households may be over-income (above 120% AMI) or refuse to certify.

n/a

Limited Equity Housing Cooperative

Is applicant proposing to convert the property to a limited equity housing cooperative (LEHC) or similar model?

Yes

Applicant experience with cooperative conversion:

BACLT has four cooperatives that are part of the land trust.

Exceptions to the Program Guidelines

Did the Applicant request or does the project require any exceptions to the program guidelines?

Yes

Describe exceptions, below.

BACLT requested to cap all units at 80% AMI (rather than achieving an average AMI of 80%).  
 - 1638 Stuart has no existing tenants, and BACLT has demonstrated that the project will have a positive cash flow if rents are capped at 80% AMI.  
Low vacancy reserve (\$24,000)  
 - Requirement assumes the project is operating during construction. Stuart is vacant and will not be operated until construction is complete, so a higher vacancy reserve is not necessary.  
Construction Management costs in excess of \$25,500  
 - The budget shows \$50,000 for project and construction management. With the significantly increased project costs, BACLT could have requested a higher developer fee. However, BACLT hired project and construction management consultants to take on duties previously carried out by staff.  
Low Contingencies  
 - The project is more than halfway done (59% through construction as of September 2021), and it's reasonable to have lower contingency percentages. The current construction budget includes an allowance for anticipated change orders in addition to the contingency.  
BACLT Loan  
 BACLT is providing a loan to the project, funded by private individuals. BACLT requested to use project cash flow to repay the loan over time.

Funding Recommendation/Funding Contingent Upon

Amend the existing development loan to add \$400,000, for a total City loan of \$2,052,500.

## Small Sites Program - Project Review

|                      |                                       |
|----------------------|---------------------------------------|
| Applicant:           | Bay Area Community Land Trust (BACLT) |
| Project Name:        | Solano Avenue Cooperative             |
| Project Address:     | 1685 Solano Avenue                    |
| SSP Funds Requested: | 3,900,000                             |

### Project Summary:

1685 Solano is a 13-unit residential building with four 1-bedroom units and nine 2-bedroom units. The property was built in 1964, and has four stories and an elevator. The current owner initiated Ellis Act evictions in 2019, with the intent of renovating the property and converting the building to tenancy in common. BACLT engaged with the remaining residents in late 2019 and has been working towards acquisition since then. BACLT plans to complete the renovations in progress, and convert the property to a nonequity or limited equity cooperative owned by the land trust with residents taking on some management responsibilities in partnership with BACLT.

### Program Objectives:

|                                                                                                                                                                                                             |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Are residents at imminent risk of Ellis Act evictions?                                                                                                                                                      | yes       |
| Is the property occupied?                                                                                                                                                                                   | partially |
| Do the existing residents include vulnerable populations (i.e. families with minor children, elderly, disabled, and catastrophically-ill persons)?<br><i>If yes, describe vulnerable population, below.</i> | yes       |
| There are five residents occupying four units. Household incomes range from 68% AMI to 145% AMI. Two of the existing residents are elderly.                                                                 |           |
| Average AMI of current residents:                                                                                                                                                                           | 106%      |
| Subsidy per unit:                                                                                                                                                                                           | 300,000   |
| Number of affordable units proposed:                                                                                                                                                                        | 13        |
| Proposed conversion to LEHC?:                                                                                                                                                                               | yes       |

### Developer Experience and Capacity

*Developer must have completed one comparable project, and have the demonstrated capacity to undertake the proposed project.*

## Solano Avenue Cooperative

***Developer Capacity***

BACLT operates under a cooperative structure, and currently has three staff members, including an Organizational Director. BACLT is in the process of hiring for a Projects Director. The current staff do not have significant construction or project development experience. Housing staff have concerns about BACLT's capacity to take on new projects without additional organizational support. BACLT hired a construction management consultant, and keeping a consultant on through the renovation process will be a condition of the City's loan.

The organization's financial indicators are mixed, with the interim (September 2021) financials showing a weak current ratio, which is partially due to \$295k in funds owed to Stuart Street vendors and contractors. This is likely related to BACLT's slow turnaround time in requesting lender funds and disbursing it to their general contractor. BACLT's financials show a healthy cash ratio, and the organization could support operations for 279 days (at least 90 is preferred). A small organization such as BACLT is more impacted by changes in income and expenses than a larger organization with more financial resources. The proposed developer fee of \$210,000 would bolster BACLT's income significantly. The City reserved \$200,000 to support capacity building for BACLT in FY22, some of which will be used for the construction management consultant. The capacity building contract will include benchmarks for performance to encourage BACLT's organizational growth and stability.

***Developer Experience***

The City awarded \$1 million to BACLT for Stuart Street through its first SSP NOFA in 2019. Stuart is an 8-unit property that sat vacant for over 20 years, and was in extremely poor condition. The project has suffered significant delays and cost overruns. The budget overruns are in part due to significant work needed in sections of the building that were inaccessible during BACLT's assessment of the renovation needs, and in part because BACLT and its construction team underestimated the damage to the existing structure. The City added \$652,500 in 2020. BACLT requested an additional \$400,000 from the City to complete the project, for a total loan of \$2,052,000. BACLT hired a construction manager for Stuart to oversee the remaining renovations, and the BACLT Board is providing closer oversight of active projects.

Prior to Stuart Street, BACLT was involved with several renovations in recent years, as the developer and co-developer. BACLT had a project management role in two renovations, which had a combined total development cost of \$350,000. BACLT most comparable project was an acquisition and renovation project with a budget of \$1.8 million, which BACLT co-developed with the San Francisco Land Trust. BACLT has extensive experience with tenant organizing, trainings, and establishing limited equity and nonequity cooperatives.



Solano Avenue Cooperative

Property Eligibility

|                                                                         |     |
|-------------------------------------------------------------------------|-----|
| Total number of units:                                                  | 13  |
| Do all residential units meet the City's definition of 'dwelling unit'? | yes |
| Is the majority of the property residential?                            | yes |

Project Scope

|                                                                                                    |     |
|----------------------------------------------------------------------------------------------------|-----|
| Does the proposed renovation meet the health and safety needs of the project?                      | yes |
| Is the renovation scope and budget supported by a physical needs assessment (PNA) of the property? | yes |

The proposed construction budget does not include all of the items identified in the physical needs assessment (PNA), as some of that work will be completed by the current owner. BACLT addresses the remaining immediate and short-term needs identified in the PNA in its renovation scope. The renovation scope addresses health and safety needs, and will incorporate water-efficient and energy efficient improvements. Some longer term scope items identified in the PNA will be addressed in the first ten years of operations, and will be paid for out of the replacement reserves.

Project Budget

|                                                                                                                                                                                      |              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Is the proposed City loan leveraged with private financing?                                                                                                                          | yes          |
| Is the proposed per unit subsidy under the program limits?                                                                                                                           | yes          |
| Is the acquisition price substantiated by an appraisal showing both the fair market value and the anticipated restricted value?                                                      | yes          |
| Are fees charged to the project reasonable?                                                                                                                                          | yes          |
| Is the developer fee less than the program limit of \$80,000 plus \$10,000 per unit, not to exceed 5% of project costs (excluding the developer fee)?                                | yes          |
| Are construction management fees less than \$25,500?                                                                                                                                 | yes          |
| Does the renovation budget include state prevailing wage rates?                                                                                                                      | yes          |
| Construction contingency (must be <b>15%</b> or higher)                                                                                                                              | yes          |
| Soft cost contingency (must be <b>15%</b> or higher)                                                                                                                                 | yes          |
| Do the capitalized reserves comply with the following?                                                                                                                               |              |
| Operating: 25% of budgeted 1st year operating expenses                                                                                                                               | yes          |
| Replacement: Greater of \$2,000 per unit or the amount necessary to pay replacement costs for the next 10 years, as specified in the PNA.                                            | no, see note |
| Vacancy: The monthly rent for units (residential and commercial) vacant at acquisition, multiplied by the number of months expected to remain vacant during renovation and lease-up. | yes          |

Solano Avenue Cooperative

**Financing:**

The City loan is contingent upon BACLT securing private financing. The project's debt service coverage ratio is 1.15, which is the minimum potential lenders will want to see. BACLT is working with Enterprise Community Partners on a loan from the Bay Area Preservation Pilot program that would support the acquisition and renovation.

**Replacement Reserves:**

The capitalized replacement reserve is \$26,000 (\$2k per unit), and is not sufficient to address the capital needs identified in the PNA. The proforma shows annual deposits of \$350 per unit. BACT requested that 2/3 of residual receipts be put towards replacement reserves until the balance is sufficient to meet the projected costs from the PNA. BACLT's proforma shows repayment to the City starting in year 11. BACLT also requested a transfer tax refund, which was approved by Council in October 2021. Between the construction budget, capitalized replacement reserves, and reserve deposits, BACLT shows sufficient funding to address the anticipated renovation needs.

Operating Proforma

|                                                                                                                                                                         |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Is there a positive cash flow for 15+ years after project completion?                                                                                                   | yes          |
| Do the vacancy rates meet or exceed program requirements (5% residential, 20% commercial)                                                                               | yes          |
| Do the reserve deposits comply with the following:                                                                                                                      |              |
| Operating:           None unless balance drops below 25% of prior year's operating expenses                                                                             | TBD          |
| Replacement:       The higher of a) the amount needed according to the approved 20-year PNA, or b) \$400 per unit per year (\$350 per unit for projects with 11+ units) | no, see note |

**Operating Reserve Deposits:**

The operating proforma shows annual deposits to the operating reserve starting at \$6,182, or approximately \$476 per unit per year. As part of annual compliance monitoring, staff will review the project's operating reserves to determine whether deposits are required.

Existing Tenants and Affordability

|                                                                                                                                                                                   |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Have 75% of existing households acknowledged their agreement to participate (in the conversion to restricted affordability and cooperative conversion, if applicable)?            | TBD |
| Does the project have an average affordability of 80% of the area median income (AMI)?                                                                                            | yes |
| Do 66% or more of the existing households income-certify, with incomes averaging up to 80% AMI? Up to 34% of households may be over-income (above 120% AMI) or refuse to certify. | yes |

Solano Avenue Cooperative

**Existing Tenants:**

BACLT must provide tenant acknowledgment forms prior to loan closing. BACLT has certified tenant incomes and found that three out of four households are over 100% AMI. The overall average for the building meets the SSP requirements. Occupied units will be restricted to 80% AMI or lower at turnover.

Limited Equity Housing Cooperative

Is applicant proposing to convert the property to a limited equity housing cooperative (LEHC)?

yes

Applicant experience with LEHC conversion:

BACLT intends to convert the property to a non-equity cooperative. BACLT has extensive experience working with resident communities on cooperative conversions. The existing tenants have expressed support for this effort.

Exceptions to the Program Guidelines

Did the Applicant request or does the project require any exceptions to the program guidelines?

yes

Describe exceptions, below.

**Replacement Reserves:**

The construction budget is \$1.4 million (including contingency) and the capitalized replacement reserve is \$26,000. That combined budget addresses the shorter term capital needs identified in the PNA, but BACLT needs to build its replacement reserves to plan for future capital needs such as elevator repair. BACLT requested that 2/3 of the residual receipts stay with the project for the replacement reserves until the reserve balance is sufficient to address the capital needs identified in the PNA. Based on the current proforma, this means the City will not receive any repayments until after the tenth year of operating.

**Affordability:**

While the program requires an average of 80% AMI for the building, capping all 13 units at 80% AMI will allow BACLT to get the maximum property tax waiver for the property. The existing over-income tenants will stay, but their units will be restricted at turnover.

Solano Avenue Cooperative

Funding Recommendation

*Fund the project at \$3,900,000, with the following conditions for BACLT:*

- A first mortgage in an amount sufficient to complete the project
- Retain a development consultant to oversee the remaining renovations
- Tenant acknowledgement forms from all current residents, acknowledging that BACLT is acquiring the property, that there will be affordability restrictions on the units, and that BACLT intends to convert the property to a nonequity cooperative.
- CEQA approval

*Note: Separate from this process, the City will enter into a contract for FY22 capacity building funds that will include performance standards to support BACLT's growth.*



Office of the City Manager

INFORMATION CALENDAR  
February 13, 2024

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: Bay Area Housing Finance Authority and 2024 Regional Affordable Housing Bond

INTRODUCTION

Alameda County is preparing an expenditure plan for the Bay Area Housing Finance Authority's (BAHFA) \$10 to 20 billion Regional General Obligation Affordable Housing Bond. The bond is under consideration for the November 2024 election. Berkeley is not eligible for a direct allocation and must participate in Alameda County's expenditure planning, and its preparation for.

SUMMARY

The San Francisco Bay Area Regional Housing Finance Act (California Government Code § 64500, et seq.) (the "Act") created the Bay Area Housing Finance Authority (BAHFA) in 2019. Alameda County is coordinating with local jurisdictions to prepare for the potential Regional General Obligation Affordable Housing Bond under consideration for the November 2024 election ("regional housing bond") put forth by the BAFHA.

All nine Bay Area counties and four cities (Oakland, San Jose, Santa Rosa, and Napa) will receive 80% of bond funding. BAFHA will retain the remaining 20% of bond funding to use throughout the region. Berkeley will be able to apply for funding from Alameda County's share and the BAFHA regional fund.

All jurisdictions that receive funding must adopt local expenditure plans to outline how their funding will be spent. BAFHA will set an official date for submitting expenditure plans, which may be as soon as February 3, 2025. Alameda County is conducting preliminary outreach to inform local jurisdictions of the bond's requirements and the plan's spending priorities.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No costs are associated with receiving a presentation. The proposed structure of the bond does not include an allocation specifically for Berkeley. Funds for this area will go to Alameda County. Alameda County will receive approximately \$984 million if the regional housing bond is approved by voters. The County must prepare and adopt a funding plan by early 2025. No action is needed at this time.

## CURRENT SITUATION AND ITS EFFECTS

BAHFA's purpose is to raise, administer and allocate funding and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production, commonly referred to as the "3P's" housing strategy. BAHFA's jurisdiction is the entire area within the boundaries of the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma, and the city and county of San Francisco ("San Francisco Bay Area").

### The 2024 Regional Housing Bond

In the summer of 2022, the BAHFA Board and the ABAG Executive Board began the process to consider placing a \$10 to 20 billion general obligation bond on the November 2024 ballot. Both the ABAG Executive Board and the BAHFA Board must authorize the regional housing bond to be submitted to Bay Area voters; if they do so, counties are required to place the measure upon the ballot.

The current threshold for passing the regional housing bond is a 2/3 supermajority of all Bay Area voters (not county-by-county). However, the State Legislature recently approved ACA 1, which will place a statewide constitutional amendment on the November 2024 ballot that would reduce the threshold to 55%. If ACA 1 is approved, the reduced threshold would apply to bond measures on the same ballot.

If the regional housing bond passes, eighty percent (80%) of the net revenue will be returned to counties based on each county's share of assessed property values. This portion of the funds is referred to as "County Housing Revenue". The region's large cities and the cities that have been assigned more than 30% of their county's low-income RHNA obligation can elect to receive a direct allocation from the County Housing Revenue. In 2024, the cities that could receive a direct allocation are Oakland, San Jose, Santa Rosa and the City of Napa. The remaining twenty percent (20%) of the net revenue, referred to as "Regional Housing Revenue", will be available to BAHFA for distribution anywhere in the region.

Berkeley is under the umbrella of Alameda County's funding. The City will also be eligible for funds from BAHFA's regional pool.

### BAHFA's Regional Expenditure Planning

BAHFA and localities receiving a direct allocation from a regional housing bond are required to adopt an expenditure plan for their share of the funds ([Government Code Sections 64650-64652.](#)) BAHFA's regional expenditure plan is due in summer 2024 (prior to the election), whereas local expenditure plans will not be due until after the election (likely in early 2025). The BAHFA Board and the ABAG Executive Board are actively developing the regional expenditure plan in consultation with local governments, housing stakeholders, and members of the public.

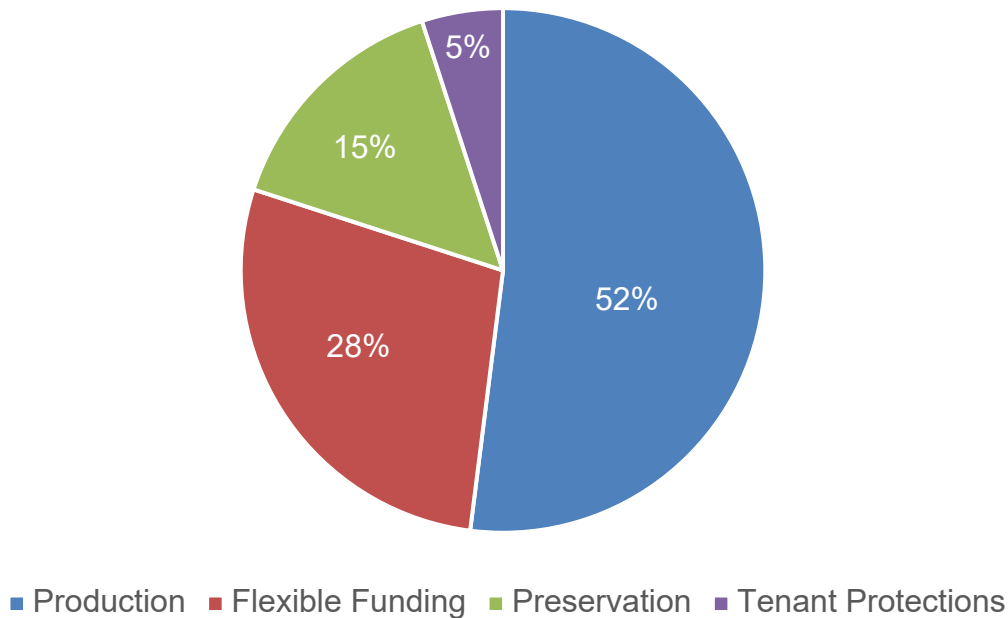
BAHFA’s goals for its investments are to prioritize projects that serve those with the greatest need; achieve scale; control construction costs; and advance innovative construction and design approaches that will help the region deliver the housing it needs. More information about the regional expenditure planning process is available on the BAHFA webpage: <https://mtc.ca.gov/about-mtc/authorities/bay-area-housing-finance-authority-bahfa>.

Alameda County’s Local Expenditure Planning

Alameda County will be required to produce a local expenditure plan for its County Housing Revenue if the bond is approved by voters. February 2025 would be the earliest date BAHFA could set for submittal of the plan.

The Act establishes a set of investment categories with minimum investment targets that correspond to the 3P’s: 52% for production, 15% for preservation, and 5% for tenant protections,<sup>1</sup> with the remaining 28% designated as “flexible” funding that may be used for housing or housing-related uses as defined in the ballot measure (for example, infrastructure necessary to support housing development).

Figure 1. BAFHA Funding Categories



<sup>1</sup> Currently, Section 1 of Article XIII A of the California Constitution provides that general obligation bonds can only be used for the acquisition or improvement of real property; tenant protection programs and services are generally ineligible uses of bond funds. Unless this changes, BAHFA staff plan to recommend that the BAHFA Board and the ABAG Executive Board allow for deviation from the 5% minimum allocation for tenant protections (as allowed by the Act).

The Act establishes parameters for Alameda County’s local expenditure plan and allows for flexibility within those parameters for the County to prioritize investments that best meet local needs. Alameda County’s expenditure plan must satisfy the following criteria:

- Include minimum investment targets noted above (52% for production, 15% for preservation, 5% for tenant protections);
- Production investments:
  - Can include rental and/or ownership housing;
  - Must carry a deed restriction to ensure affordability;
  - Can serve residents with incomes up to 120% of the Area Median Income (AMI), though must prioritize projects that help meet extremely low-income, very low-income and low-income Regional Housing Needs Allocation (RHNA) targets;
- Preservation investments:
  - Can include rental and/or ownership housing;
  - Must carry a deed restriction to ensure affordability for households earning up to 120% of AMI;
  - Cannot cause the displacement of any current residents or result in a net-loss of units;
- Include a plan for spending the 28% of funding that is “flexible” and can be used for housing and/or housing-related uses as may be allowed by the ballot measure (such as housing-related parks and infrastructure); and
- Be considered at a public meeting at least 30 days prior to its adoption.

Counties will submit their adopted plans to BAHFA. If the expenditure plan meets the foregoing criteria, the plan is deemed approved and will be posted to BAHFA’s website. Table 1 outlines the structure and approximate amounts of Alameda County’s local expenditure plan within these criteria.

Table 1. BAFHA Bond Allocation Estimate for Alameda County (excluding Oakland)

| Bond Allocation                 | Estimated Share Amount | Approximate Bond Allocation |
|---------------------------------|------------------------|-----------------------------|
| <b>Total GO Bond Allocation</b> | <b>100%</b>            | \$984 million               |
| <b>County Admin</b>             | <b>5%</b>              | \$49 million                |
| <b>Balance to Disperse</b>      | <b>95%</b>             | \$935 million               |
| <b>Balance to Disperse</b>      | <b>Level</b>           | <b>\$935 million</b>        |
| <b>Production</b>               | <b>52% min.</b>        | \$486 million               |
| <b>Preservation</b>             | <b>15% min.</b>        | \$140 million               |



|                             |                |                      |
|-----------------------------|----------------|----------------------|
| <b>Tenant Protections**</b> | <b>5% min.</b> | <b>\$47 million</b>  |
| <b>Flexible Funding</b>     | <b>28%</b>     | <b>\$262 million</b> |

\* Bond allocation amounts will change when updated with 2023-2024 Assessed Values from the California State Board of Equalization. The figures above are based on 2020 Assessed Values.

\*\* State law does not allow bond proceeds to be spent for non-capital (i.e., services) costs so funds assigned to tenant protection must be reassigned absent a change in law.

The County will work with local jurisdictions, stakeholders, and the public throughout 2024 to shape its expenditure plan. Information on upcoming public workshops and other opportunities for participation are available on the Alameda County Department of Housing and Community Development’s website: <https://housingneedsac.org/equity-framework-process/>

**BACKGROUND**

BAHFA is a joint effort of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). MTC was created by the state Legislature in 1970 (California Government Code § 66500 et seq.) to serve as the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area. BAHFA is governed by the same board as MTC. ABAG was formed in 1961 by a joint powers agreement among Bay Area local governments and serves as the comprehensive regional planning agency and Council of Governments for the nine counties and 101 cities and towns of the San Francisco Bay Area. Some actions related to the placement of a measure on the ballot and approval of a regional expenditure plan require action by both the BAHFA Board and the ABAG Executive Board in its role as required by the Act.

The BAHFA Board and the ABAG Executive Board are comprised of local elected officials. For Alameda County, Carol Dutra-Vernaci and Nathan Miley are members of the BAHFA Board, and Mayor Jesse Arreguín and Nathan Miley are members of the ABAG Executive Board. These officials will participate in regional votes about the 2024 regional housing bond.

**Additional Background**

In 2021, BAHFA secured a \$20 million allocation from the state budget to begin operation and implement pilot projects across the “3Ps.” BAHFA has since received or been awarded additional funds from the state’s Regional Early Action Planning (REAP) Grant 2.0 funding, philanthropic donations, as well as in-kind and financial support from private industry and from MTC. With these initial investments, BAHFA is poised to deliver over \$50 million in financing, programs, and technical assistance to spur innovation and advance housing solutions across the nine-county Bay Area. Specifically, this seed funding has supported the creation of programs that set the stage for BAHFA’s role as a regional affordable housing lender and provider of new housing resources, including:

- Creation of the Doorway Housing Portal, a one-stop shop for Bay Area residents to search for and apply to affordable housing listings. The Doorway Housing Portal was soft launched in summer 2023 and will continue to add features and listings in the coming months.
- The Welfare Tax Exemption Preservation Program, through which BAHFA has already assisted five developments that preserve the affordability of 325 units and prevented displacement of tenants. Preservation of another 330 apartments is currently in progress.
- A \$15 million Preservation Pilot Program to support the acquisition and rehabilitation of apartments occupied by lower-income residents, creating a guarantee of long-term affordability and preventing displacement of existing residents.
- Collaboration with MTC and ABAG to create a \$28 million Priority Sites Pilot Program that will catalyze affordable housing in transit-proximate locations that leverage public land or redevelop underutilized malls and office parks.
- Completion of an affordable housing “pipeline” study, which identified approximately 33,000 affordable homes that are currently in predevelopment across the region and in need of funding.
- A \$5 million Rental Assistance Pilot Program to offer five-year housing subsidies to extremely rent-burdened seniors, people with disabilities, and other at-risk tenants to prevent homelessness.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Funding from a potential regional housing bond can support infill development and rehabilitation of existing housing stock. Both of these activities are generally accepted to mitigate greenhouse gas emissions.

#### POSSIBLE FUTURE ACTION

The regional housing bond can potentially provide critical funding to Berkeley’s affordable housing initiatives. Berkeley is not eligible for a direct allocation and must participate in Alameda County’s expenditure planning.

This presentation will provide the City Council with the opportunity to understand the planning process and opportunities for the proposed bond. Staff will continue to engage with Alameda County, local stakeholders, and the public to inform the priorities for the County’s expenditure plan.

#### CONTACT PERSON

Mike Uberti, Senior Community Development Project Coordinator, HHCS, (510) 981-5114

## **Communications – February 13, 2024**

*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 #16: Dissolution of the Human Welfare and Community Action Commission and the Peace and Justice Commission; and, establishment of the Berkeley**

1. Human Welfare Community Action Commission (HWCAC)
2. Peace and Justice Commission (2)
3. Janice Schroeder

### **Center Street Greenway & Strawberry Creek**

4. Kirstin Miller on behalf of Ecocity Builders

### **Panoramic Hill Emergency Access/Egress**

5. Michael Kelly, on behalf of the Panoramic Hill Association

### **Southside Rezoning**

6. Corey Smith

### **Chess Club**

7. Carol Denney

### **AC Transit**

8. Sandhya Hermon
9. Morry Hermon
10. Kabir Hermon
11. Arjun Hermon
12. Anne-Lise Francois

### **United Artist Theater**

13. Laura Fujii
14. Robert Wilkinson
15. Melanie Lawrence
16. Lori Pottinger
17. Oakland Heritage Alliance

### **Israel Military Aid**

18. Stephen Slauson

### **Homelessness**

19. Tom Wolfman
20. Karima Cammell

**Tree Removal**

21. Carol Denney

**Scooter Safety**

22. Virginia Browning

23. Sean

24. Cindi Goldberg

**EBMUD Repaving**

25. Greg Couch

26. East Bay Municipal Utility District

**People's Park**

27. Sophia Faaland

28. Samuel Baker

29. 10 similarly-worded form letters

**Natural Gas Alternatives**

30. G. Richard Raab.

**Ohlone Bikeway**

31. Carol Hirth

**Mayor Arreguin**

32. Elana Auerbach

33. Kira Findling

**Councilmember Robinson**

34. Barbara Gilbert

**Waterfront Specific Plan**

35. Cal Sailing Club

**Berkeley Mayoral Candidates**

36. Downtown Berkeley Association

**Fulton-Woolsey Bike Boulevard**

37. Walk Bike Berkeley

38. David Hoffman (2)

39. Valerie Young

**No Subject**

40. Michele Shipp

**Student Project**

41. Akshat Pant

**Street Paving**

42. Kathleen Davis

**Downtown Affordable Housing**

43. Berkeley Chamber of Commerce

**URL's Only**

44. Vivian Warkentin (2)

**Hamas/Israel**

45. Jennifer Fechner

46. Kim Friedman

47. Aaron Katler

48. Eleanor Wang

49. Hillary Kilimnik

50. Anna Henry

51. Moni Law (3)

52. Daniel Frydman

53. Aliza Cramer Elias

54. Rachel

55. Susanne DeWitt

56. Summer Brenner

57. Hillary Kllimnik

58. Anna Henry

59. Rosie Grady

60. Daniel Zilberman

61. Diana Bohn

62. Candice Schott

63. Jon Jackson

64. Monika Mann

65. Jacob Pincus

66. Dorothea Dorenz (3)

67. Imtiaz Ghori

68. Aaron Katler

69. 14 similarly-worded form letters

**Benado, Tony**

---

**From:** Katz, Mary-Claire  
**Sent:** Tuesday, January 9, 2024 10:09 AM  
**To:** City Clerk  
**Cc:** Mary Behm-Steinberg  
**Subject:** HWCAC Communication to Council  
**Attachments:** HWCAC\_CommissionMerger\_LettertoCouncil.pdf

Please see attached communication to Council from the Human Welfare and Community Action Commission.

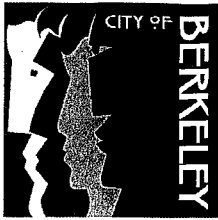
Thank you.

**Mary-Claire Katz**

City of Berkeley  
Housing and Community Services  
2180 Milvia Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
(510) 981-5414 (tel)  
(510) 981-5450 (fax)  
[mkatz@berkeleyca.gov](mailto:mkatz@berkeleyca.gov)

Please note: As a cost saving measure the City of Berkeley is closed the 2nd Friday of every month. Additional closures may occur. For the latest City Closures and Holidays please check the City of Berkeley Homepage at <https://berkeleyca.gov/>

*CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.*



Human Welfare and Community  
Action Commission

Communication  
January 9, 2024

**To:** Honorable Mayor and Members of the City Council  
**From:** Human Welfare Community Action Commission (HWCAC)  
**Submitted by:** Mary Behm-Steinberg, Chair, HWCAC  
**Subject:** Communication regarding HWCAC and Peace and Justice Commission Merger

Dear Mayor and Council:

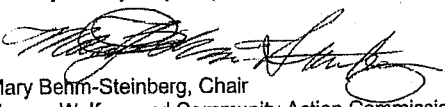
The Human Welfare and Community Action Commission (HWCAC) met on Monday, January 8 and discussed the upcoming merger with the Peace and Justice Commission.

The HWCAC has grown in the last week from one to four members. This is a very positive trend, as the City relies on our volunteer work to review and approve block grant funding for certain CBOs. Giving effective oversight for the non-profits the City works with is time-consuming and benefits from volunteer experience that accumulates over time. The model that California has developed of incorporating commissioners with lived low-income experience improves the oversight the commission can give.

Staff has not shared the proposed merger ordinance, but we understand it will reduce the size of the proposed new commission from the current 30 seats to a tiny nine members. Under this proposal, we'll be reduced in size while doubling our workload. Commissioners' biggest concern with the staff plan is that it will further weaken the already under-appointed Human Welfare and Community Action Commission.

The lives of low-income people in Berkeley absolutely depend on the CBOs that provide critical services, and the commissioners who review and evaluate them, particularly the peer commissioners. The merged commission needs more, not fewer low-income members. Please do not reduce the number of peers to only three.

Signed,

  
Mary Behm-Steinberg, Chair  
Human Welfare and Community Action Commission

**Benado, Tony**

---

**From:** Vance-Dozier, Okeya  
**Sent:** Wednesday, January 17, 2024 1:27 PM  
**To:** City Clerk  
**Cc:** Radu, Peter  
**Subject:** Peace and Justice Letter  
**Attachments:** PJC Merger Letter.docx

**Sensitivity:** Confidential

Internal

Afternoon-

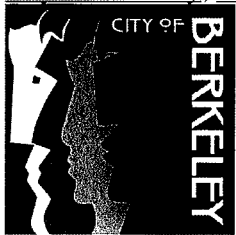
Attached you will find a letter drafted by the Peace and Justice commission in regards to the upcoming merger. The commissioners are requesting this document be communicated with mayor and council.

Thank you,

**Okeya Vance-Dozier**

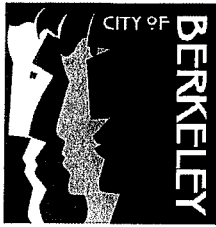
Community Services Specialist II-Neighborhood Services

City of Berkeley, 2180 Milvia Street, 5th Floor, Berkeley, CA 94704



(510) 529-5376 / [ovance-dozier@cityofberkeley.info](mailto:ovance-dozier@cityofberkeley.info)





Peace and Justice Commission

To: Mayor and Members of the City Council  
From: Peace and Justice Commission  
Submitted by: Grace Morizawa, Chair  
Subject: Peace and Justice Merger

As chair of the Peace and Justice Commission, I am writing to request the city council postpone, for at least one month, the review, discussion, and decision regarding the staff-proposed function of the new commission to be formed by merging the Peace and Justice Commission and the Human Welfare and Community Action Commission. On January 8, 2024, the commission unanimously passed a motion to request the city council postpone the decision.

In a phone conversation with city staff, I learned that the proposal would be available for review when the agenda for the January 30, 2024, City Council meeting is published. As a commission, we would like to have the opportunity to review the proposal at a meeting to give a coherent and meaningful response. We also recognize that the Peace and Justice Commission was formed a response to a grassroots concern for peace and justice. A postponement will give Berkeley residents an opportunity to also respond. The next commission meeting will be after the January 30, 2024, city council meeting.

The Peace and Justice Commission would appreciate the opportunity to review the proposal and to make any recommendations if needed.

Respectfully submitted,

Grace Morizawa, Chair  
Peace and Justice Commission

**Benado, Tony**

---

**From:** Grace Morizawa <gracehisaye@gmail.com>  
**Sent:** Tuesday, January 23, 2024 7:57 PM  
**To:** Katz, Mary-Claire  
**Cc:** George Lippman; boardofed@berkeley.net; All Council  
**Subject:** Merger proposal

**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.

Hi Mary-Claire,

Now that the merger proposal is not on the agenda for January 30, please update us on where it is in the process. Also, is it now possible for us to see the proposal.

Thank you,  
Grace Morizawa  
Peace and Justice Commission Chair

**Benado, Tony**

---

**From:** J & J Schroeder <janicejimschroeder@gmail.com>  
**Sent:** Monday, January 29, 2024 3:57 PM  
**To:** Berkeley City Council Policy Committee; City Clerk; All Council;  
 anavasuedeo@berkeley.net; kadijahbrown@berkeley.net;  
 jennifershanoski@berkeley.net; mikechang@berkeley.net; laurababitt@berkeley.net;  
 katelynliao@students.berkeley.net; janaidell@students.berkeley.net  
**Subject:** Item #8: City Manager's proposal to combine the Peace & Justice Commission and the Human Welfare & Community Action Commission

**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.

Members of the Policy Committee, Mayor Arreguin, City Councilmembers and BUSD School Board members,

I attended the 1/29/24 Agenda Committee meeting via Zoom and gave public comments on Item #8: City Manager's proposal to combine the Peace & Justice and the Human Welfare & Community Action Commissions.

1. I strongly urge the committee to postpone action on the merger so that staff respects current commissioners by sharing the actual proposed mandate for the merged commission.
2. This proposal **must** be made public before scheduling council action on the merger.
3. Out of respect for the BUSD school board members, the council **must** discuss the elimination of the six BUSD seats with the school board at a 2x2 meeting, asking whether the board agrees to giving up their representatives.
4. The proposed merger will result in 9 commissioners having at least double the work, and being responsible for mandates of both of the former commissions. This reduction in commissioners would reduce the diverse viewpoints expressed at commission meetings **because** the number of combined seats would go from 30 to 9; eliminating 6 BUSD seats and reducing the low-income seats from 6 to 3. This is an undemocratic move when Berkeley and the entire country are in dire need of expanding democratic processes.
5. Berkeley commissions are a vital and essential part of the democratic process in the city of Berkeley. Commissions must **not** be weakened.
6. To ensure inclusion, diversity and equity **all** City commissions, committees, boards and council meetings **must** be permanently held in a hybrid format. Hybrid meetings accommodate those who are: elders, disabled, have immunocompromised and have other health conditions, lack childcare and lack transportation. Hybrid formats allow for a more democratic and fully participatory process in Berkeley government.

Sincerely,  
Janice Schroeder  
Berkeley resident for 44 years

**Benado, Tony**

---

**From:** Kirstin Miller <kirstin@ecocitybuilders.org>  
**Sent:** Wednesday, January 17, 2024 10:31 AM  
**To:** All Council; Berkeley Mayor's Office; Manager, C  
**Subject:** Re: Center Street Greenway & Strawberry Creek / HOOD Design  
**Attachments:** 20150818\_CenterStreet.pdf

**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 colleagues,

Greetings and Happy New Year! I thought to check in regarding the downtown streets and open space improvement projects.

As many of you know, our organization was part of a multi year, long-range public planning and visioning process that informed several major project subareas of the SOSIP.

Over the years of this processes, which preceded the SOSIP, we moved beyond the idea of daylighting a segment of the underground flow, into a more expanded urban vision and presentation of the watershed through a creative green infrastructure design, which, through a pervious paving system proposed by HOOD and other design features, would present visitors an experience of being in the watershed while also providing stormwater treatment. The experience of the pedestrian would be one of being drawn into a greenway, leading to the natural experience of Strawberry Creek on campus, but would not seek to raise the culverted flows up to the surface in the downtown.

I think we did rough calculations on the stormwater and flows that could be slowed/captured, the native plants the could be supported and the diversity of species/biodiveristy serviced.

I understand that years have passed since the SOSIP, but I think it's still something to consider, especially since the stakeholders at the time spent years working though many of the same questions and issues that remain today.

Sincerely,

Kirstin Miller  
 Ecocity Builders

On Dec 30, 2022, at 11:58 AM, Kirstin Miller <kirstin@ecocitybuilders.org> wrote:

12/30

Dear Mayor Arreguín, City of Berkeley,

Greetings and Happy New Year! We've heard that discussions are happening regarding new improvements to downtown. I thought to reach out to refresh institutional knowledge (or inform as may be the case for people new to their posts), that Berkeley citizens raised \$170,000 over several years to commission UCB's Walter Hood for a Center Street plaza and greenway plan that includes a low by-pass flow of Strawberry Creek. **In other words, keeps the main flows and overflows/storm events in the current culvert.**

The initial studies included a hydrology feasibility study by PWA building on a previous study commissioned by the City from Wolfe Mason. Then we did an adjusted study vis a vis the SOSIP process to further address fire and emergency vehicle access, etc. During that process the initial idea for the one block treatment on Center from Oxford to Shattuck was extend through Civic Center Park as the "Center Street Greenway" that is referenced in the SOSIP. I attach a file here with some of the studies.

It would be wonderful if the many years of focused community-driven and funded design development and City processes guided by Berkeley's own Walter Hood, one of the country's foremost public space designers, is finally embraced and actualized.

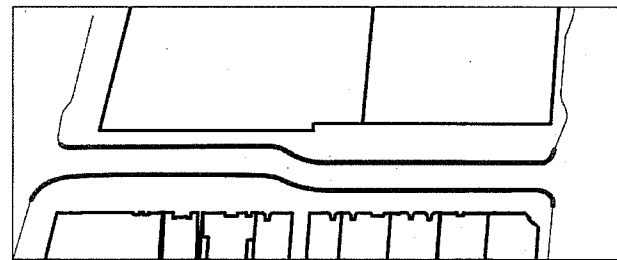
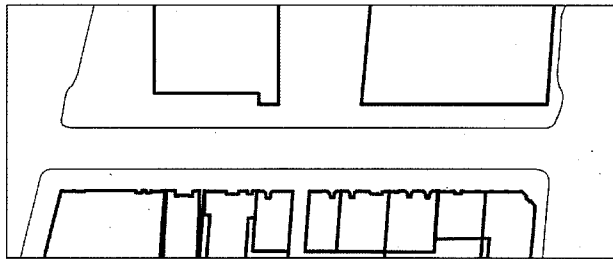
With warm regards and best wishes,

Kirstin Miller  
Ecocity Builders  
kirstin@ecocitybuilders.org  
510-213-3045

# CITY OF BERKELEY

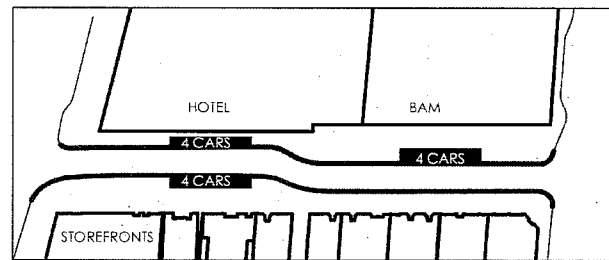
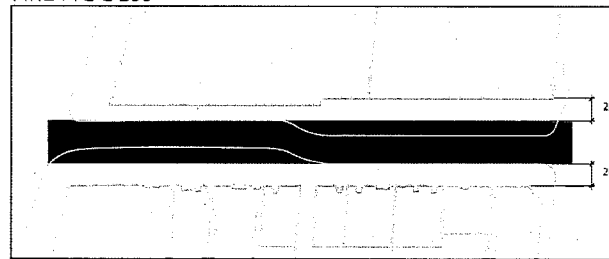
The following documents outline the schematic design and design guidelines for Center Street Plaza, Phase I of Berkeley's Street and Open Space Improvement Plan's (SOSIP) Center Street Greenway Project. Center Street Plaza's primary design objective is to help make Downtown more pedestrian-friendly, bike-friendly, livable and attractive. The Project is a Tier I Priority of the SOSIP and showcases a number of green infrastructure features called for in the plan including permeable paving and rain gardens (bio-retention basins). These improvements follow upon the successful permeable paving demonstration project on Allston Way between Martin Luther King Jr. Way and Milvia Street, also within the Strawberry Creek watershed.

EXISTING



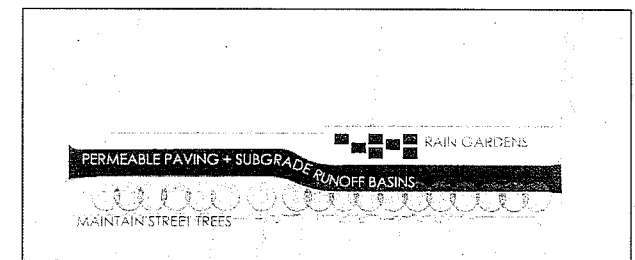
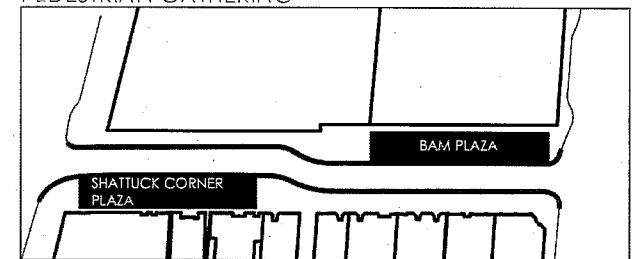
PROPOSED SLOW STREET STRATEGY

FIRE ACCESS



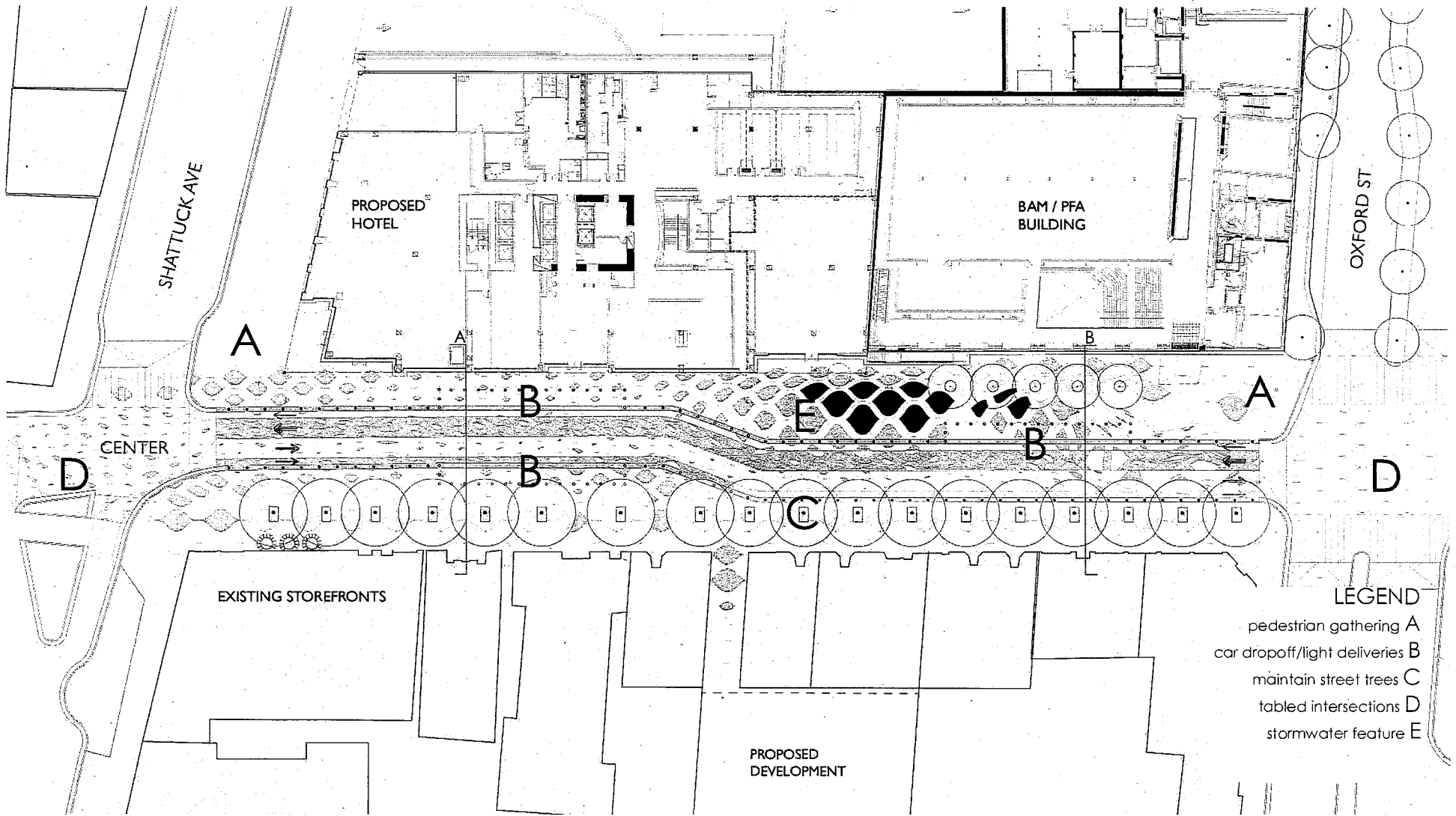
AUTO DROPOFF

PEDESTRIAN GATHERING



GREEN INFRASTRUCTURE





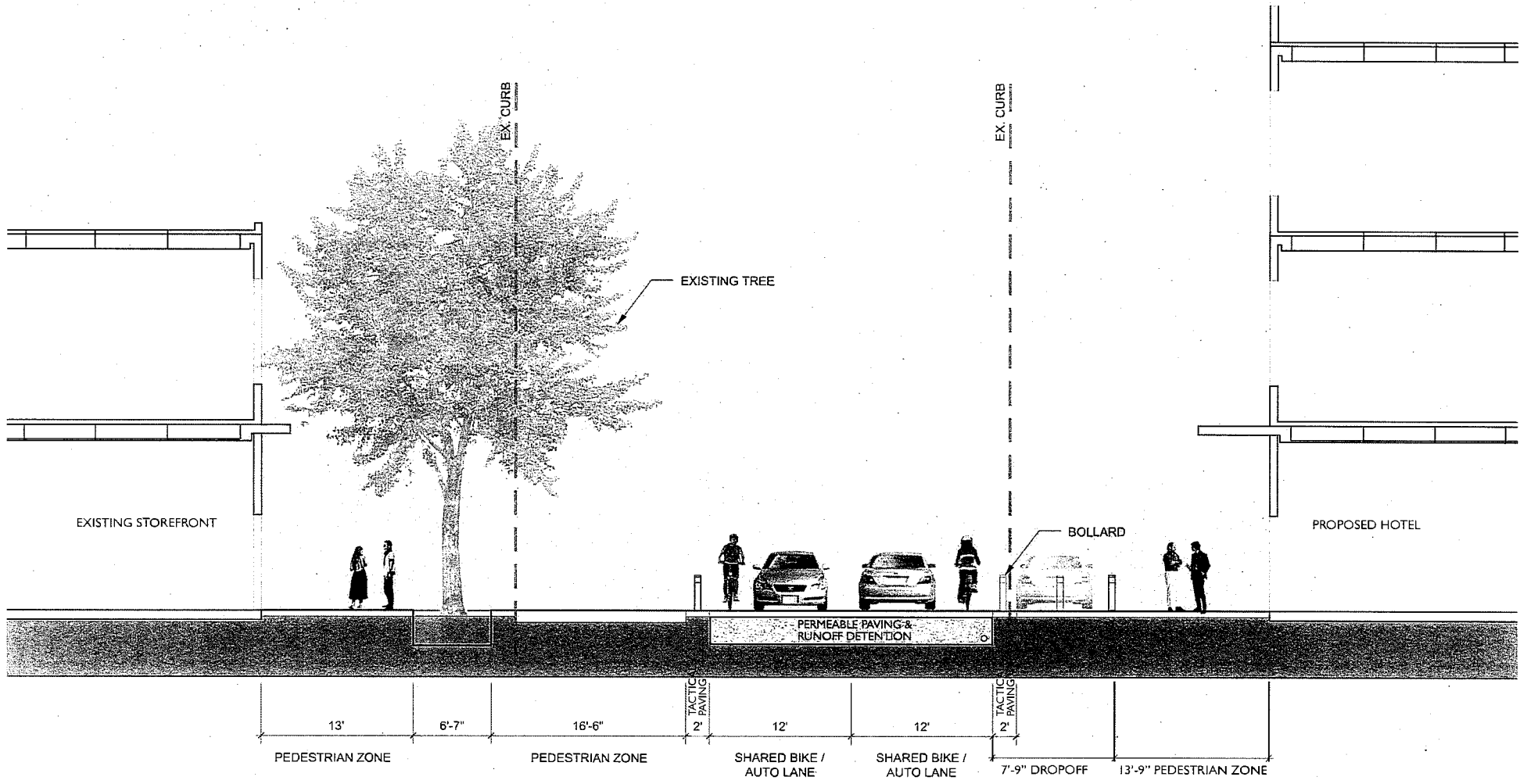
**HOOD**

- Two Way
- Two 12' Shared Auto-Bike Lanes

Center Street, Berkeley

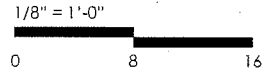
08/18/2015





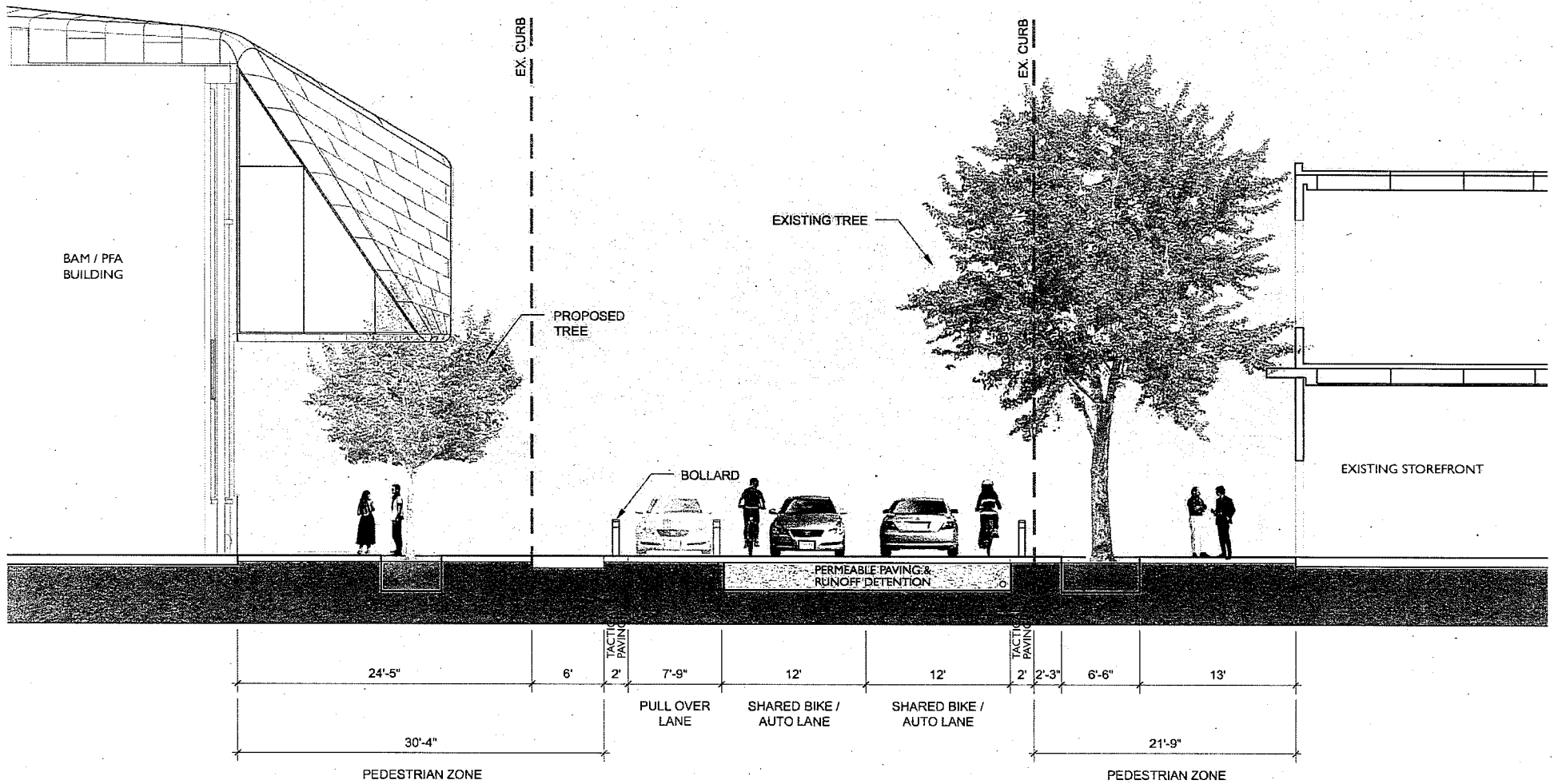
HOOD

Section A | Looking West



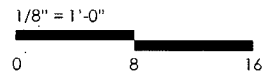
Center Street, Berkeley

08/18/2015



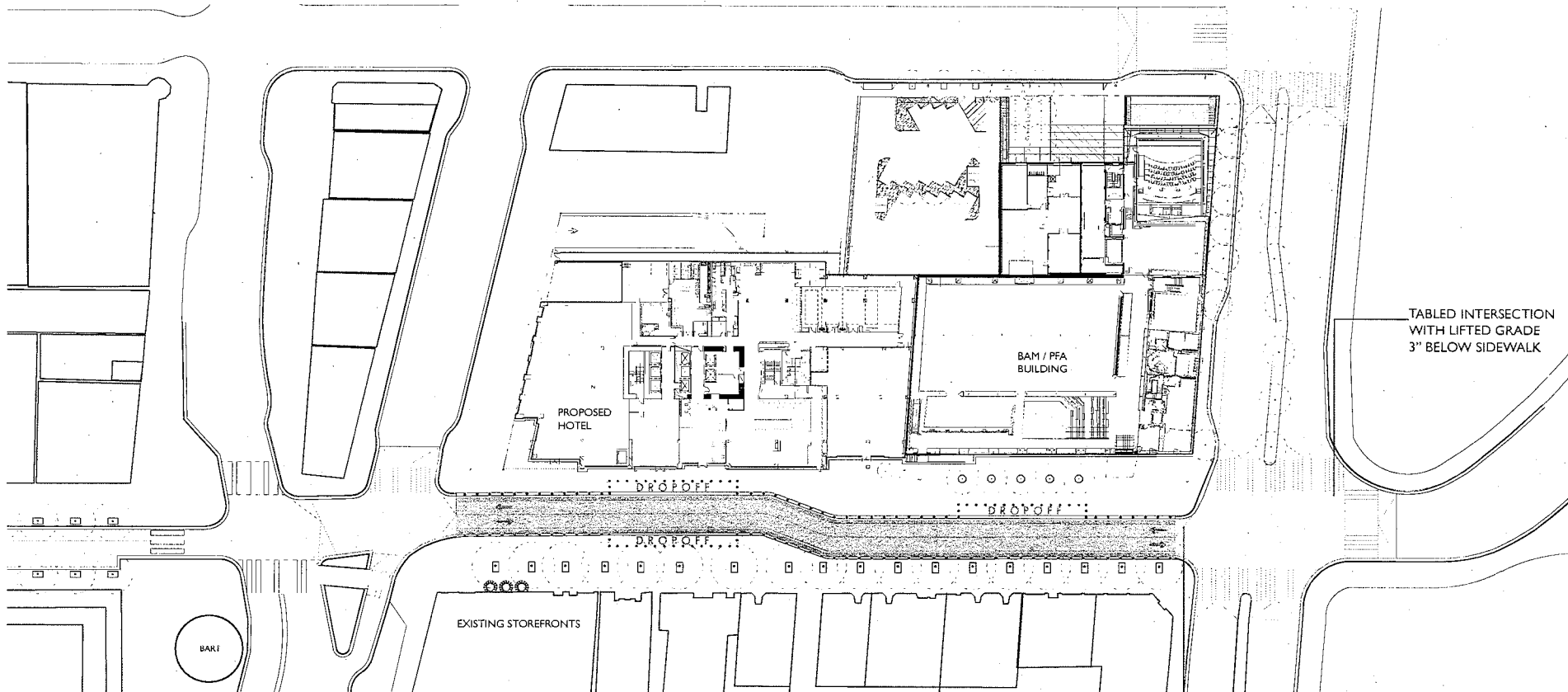
**HOOD**

Section B | Looking East



Center Street, Berkeley

08/18/2015

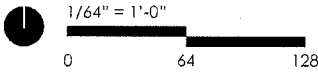


- KEY**
- intersection table
  - - - street grade ramps up
  - - - level with top of curb
  - ▨ slow street: combined bike & car travel
  - ⋯ DROP OFF ⋯ car dropoff

TABLED INTERSECTION WITH LIFTED GRADE FLUSH TO SIDEWALK

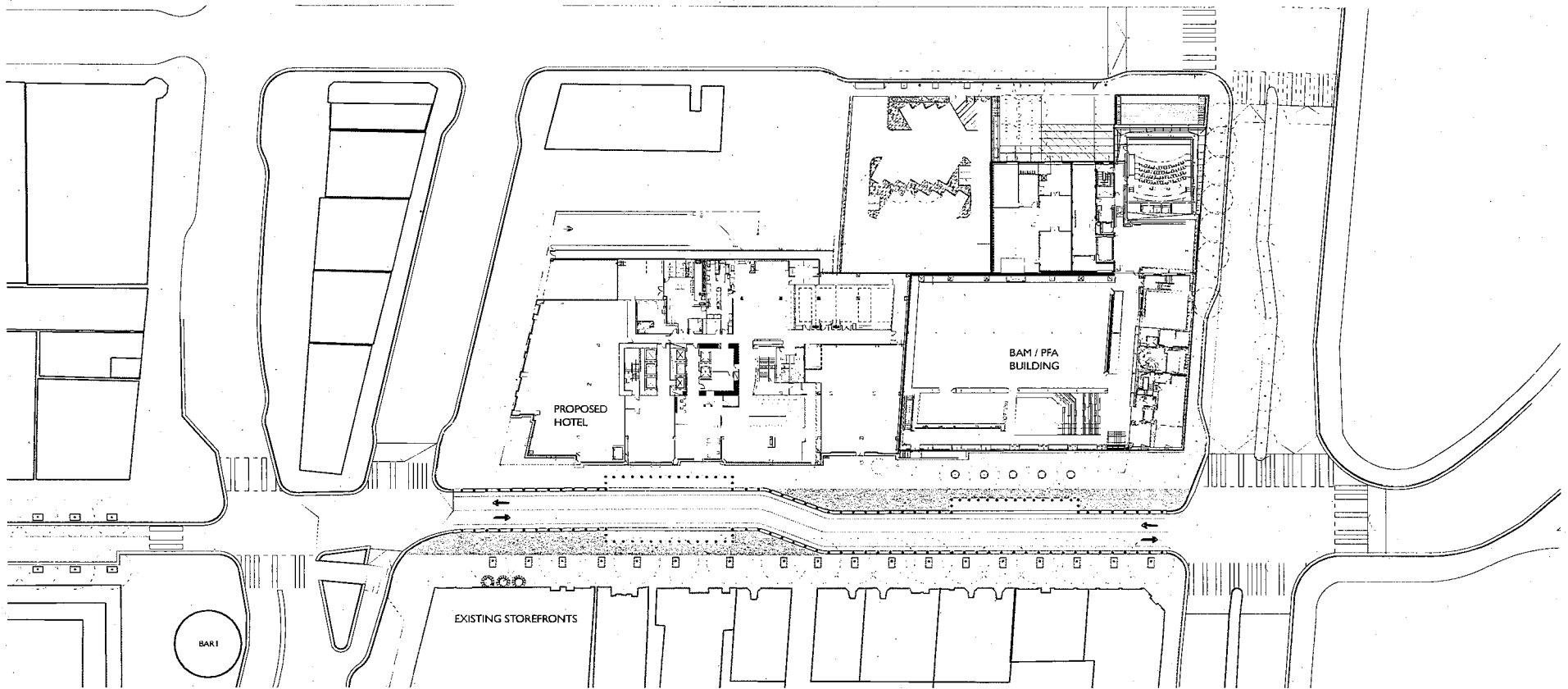
**HOOD**

Cars, Bike Circulation






Center Street, Berkeley

08/18/2015

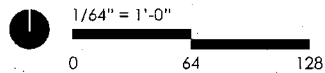


KEY

-  pedestrian-only zone
-  fire access zone
-  temporary pedestrian furnishings zone

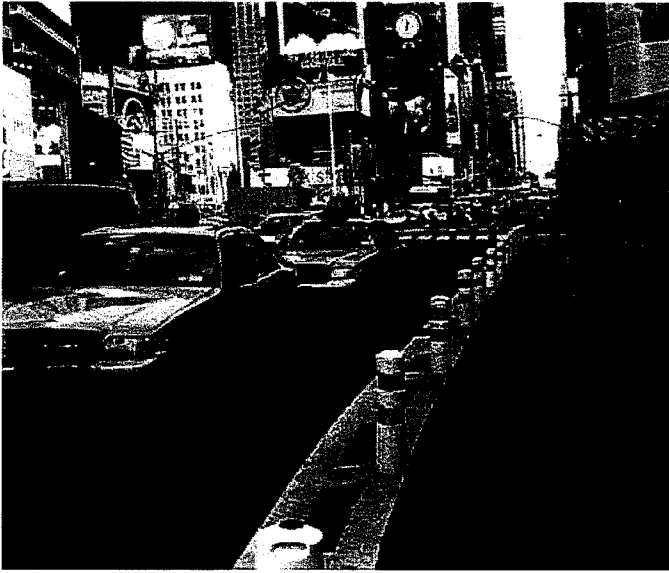


Pedestrian Zones

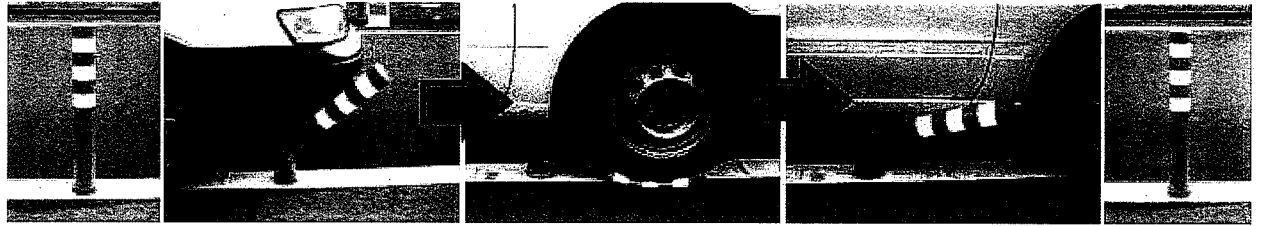


Center Street, Berkeley

08/18/2015



US REFLECTOR FLEXIBLE BOLLARDS



RELIANCE FOUNDRY FLEXIBLE BOLLARDS

**Benado, Tony**

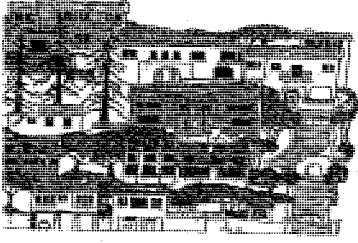
---

**From:** Mike Kelly <michaelkellypha@gmail.com>  
**Sent:** Tuesday, January 16, 2024 4:36 PM  
**To:** All Council  
**Cc:** Berkeley City Council Policy Committee; Humbert, Mark  
**Subject:** Letter from PHA re: Emergency Road Study  
**Attachments:** PHA Letter to COB - emergency access road.pdf

**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.

Please find attached a PDF letter from PHA to City Council,

RE: Disaster and Fire Safety Commission's recommendation to initiate a feasibility study for an emergency road serving Panoramic Hill



## Panoramic Hill Association

PO Box 5428, Berkeley, CA 94705

January 12th, 2024

To: Berkeley City Council  
From: Panoramic Hill Association  
Subject: Feasibility of emergency access/egress road for Panoramic Hill

The Panoramic Hill Association [PHA] supports the Disaster and Fire Safety Commission's recommendation to initiate a feasibility study for an emergency road serving Panoramic Hill [PH].

We believe that such a study should consider *emergency* routes for *both access to and egress* from the hill. The purpose of this route must be to serve in emergencies only, not as a secondary access route for regular traffic which would be more difficult, expensive, and unpopular with many residents and landowners on PH.

The lack of emergency access/egress routes to or from PH has been an outstanding issue for decades. A single, narrow and circuitous road (Panoramic Way) serves a WUI neighborhood population of approximately 300, not including frequent recreational users and university athletes. Checking through our association's archives, we found that investigations by the Berkeley Planning Department and Department of Public Works regarding alternative access routes to PH date back to 1958. The more recent increase in fire danger due to climate change and extensive tree mortality justifies a new look at this problem in light of the latest geological studies and wildfire risk reduction science. Attached please find a list of Panoramic Hill's unique risk factors which, we believe, warrant exceptional treatments such as an emergency access route.

PHA would be happy to provide the council with further information should the city decide to proceed with this project, and we would be happy to lead tours of the neighborhood for any council members who are interested in learning more about our situation.

Sincerely yours,

Michael Kelly  
Panoramic Hill Association  
President

**Benado, Tony**

---

**From:** Corey Smith <corey@housingactioncoalition.org>  
**Sent:** Tuesday, January 16, 2024 4:08 PM  
**To:** Kesarwani, Rashi; Robinson, Rigel; Wengraf, Susan; Hahn, Sophie; Humbert, Mark; Bartlett, Ben; Arreguin, Jesse L.; Taplin, Terry; Harrison, Kate  
**Cc:** All Council  
**Subject:** Southside rezoning - added labor constraint

**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.

Mayor Arreguin and members of the Berkeley City Council,

I hope this email finds you well! I'm reaching out ahead of tonight's hearing in regards to the labor language in the Southside Plan Area Rezoning (Item #18).

Late last year, the Housing Action Coalition notified HCD of a potential violation related to additional constraints in the Housing Element Implementation that were not studied when the city originally submitted its Housing Element to the state. At that point in time, there were still unknowns about what would be in the final legislation.

With tonight's hearing and upcoming vote, we did re-share our concerns with HCD along with the legislation you'll be considering tonight. It's our understanding that adding additional constraints (specifically labor standards) without a study does put Berkeley's Housing Element certification at risk.

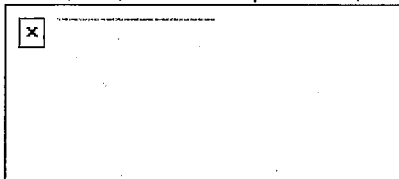
Let me know if you have any questions.

Respectfully,  
 Corey Smith  
 Executive Director, Housing Action Coalition

--

**Corey Smith** 陈锐 | Pronouns: He/Him

Executive Director | Housing Action Coalition  
 555 Montgomery Street, Suite 720, San Francisco, CA 94111  
 Cell: (925) 360-5290 | Office: (415) 300-0967



Email: [corey@housingactioncoalition.org](mailto:corey@housingactioncoalition.org) | Web: [housingactioncoalition.org](http://housingactioncoalition.org)  
**Please note the new email and website.**

To opt out of all HAC emails, respond to this email with "unsubscribe all".



**Benado, Tony**

---

**From:** Carol Denney <cdenney@igc.org>  
**Sent:** Tuesday, January 16, 2024 9:57 AM  
**To:** All Council  
**Subject:** chess club - former Cody's Books inset

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 Berkeley City Council, January 16, 2024

When Fred and Pat Cody built the former Cody's Bookstore location at the corner of Haste and Telegraph they deliberately built an inset designed a space for people to congregate so that they could meet each other, talk about books, have poetry readings, even panhandle. They could have done what most retail store owners do, and built to the hilt of the sidewalk's footprint which is now common all over town. But they loved Telegraph Avenue and its lively pedestrian culture. They sacrificed retail space to benefit the people who love it, too.

Parklets are the opposite of that; they're usually linked to sales in a retail outlet and in no way public. Even renowned composer and classical guitar player Philip Rosheger was chased out of a north Berkeley "parklet" for playing music celebrated worldwide by the best classical musicians.

The Berkeley City Council has an easy fix to address the "issue" of people quietly playing chess: get over it. Ticket them for smoking if they smoke, but celebrate the centuries-old tradition of chess players who learn and teach by playing with each other, just as musicians do in a jam. You can learn by playing or by watching and listening. This is public space at its best.

In addition, it should be obvious by now that the university's "security fence", which was technically permitted under the current legal stay, is nothing any court or any judge ever envisioned. Four-ton coublle-stacked cargo containers topped with anti-personnel razor wire is quite a look, let alone a danger, in a residential neighborhood with no parks within a quarter mile. The Berkeley City Council looks weak already, but it looks all the weaker raising no objection to transforming the most landmarked area of Berkeley, literally a garden, into a war zone.

Any Berkeley City Councilmember who wishes to run for mayor in this town should consider how difficult it will be to take their candidacy seriously once it is clear that they will serve up any part of the town the university orders destroyed, even a landmark on the National Register of Historic Places, and only say, "would you like fries with that?"

\* \* \* \* \*

Carol Denney, co-founder of the People's Park Historic District Advocacy Group  
1970 San Pablo Avenue #4  
Berkeley, CA 94702  
510-548-1512 (landline)  
cdenney@igc.org

**Benado, Tony**

---

**From:** Sandhya Hermon <sandhyahermon@gmail.com>  
**Sent:** Tuesday, January 16, 2024 10:01 AM  
**To:** realign@actransit.org  
**Cc:** Wengraf, Susan; All Council  
**Subject:** Do NOT change Route 65 and 67 AC Transit!

**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.

To AC Transit:

I am writing to voice my support for full continued bus service along both the 65 and 67 routes in the Berkeley Hills. Taking away the only public transportation option for thousands of residents in this neighborhood is unconscionable.

Many people in this area rely on bus service, including middle and high schoolers who need it to get to/from school and activities and people with physical limitations who do not or cannot always drive. Already, with no service on the weekends or holidays, these groups have very limited options. Further, as people are trying to find ways to cut down on their reliance on driving, this is absolutely moving in the wrong direction.

The bottom line is that it is inconceivable that a large swath of Berkeley could be left without any transit options. It is imperative that public transportation equitably serve all residents of Berkeley. AC Transit should maintain—or improve—bus service in this area.

Thank you,

Sandhya Hermon

1118 Park Hills Rd Berkeley

**Benado, Tony**

---

**From:** Morry Hermon <morryhermon@gmail.com>  
**Sent:** Tuesday, January 16, 2024 10:15 AM  
**To:** realign@actransit.org; Wengraf, Susan; All Council  
**Subject:** Fwd: Do NOT change Route 65 and 67 AC Transit!

**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.

To AC Transit:

I am writing to voice my support for full continued bus service along both the 65 and 67 routes in the Berkeley Hills. Taking away the only public transportation option for thousands of residents in this neighborhood is unconscionable.

Many people in this area rely on bus service, including middle and high schoolers who need it to get to/from school and activities and people with physical limitations who do not or cannot always drive. Already, with no service on the weekends or holidays, these groups have very limited options. Further, as people are trying to find ways to cut down on their reliance on driving, this is absolutely moving in the wrong direction.

The bottom line is that it is inconceivable that a large swath of Berkeley could be left without any transit options. It is imperative that public transportation equitably serve all residents of Berkeley. AC Transit should maintain—or improve—bus service in this area.

Thank you,

Morry Rao  
Hermón  
1118 Park Hills Rd  
Berkeley California 94708  
(510) 542-0287 cell  
Email: [morryhermon@gmail.com](mailto:morryhermon@gmail.com)  
Connect with me on [LinkedIn](#)

**Benado, Tony**

---

**From:** Kabir Hermon <kabirhermon@students.berkeley.net>  
**Sent:** Tuesday, January 16, 2024 10:04 AM  
**To:** realign@actransit.org  
**Cc:** Wengraf, Susan; All Council  
**Subject:** WE NEED AC TRANSIT # 65!!

**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.

To AC Transit:

I am writing to voice my support for full continued bus service along both the 65 and 67 routes in the Berkeley Hills. I am a Berkeley High student and take the #64 twice a day to get to school and back. Taking away the only public transportation option for thousands of residents in this neighborhood is unconscionable.

Many people in this area rely on bus service, including middle and high schoolers who need it to get to/from school and activities and people with physical limitations who do not or cannot always drive. Already, with no service on the weekends or holidays, these groups have very limited options. Further, as people are trying to find ways to cut down on their reliance on driving, this is absolutely moving in the wrong direction.

The bottom line is that it is inconceivable that a large swath of Berkeley could be left without any transit options. It is imperative that public transportation equitably serve all residents of Berkeley. AC Transit should maintain—or improve—bus service in this area.

Thank you,

Kabir Hermon, BUSD Student, Resident of Park Hills Rd,  
Berkeley

--  
Silent, ancient trees,  
Standing tall and watching all,  
Nature's sentinels.

**Benado, Tony**

---

**From:** Arjun Hermon <arjunhermon@students.berkeley.net>  
**Sent:** Tuesday, January 16, 2024 10:13 AM  
**To:** realign@actransit.org; Wengraf, Susan; All Council  
**Subject:** Fwd: WE NEED AC TRANSIT # 65!!

**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.

To AC Transit: I am writing to voice my support for full continued bus service along both the 65 and 67 routes in the Berkeley Hills. I am a Berkeley High student and take the #65 twice a day to get to school and back. Taking away the only public transportation option for thousands of residents in this neighborhood is unconscionable.

Many people in this area rely on bus service, including middle and high schoolers who need it to get to/from school and activities and people with physical limitations who do not or cannot always drive. Already, with no service on the weekends or holidays, these groups have very limited options. Further, as people are trying to find ways to cut down on their reliance on driving, this is absolutely moving in the wrong direction.

The bottom line is that it is inconceivable that a large swath of Berkeley could be left without any transit options. It is imperative that public transportation equitably serve all residents of Berkeley. AC Transit should maintain—or improve—bus service in this area.

Thank you,

Arjun Hermon, Berkeley High Freshman, Resident of Park Hills Rd, Berkeley

**Benado, Tony**

**From:** Anne-Lise Francois <afrancoi@berkeley.edu>  
**Sent:** Tuesday, January 23, 2024 10:45 PM  
**To:** All Council; Harrison, Kate; Berkeley Mayor's Office; sophie@sophiehahn.com  
**Subject:** cuts to AC lines and services

**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 Mayor Arreguin, Councilperson Harrison, and other Council Members:

I'm writing to ask whether you plan to attend tomorrow's ACTransit meeting to represent the people of Berkeley, as you have been elected to do, and voice opposition on their behalf to the horrendous cuts in line frequencies proposed by AC-Transit.

Details for the meeting here: <https://actransit.legistar.com/MeetingDetail.aspx?ID=1140444&GUID=390A2EA1-1B93-4C5E-B695-4CDC7FF2F0A2&Options=info|&Search=>

I've copied the relevant portion of what they are proposing below:

Another concerned transit advocate has helpfully compared the difference between current levels of service and what they are proposing

7 - reduced every 30 min -> every 60 min, adeline/stanford reroute 10 - wkdy reduced 17->20  
 12 - wkdy reduced 23->30 (reduced 20->23 on 8/6/2023) 14 - wkdy reduced 17->20 18 -  
 wkdy reduced 16->20 (reduced 15->16 on 8/6/2023)  
 57 - reduced 15->20 (this one hurts) 60 - reduced 40->45 62 - reduced 19->20 65 - reduced 40->45 67 -  
 reduced 30->60 72R - reduced 12/15->30 74 - service to castro ranch rd eliminated, reduced service area  
 in el sorbante 88 - peak reduced 15->20 (3/)

## Northern Alameda County

**Line DA6** maintains 12-minute frequency on Telegraph Ave. from Downtown Oakland to Berkeley, extending through Alameda to Fruitvale BART. **Line DA51** connects existing **Line 51A and 51B** segments in Oakland and Berkeley to provide a one-seat ride between the Berkeley Marina, downtown Berkeley, Rockridge, and downtown Oakland, terminating at Lake Merritt BART. **Line DA7** continues through Berkeley, extends to Shattuck Ave., Adeline St., and Stanford Ave., terminating at Emeryville Amtrak. **Line 79** would no longer operate, replaced by **Line DA27** at 30-minute frequencies covering Downtown Berkeley to El Cerrito Plaza BART. **Line DA29** operates every 30 minutes from Emeryville to Rockridge BART via Alcatraz Ave. **Line DA65** is proposed as weekdays-only with 45-minute frequencies and would no longer serve the 'Senior Loop' area of the Berkeley Hills. **Line DA67** operates weekdays-only with 60-minute frequencies. **Line DA18** will not serve 7th or 8th streets

and Lake Merritt BART, but would instead operate via 11th and 12th streets to Park Blvd., terminating in Montclair Village. **Line DA88** extends to Piedmont, mirroring **Line 33**'s current route, and discontinues service on 11th and 12th streets to Lake Merritt BART. **Line 33** would no longer operate. **Line DA19** connects to Main St. Ferry Terminal. In Alameda, **Line DA20** will be diverted from Webster and serve Main St. and Stargell Ave. **Line DA21** discontinues connection to Oakland Airport and operates a one-way loop between the Main St. Ferry Terminal and Fruitvale BART, serving Skyline High School. **Line DA96** extends to Brooklyn Basin. **Lines DA57** and **DANL** operate every 20 minutes. Proposed changes in Northern Alameda County align Lines **DA72**, **DA72M**, and **DA72R** with Western Contra Costa County adjustments. **Line B61** is no longer proposed in this plan.

Source: <https://www.actransit.org/realign/scenario-DA#Central>

I have no doubt you will tell me that this is not in your hands, that AC Transit is making the changes and there's nothing you can do about it. But it is your job as elected officials to stand up and represent the interests of your constituents. Each of you has run on a platform advertising your commitment to fighting climate change and getting people out of cars. But how do you expect us NOT to drive or be driven by uber or lyft when the alternative is waiting an HOUR for a bus? The changes proposed amount to the elimination of functioning public transit in the hills, where biking and other forms of non motorized transport are particularly difficult. This is shocking - shocking because the year is 2024 and there is absolutely no excuse for not investing in public transit and shocking on another count because of the masses of wealth concentrated in this tiny area of land. That a city of Berkeley's wealth cannot sustain adequate and usable bus service in the era of ongoing climate collapse is absolutely ridiculous, and if these plans are approved you should all be ashamed to serve the offices you do. By not speaking up to ensure that these cuts are not approved, you will have betrayed the elderly, the disabled, and those too poor, too sick or or too young to drive.

--  
Anne-Lise François  
Associate Professor, English and Comparative Literature  
University of California, Berkeley

Resident 2210A California Street, Berkeley CA 94703



**Benado, Tony**

---

**From:** Laura K Fujii <fujiiwilkinson1@yahoo.com>  
**Sent:** Thursday, January 18, 2024 12:36 PM  
**To:** Landmarks Preservation Commission; Berkeley Mayor's Office; All Council; Housing Advisory Commission; Pearson, Alene; Planning Dept. Mailbox  
**Subject:** Save the Historic Art Deco Berkeley United Artists Theatre!

**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 LPC Commissioners, Berkeley Mayor, Berkeley City Council:

I am a native of Berkeley. Born and raised in the City of Berkeley. I treasure the beautiful, architecturally significant, and historical buildings found throughout Berkeley which are part of the City's heritage and unique character.

It greatly saddens me that many of these irreplaceable iconic structures are being deliberately destroyed in the *mistaken belief* that high rise apartment buildings will solve the lack of affordable housing and reduce the increasing number of homeless on our streets.

It can be argued that Panoramic Interests is dominating, and perhaps controlling, the City of Berkeley's planning process, programming, and projects. While I applaud appropriate infill and higher density housing, it is tragic that these sound urban planning principals are being used to destroy our iconic and architecturally significant historical buildings.

I urge you to SAVE the historic art deco Berkeley United Artists Theater. Perhaps, it is possible to retrofit the existing theater building in such a way as to save and incorporate the beautiful existing Art Deco exteriors and interiors while also providing for new residential apartments. I am sure the apartment residents would appreciate being surrounded by the beautiful historical art deco designs.

I urge you to designate the United Artists Theatre building as a landmark. At your meeting on February 1, please vote to landmark the ENTIRE exterior of the building, as is supported by local law.

The UA Berkeley is a paragon of Art Deco architecture that, if destroyed, can never be replaced. It was found eligible for the National Register of Historic Places and it is on the California Register of Historical Resources. The City of Berkeley recognizes it as an "architecturally significant" building and a "structure of merit."

It is the LPC's purpose to protect, preserve, and recognize buildings of high historic and architectural value. Few edifices in Berkeley are more deserving of being landmarked than this magnificent Art Deco movie palace from Hollywood's golden era.

Sincerely,

Laura Fujii

Cc: City of Berkeley Design Review Committee, Housing Advisory Commission, Planning Commission

**Benado, Tony**

---

**From:** Robert Wilkinsonfujii <fujiiwilkinson@yahoo.com>  
**Sent:** Thursday, January 18, 2024 4:37 PM  
**To:** Landmarks Preservation Commission; Berkeley Mayor's Office; All Council; Housing Advisory Commission; Pearson, Alene; Planning Dept. Mailbox; Laura K Fujii  
**Subject:** Re: Save the Historic Art Deco Berkeley United Artists Theatre!

**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.

Hello;

I agree the building should be saved as said below.

Robert Wilkinson

On Thursday, January 18, 2024 at 12:35:54 PM PST, Laura K Fujii <fujiiwilkinson1@yahoo.com> wrote:

Dear LPC Commissioners, Berkeley Mayor, Berkeley City Council:

I am a native of Berkeley. Born and raised in the City of Berkeley. I treasure the beautiful, architecturally significant, and historical buildings found throughout Berkeley which are part of the City's heritage and unique character.

It greatly saddens me that many of these irreplaceable iconic structures are being deliberately destroyed in the *mistaken belief* that high rise apartment buildings will solve the lack of affordable housing and reduce the increasing number of homeless on our streets.

It can be argued that Panoramic Interests is dominating, and perhaps controlling, the City of Berkeley's planning process, programming, and projects. While I applaud appropriate infill and higher density housing, it is tragic that these sound urban planning principals are being used to destroy our iconic and architecturally significant historical buildings.

I urge you to SAVE the historic art deco Berkeley United Artists Theater. Perhaps, it is possible to retrofit the existing theater building in such a way as to save and incorporate the beautiful existing Art Deco exteriors and interiors while also providing for new residential apartments. I am sure the apartment residents would appreciate being surrounded by the beautiful historical art deco designs.

I urge you to designate the United Artists Theatre building as a landmark. At your meeting on February 1, please vote to landmark the ENTIRE exterior of the building, as is supported by local law.

The UA Berkeley is a paragon of Art Deco architecture that, if destroyed, can never be replaced. It was found eligible for the National Register of Historic Places and it is on the California Register of Historical Resources. The City of Berkeley recognizes it as an "architecturally significant" building and a "structure of merit."

It is the LPC's purpose to protect, preserve, and recognize buildings of high historic and architectural value. Few edifices in Berkeley are more deserving of being landmarked than this magnificent Art Deco movie palace from Hollywood's golden era.

Sincerely,

Laura Fujii

Cc: City of Berkeley Design Review Committee, Housing Advisory Commission, Planning Commission

**Benado, Tony**

---

**From:** M.E. Lawrence <cosmicat9@lmi.net>  
**Sent:** Tuesday, January 23, 2024 10:32 AM  
**To:** Landmarks Preservation Commission  
**Cc:** Zoning Adjustments Board (ZAB); All Council; info@panoramic.com; Gong, Sharon  
**Subject:** Re: 2274 Shattuck Ave. development

**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 Commissioners:

The idea of demolishing the beautiful UA Berkeley is abhorrent to our family, a Berkeley household since 1977. As a movie lover who has spent many, many hours there, it's personally heart-wrenching for me, and for many of my fellow citizens.

If the City is determined to build yet more housing downtown, I doubt my words will have much impact (I long ago stopped believing that residents' opinions really matter to the Council, certainly not more than developers'), but at least *use* what you have in the UA by maintaining and restoring the elegant facade and downstairs, in their entirety. I read on the UA marquee some talk of installing a cafe. Yes, a good selling point for what will undoubtedly be upscale tenants: a cafe-restaurant-bar that's open to the public, plus a gym and other amenities. Just don't destroy any more of our architectural heritage.

Yours truly,

Melanie Lawrence for the Lawrence-Smail family in Berkeley, Brooklyn, and Hampshire, England

**Benado, Tony**

---

**From:** Lori Pottinger <loripottinger2@gmail.com>  
**Sent:** Wednesday, January 24, 2024 7:05 PM  
**To:** All Council  
**Subject:** Fwd: Save Berkeley's heritage theater

**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.

----- Forwarded message -----

**From:** **Lori Pottinger** <loripottinger2@gmail.com>  
**Date:** Wed, Jan 24, 2024 at 7:03 PM  
**Subject:** Save Berkeley's heritage theater  
**To:** <lpc@cityofberkeley.info>

While Berkeley needs more housing, I would hope we could keep some of our history and allow the past to have a place in our city while building anew for future generations. I would like to see the Planning Commission seek to preserve the beautiful art deco UA Berkeley theater at 2274 Shattuck Ave.

The theater is an architectural and civic treasure, and has the potential to be reborn as a legitimate theatre or events space. Tearing it down would be sacrilege.

Please consider landmarking the building and working with the developer to find a better solution than destroying this iconic Berkeley building.

Thank you,  
Lori Pottinger  
Berkeley, CA

**Benado, Tony**

---

**From:** Naomi Schiff <naomi@17th.com>  
**Sent:** Saturday, January 27, 2024 12:36 PM  
**To:** Landmarks Preservation Commission; Landmarks Preservation Commission; Gong, Sharon; Zoning Adjustments Board (ZAB); All Council; info@panoramic.com  
**Subject:** 2275 Shattuck development application  
**Attachments:** 2024-1-24\_BerkeleyUA—OakHerAll.pdf

**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 Staff, Landmarks Commissioners and Development Team,

Please find attached a comment letter regarding the Regal UA Berkeley Theater, from Oakland Heritage Alliance.

Thank you!

Naomi Schiff, Secretary  
Oakland Heritage Alliance

---

Naomi Schiff  
510-910-3764 (cell)  
528 Jean St.  
Oakland, CA 94610  
naomi@17th.com



January 25, 2024

(By electronic transmission)

City of Berkeley Landmarks Preservation Commission  
Fatema Crane  
Land Use Planning Division  
[fcrane@berkeleyca.gov](mailto:fcrane@berkeleyca.gov)

**Subject: Regal UA Berkeley Theater**

Dear Ms. Crane and Berkeley Landmarks Preservation Commissioners,

Oakland Heritage Alliance, our 33-year old nonprofit historic preservation organization, appreciates the opportunity to comment.

We urge you to designate the United Artists Theatre building as a landmark. At your meeting on February 1, please vote to landmark the *entire* exterior of the building, as is supported by local law.

The UA Berkeley is an excellent example of Art Deco architecture that, if destroyed, can never be replaced. It was found eligible for the National Register of Historic Places and it is on the California Register of Historical Resources. The city of Berkeley recognizes it as an “architecturally significant” building and a “structure of merit.”

If we may give examples, Oakland’s Paramount and Fox Oakland theaters were each seen as expendable before people recognized their merit. In each case, restoration has proven an excellent and economically valuable effort, and they are now recognized widely as great assets, important architectural landmarks, well-used and cherished elements of the Bay Area past.

In your role to protect, preserve, and recognize buildings of high historic and architectural value, we urge you to protect the Regal UA theater, a key landmark in Berkeley. It will be well worth it to preserve this magnificent Art Deco movie palace from Hollywood’s golden era.

Sincerely,

Sincerely,

Daniel Levy, President

**Benado, Tony**

---

**From:** sandy slauson <sslau99950@aol.com>  
**Sent:** Monday, January 22, 2024 1:30 PM  
**To:** All Council  
**Subject:** Communication Requesting America End all Military Aid to israel for Jan 30, 2024  
Regular Council Meeting  
**Attachments:** Untitled.PDF - Adobe Acrobat Pro.pdf

**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.

City Clerk:

Please include the attached communication in the Jan 30, 2024 Regular City Council Meeting.

Thanks.

Stephen Slauson  
Candidate for Congressional District 12



Berkeley City Council  
City Hall  
Berkeley, CA 94501

Attn: City Clerk

Subject: Communication Requesting America End All Military Aid to Israel for the Jan 30, 2024  
Regular City Council Meeting

Dear Mayor Arreguin and Council Member:

This is a request for the City of Berkeley to issue a resolution to end all military aid to Israel.

You, I and all the voters of Berkeley have been supplying the planes, bombs, tanks, munitions and military hardware, at no cost to Israel, that are being used to kill innocent men, women and children in the Gaza strip. Berkeley Voters will not pay for the planes, bombs, tanks, munitions and military hardware that have been used to kill innocent men, women and children. Berkeley demands our government end all military aid to Israel now and repossess all planes, tanks, munitions that haven't been paid by Israel. Berkeley demands Israel repay America for all the military aid furnished to Israel. Israel has misused the American military aid to kill innocent men, women and children.

Israel has the right to defend itself, but America isn't going to pay for it.

Israel has been selling our military secrets to Russia for decades. Israel has built up a weapons manufacturing facility by stealing America's technology from the weapons America supplied to Israel and repackaged them as an Israel product and sold them to our enemies.

Berkeley will not support the blatant slavery treatment of the Palestine people by Israel.

Berkeley will not support any retaliation against American Jews for the war between Hamas and Israel. There are many American Jews who want nothing to do with Israel – it isn't their belief in the Jewish faith.

Berkeley will not support any retaliation against American Muslims for the war between Hamas and Israel – it isn't their belief in the Muslim faith.

Berkeley demands our government withdraw from the Middle East now. There is no benefit to America in maintaining a presence in the Middle East.

Berkeley demands Israel bring to justice the Hamas fighters that killed innocent women and children. This must be done with standard law enforcement practice with no killing of innocent men, women and children.

Please pass and send this Resolution to Senator Padilla, Senator Butler and Assemblywomen Lee.

Thank you for your consideration.

Stephen Slauson  
Candidate for Congressional District 12

**Benado, Tony**

---

**From:** tomtwproperties@comcast.net  
**Sent:** Tuesday, January 16, 2024 3:43 PM  
**To:** All Council  
**Subject:** Dwight Way Campers Blight West Berkeley

**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.

Hello Mayor and Board Members,

I would like to issue a complaint about the people living in old campers for months on Dwight Way (by Bayer in West Berkeley). They are not moving their vehicles and not only blocking the sidewalks in some cases but my gardner has to clean up human feces on my property at 2424 Sixth Street and 2432 Fifth Street. I have already lost a tenant due to the horrible conditions around the corner from my building. It is going to be tough getting a new tenant when there is a blight around the corner.

I have been a Berkeley resident and property owner since 1954. I feel for the homeless and people without proper shelter. When the situation turns against me and hurts me financially I have to say something. I pay a hefty tax bill and business license bill to the City of Berkeley every year. Maybe if you make this area a 2 hour parking restrictive area or a Berkeley business license permit it would alleviate the problem. The situation is embarrassing. HELP.....

Please let me know of your thoughts or if you are working on this problem.

Regards,

Tom Wolfman  
[tomtwproperties@comcast.net](mailto:tomtwproperties@comcast.net)  
925-323-5273

**Benado, Tony**

---

**From:** Castle in the air <karima@castleintheair.biz>  
**Sent:** Thursday, January 18, 2024 10:44 AM  
**To:** MentalHealth; BPD Webmail  
**Cc:** All Council; Berkeley Mayor's Office; Wengraf, Susan  
**Subject:** Public urination

**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.

Hello Berkeley Community Leaders,

Today I was driving to work on Fourth Street and there was a man at University and Milvia peeing on traffic with his penis out full frontal. I haven't seen many penises in my life and it's sad and horrifying that this is one that will get added to my short list. This is not acceptable and is triggering and harassing of the public. I've lived and worked and paid taxes in this town for my entire life. I feel that our leadership has abandoned our community. Berkeley has become a sad, disheveled, mentally disturbed, erratic and harassing environment. You all have abandoned the small businesses and law abiding citizens and have let the heart blood — the street life — of the city stagnate.

Please wake up and take action before it's too late. You MUST do more or the lesson we will all learn is that pro-social governance is a piped dream. If Berkeley can't do better then we should all give up to fascism.

Thank you for your time,  
Karima Cammell  
1801 Fourth Street  
Berkeley, CA 94710

P.S. I don't know where the funding comes from to do insane things like turn MLK into a (crazy making) ski run but surely you can re-examine priorities and recognize that the mental health of our one shared resource — the street — ought to be top priority. I the optics look like our leadership is a clown show — cones and crazy streets, barriers and bike lanes instead of basic health and safety. These road infrastructure projects make it look like the city has money to squander. Not to mention that it is crazy expensive to live here. Meanwhile I can't walk downtown without being harassed. It's terrifying as a female presenting person to be out walking and called names I can't repeat every time I try to run errands in the city.

**Benado, Tony**

---

**From:** Carol Denney <cdenney@igc.org>  
**Sent:** Sunday, January 21, 2024 10:37 AM  
**To:** Jung, Kenneth; All Council  
**Subject:** 11 trees specified for removal

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.

Hello Mr. Jung,

I was one of the public speakers at the Commission on Transportation January 18, 2024. I've poured over the maps you provided and I can't for the life of me find any mention of the eleven trees slated for removal nor any markings on the map indicating where they are. Could you possibly send me a map with those trees marked, including what kind of trees and what the reasoning is for each tree's removal? Trees, even as they head for the end of their lifespan, are too valuable.

I was not the only member of the public unaware that this proposal does not mention the tree removal except in passing, as if widening pathways were the only goal in a public park. This should not be the case, if it is now. Many of us are old enough to have played a role in planting the trees in our local parks, and deserve a chance to discuss this proposal with alternatives in mind. It's easy to avoid cutting down a tree.

It is difficult to comment on this tree removal proposal without knowing which mature trees you intend to remove, what kind of trees they are, what "disease" you are assuming they have, etc., so that we can do an independent evaluation of this proposed removal. I confess I am greatly alarmed; I am a life-long bike commuter who would gladly walk any portion of a pathway rather than have a tree removed in my name or for my convenience.

Trees, especially older trees as they age, provide habitat which is greatly stressed in cities, and greatly needed. I am on the board of the Cesar Chavez Park Conservancy, and we've created partnerships with the maintenance staff to make sure that habitat protection in natural landscapes is at least part of the conversation.

I respectfully request an amended map, and thank you.

Sincerely,

Carol Denney  
1970 San Pablo Avenue #4

Berkeley, CA 94702  
510-548-1512 (landline)

**Benado, Tony**

---

**From:** Virginia Browning <vexxie@yahoo.com>  
**Sent:** Friday, January 19, 2024 3:41 PM  
**To:** Harrison, Kate  
**Cc:** All Council  
**Subject:** Re: Safe Public Space for All: Update on Scooter Safety

**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.

Thank you for working on this issue.

On the West St. Park pathway, (bike AND PEDESTRIAN supposedly), we are regularly threatened by aggressive bicycles and other vehicles when we try to walk - to the store, or just for a walk. Are we not allowed to do this? I am sorry but I do feel annoyed.

Recently, a bicycle came up behind us and the rider said something like "heLLOOO" meaning we were supposed to move to the non-walking side. He just expected it. It should have been up to him to wait until he could pass with whoever was blocking the other side and then passed us. We should not be expected to constantly move. Mostly, we just walk in a nearby street instead (in the middle of the street is safer). Sidewalks are hard on older joints. Thankfully, much of the pedestrian and bikeway is softer asphalt. Let's try to keep electric vehicles off, and ask bicycles to yield to pedestrians who are on the (very narrow) correct side of the path.

Thank you,  
 Virginia Browning

On Friday, January 19, 2024 at 02:51:21 PM PST, Councilmember Kate Harrison <kharrison@cityofberkeley.info> wrote:



Dear Virginia,

I am thrilled to share an exciting development about scooter safety on our streets. Yesterday, I had a productive meeting with representatives of VEO, the only scooter company contracted to work within our City as of December, 2023. This discussion focused on addressing concerns that have been raised over the past twenty months as our City's micro-mobility program has taken shape.

I echoed the apprehension shared by many of you when crossing streets and walking on sidewalks amidst scooters and whizzing mopeds, regardless of existing regulations and laws.

My priority is to ensure that our public space is accessible and welcoming to all, especially for individuals who depend on assured pedestrian safety, such as seniors and those with disabilities. The aim is to create an environment they can navigate without the fear of accidents. I emphasized to VEO the need for more stringent measures in our pedestrian-heavy areas.

As your representative, my responsibility is to communicate your concerns effectively with our community partners, ensuring that all our needs are addressed. When entering into contracts with private companies, it's essential to recognize that we possess the authority to outline expectations for operations within our city. I was impressed with VEO's diligence and commitment to collaboration and I look forward continuing to have our voices heard and needs met.

It is illegal for scooters to ride on our sidewalks. VEO has created an audible warning when scooters are detected on sidewalks in Berkeley, which is great. However, it can be difficult to enforce this everywhere at all times so I am focusing on where the danger is highest. Specifically, I requested VEO establish a "no-ride zone" at BART Plaza in Downtown Berkeley, a location with one of the highest concentration of pedestrians in the Downtown. This would involve utilizing their GPS technology to ensure that all scooters entering the BART Plaza boundary would gradually slow to a stop, preventing them from continuing to ride through the pedestrian-only area. The technology VEO uses allows them to create a map of virtual boundaries based on our community's unique needs. When their scooters enter a boundaried area, such as a "no ride" or "slow" zone, the scooter automatically operates in alignment with that zone's regulations. This is called "geofencing." Cool!

In addition to the BART Plaza automated "no ride" zone, I also proposed the implementation of slower zones on the streets around disabled and senior housing complexes. Below is a list of the areas where "slow zones" were drawn and made live as of last night:

- Lawrence Moore Manor, 1909 Cedar St.
- Redwood Gardens, 2951 Derby St
- Strawberry Creek Lodge, 1320 Addison St
- Elegance Berkeley, 2100 San Pablo
- Stuart Pratt Manor, 2020 Durant
- MorningStar Assisted Living/ Memory Care, 2000 Dwight Way
- The Berkshire, 2235 Sacramento Street
- Margaret Breland Homes, 2577 San Pablo Ave

- Harriet Tubman Terrace, 2870 Adeline St
- Oregon Park Senior Apartments, 1425 Oregon St
- Mable Howard Apartments, 1499 Alcatraz Ave
- Jordan Court, 2200 Cedar St
- Amistad House, 2050 Delaware St
- Helios Corner, 1531 University Ave
- University Neighborhood Apartments, 1721 University Ave
- Berkeley Way and The Hope Center, 2012 Berkeley Way

Finally, it's important to note that our City lacks the same authority to require this technology on privately owned scooters. Despite this limitation, I remain dedicated to advocating for safer and more inclusive micro-mobility practices in our community, which have shown to get people out of their cars, decrease GHG emissions, boost our economy, reduce traffic congestion, and mitigate noise and chemical pollution.

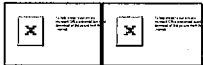
Please reach out with other concerns you have. I look forward to making our city as safe, welcoming, inclusive, and accessible as I know it can be.

Sincerely,

Kate Harrison

Berkeley City Council, District 4

### Follow Me



Sent via [ActionNetwork.org](https://www.actionnetwork.org). To update your email address, change your name or address, or to stop receiving emails from Kate Harrison, please [click here](#).



**Benado, Tony**

---

**From:** sean mc <larucious@yahoo.com>  
**Sent:** Wednesday, January 24, 2024 11:17 AM  
**To:** Cerami, Sara; Harrison, Kate; All Council  
**Subject:** Re: 2018 Delaware

Hello Kate, Cerami, and Council All,

I wanted to follow up to find out about the campaign to make the berkeley sidewalks safer and the fliers that were being handed out about scooter safety in Berkeley?

I just had a scooter rider that was weaving in and out of the pedestrians walking on University Ave towards campus from Shattuck. She was stopped at the light and I said: "you know it is illegal to ride a motorized scooter on the sidewalks in berkeley." She said she didn't know. She owned her scooter so there was no way sticker on her scooter saying "don't ride on sidewalks"

She said: It can't be illegal because I see everyone doing it, are you sure?

She is right, everyone is doing it... How is she supposed to know that it isn't ok when everyone is doing it and no one is stopping, ticketing or enforcing. If a scooter rider does break the rules, how do you report them if there is no identifiable info on their scooter?

I am still seeing all the same problems and am wondering what is being done to keep pedestrians safe on at least the sidewalks.

Looking forward to more action here.

Thanks,  
Sean

On Tuesday, December 12, 2023 at 10:43:26 AM PST, sean mc <larucious@yahoo.com> wrote:

Thanks for your response Sara!

I think the only question I have is for the City of Berkeley: Why don't the police enforce the law with the scooters? A few times in the last week I have seen scooter riders riding the wrong way down the street, or on the sidewalk with police nearby witnessing it, but they don't do anything?

I am afraid until there is more enforcement, there will continue to be dangers walking around Berkeley. The scooters literally say "don't ride on sidewalk" so it doesn't seem to be a matter of education.

I appreciate your help.

Sean

On Tuesday, December 12, 2023 at 09:28:11 AM PST, Cerami, Sara <scerami@berkeleyca.gov> wrote:

Dear Sean,

Thanks so much for your patience as I work to address this. The UC Berkeley's Chancellor's Office, in collaboration with our office, has created some social media material that has been disseminated with over 45,000 views. They are working with the City of Berkeley's communication's department to disseminate them even more widely.

I am meeting with the Government Affairs Director of VEO (one of the scooter companies) next week to walk around District 4 and discuss how we can better serve all residents. If you have other questions that you would like for me to ask him at our meeting, please send them over. I will share your great idea about buttons on scooters.

Best,

Sara

---

**From:** sean mc <larucious@yahoo.com>

**Date:** Thursday, November 30, 2023 at 8:34 AM

**To:** Cerami, Sara <SCerami@berkeleyca.gov>, All Council <council@berkeleyca.gov>

**Cc:** Harrison, Kate <KHarrison@berkeleyca.gov>, Naso, Christopher <CNaso@berkeleyca.gov>

**Subject:** Re: 2018 Delaware

Hello Sara,

Apologies for the extra email, but I did think of one more suggestion.

The meter maids should take on the responsibility of citing improperly parked scooters. The scooters are often left in the middle of the sidewalk, which blocks accessibility. This is obvious to anyone who sees them, and the meter maids are already out there. If one were to go around the perimeter of campus once or twice a day citing scooters for sidewalk parking violations, I would guess that it would be at least a dozen opportunities to help the scooter riders learn what is an appropriate parking spot.

Thanks for your help.

Sean

On Wednesday, November 29, 2023 at 03:48:54 PM PST, sean mc <larucious@yahoo.com> wrote:

Hello Sara,

Thanks so much for getting back to me. Do you know when this campaign with the flyers and officers and enforcement will begin? I just had an incident where I was crossing the street at Hearst and Oxford, and I was in the crosswalk, crossing when it was my turn, and a scooter rider narrowly missed hitting me from behind. I appreciate that people are thinking about solutions to these problems, but when will the solutions arrive? When will there be actual enforcement of the traffic laws in downtown Berkeley? I rarely see any kind of police presence, and have never seen a car or scooter be pulled over or given a citation in my recent memory. It seems the streets of downtown Berkeley don't have anyone enforcing the rules.

One suggestion. The scooter companies should be required to install a button on the scooter that you can press to report that it is improperly parked or is breaking the rules. The system where the pedestrian is required to send them an email with a screenshot puts too much responsibility on average pedestrians. The scooter companies should provide a technological solution to this problem, not the other way around.

Looking forward to hearing more about the launch of the campaign.

Thanks!  
Sean

On Thursday, November 9, 2023 at 04:53:16 PM PST, Cerami, Sara <scerami@berkeleyca.gov> wrote:

Dear Sean,

Thank you so much for reach out to Councilmember Harrison and expressing your concern. No one should be afraid for their safety on our city's sidewalks and streets.

Councilmember Harrison has been collaborating with the Downtown Berkeley Association and the UC Berkeley Chancellor's Office to make sure scooter riders know the danger and penalty associated with riding on the sidewalks. We are also working with the police department to station officers at areas with frequent sidewalk riding. Our office is putting together resources like fliers and infographics to effectively and easily disseminate this information and to make it abundantly clear that sidewalk riding is unacceptable and will have consequences. If you have other suggestions, we would love to hear them.

I will reach out to each of the companies the City of Berkeley partners with to express the concern over scooters being left in the middle of the sidewalk. I will share their response as soon as I receive one.

Thanks again for your email and please feel free to reach out with any further questions or concerns.

Best,  
Sara

---

**From:** sean mc <larucious@yahoo.com>  
**Sent:** Wednesday, November 8, 2023 10:45:41 AM  
**To:** All Council <council@berkeleyca.gov>  
**Subject:** Fw: 2018 Delaware

**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.

Hello Berkeley City Council,

I sent my email below to Kate Harrison and haven't heard back yet. I thought I would try emailing this address and see if I can get some help. Please see below.

Thanks,  
Sean

----- Forwarded Message -----

**From:** sean mc <larucious@yahoo.com>  
**To:** kharrison@berkeleyca.gov <kharrison@berkeleyca.gov>  
**Sent:** Tuesday, November 7, 2023 at 10:54:51 AM PST  
**Subject:** Fw: 2018 Delaware

Hello Kate,

I am a member of your district, and I have become increasingly concerned about my safety on the sidewalks of Berkeley with these Veo and other branded scooters nearly running me over daily. I am writing to find out what the council is doing to address the safety of our pedestrians? I have lived in Berkeley since 2008. In the last few years I have become increasingly concerned about pedestrian safety in Berkeley. I don't ever see anyone enforcing traffic or scooter laws, and the city becomes more and more unsafe for pedestrians every month.

I am also writing because as I understand it, the scooter companies are required to remove scooters that have been reported for safety of accessibility issues. Below you can see, that I reported a scooter, and got a response about 12 hours later. There is a building on my street that they often leave the scooters out on the sidewalk, blocking them completely. This same building is also home to a person who is hard of sight, and there are multiple wheelchair users on the block. I have reported to VEO that there is a blind woman who lives in that building at least 5 times, and still just about every week or two someone leaves a scooter or two right there on the sidewalk outside of the blind woman's building.

I noticed that in the last few months the response from Veo to my reports have lagged more and more, commonly responding 12 hours later.

What can we do to make sure the scooter companies are following the rules? How can we report them if they are not following the rules? What are you supposed to do if you get hit and run by someone on a scooter? There is no license plate or way to report them.

Thanks for any help or thoughts,  
Sean McMahon  
1729 MLK Jr, Way Apt 5  
Berkeley CA 94709

----- Forwarded Message -----

**From:** Stephanie Lauren <slauren@veoride.com>  
**To:** sean mc <larucious@yahoo.com>; BKLOps <bklops@veoride.com>  
**Sent:** Tuesday, November 7, 2023 at 05:38:08 AM PST  
**Subject:** Re: 2018 Delaware


Hi Sean,

Thanks for sending this information. We have sent it to the team in field to relocate the scooter.


Best,

Steph Lauren  
Operations Manager  
Field Operations | Veo


---




628-261-4051



[slauren@veoride.com](mailto:slauren@veoride.com)



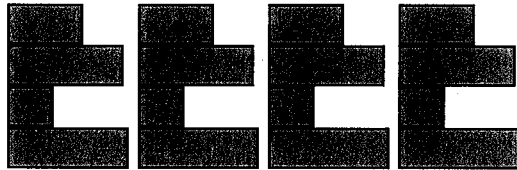
[www.veoride.com](http://www.veoride.com)



1334 Third Street Promenade, Suite 300, Santa Monica, CA 90401

---

**Error! Filename not specified.**



**From:** sean mc <larucious@yahoo.com>  
**Sent:** Monday, November 6, 2023 5:39 PM  
**To:** BKLOps <BKLOps@veoride.com>  
**Subject:** 2018 Delaware

There is a scooter not locked up and partially blocking the sidewalk at 2018 Delaware street on berkeley. Pic attached

**Benado, Tony**

---

**From:** Cindi Goldberg <cindigold1257@gmail.com>  
**Sent:** Friday, January 26, 2024 3:42 PM  
**To:** Berkeley Mayor's Office; All Council; Kesarwani, Rashi  
**Subject:** No Bicycles or Scooters in the Sidewalks

**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 Mayor and City Council,

I heard that the City Council was thinking of allowing bicycles and scooters on the sidewalk. If that is the case, please don't do it! There were a couple of times that I was walking on the sidewalk and barely got out of the way when bicycles/scooters were racing down the sidewalk. The pedestrians need a safe place to walk.

Very truly yours,  
Cindi Goldberg  
Berkeley, CA 94702

**Benado, Tony**

---

**From:** Greg Couch <gregcouch@gmail.com>  
**Sent:** Thursday, January 18, 2024 9:45 PM  
**To:** Burrell, Y'Anad  
**Cc:** Hahn, Sophie; All Council  
**Subject:** Re: Lousy EBMUD repaving

**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.

Now that the work is finished, when is EBMUD going to go back and fix all of the lousy patching? It is painful to ride my commuter bike over the incomplete patches.

-- Greg

On Tue, Nov 21, 2023 at 7:05 AM Burrell, Y'Anad <[yanad.burrell@ebmud.com](mailto:yanad.burrell@ebmud.com)> wrote:

Hello Greg. This area currently has 'temporary' paving and at the moment we do not have a date for the permanent paving.

Thank you for letting us know what neighbors are experiencing. We will review the paving schedule over the next few months and give an update when the permanent paving is complete.

Thank you.

Y'Anad Burrell

Community Affairs Representative II

East Bay Municipal Utility District

[www.ebmud.com](http://www.ebmud.com) | 510-287-7208



### Subscribe to EBMUD Alerts

Stay informed by email or text about main breaks, upcoming construction, and PSPS events at any address in EBMUD's service area. Subscribe to receive alerts. Visit [www.ebmud.com/subscriptions](http://www.ebmud.com/subscriptions)

**From:** Greg Couch <gregcouch@gmail.com>  
**Sent:** Saturday, November 18, 2023 6:08 PM



**To:** construction-north <[construction-north@ebmud.com](mailto:construction-north@ebmud.com)>; shahn@berkeleyca.gov <[shahn@berkeleyca.gov](mailto:shahn@berkeleyca.gov)>

**Cc:** council@berkeleyca.gov <[council@berkeleyca.gov](mailto:council@berkeleyca.gov)>

**Subject:** Lousy EBMUD repaving

Some people who received this message don't often get email from [gregcouch@gmail.com](mailto:gregcouch@gmail.com). [Learn why this is important](#)

(My apologies for not sending this a couple of months ago.)

As a long-time bicycle commuter in Berkeley, I usually look forward to EBMUD's work on our city streets. Normally, the patched part of the street is a pleasure to ride on. Not this time. The 1600 block of Milvia is especially bad. The street is rougher than before and the previously well patched sections are now uneven too. The patching since then on other blocks isn't as bad, but still sucks. The patching is no where near EBMUD's usual standard. It should all be redone.

Greg Couch

District 5

BHS '78

**Benado, Tony**

---

**From:** Burrell, Y'Anad <yanad.burrell@ebmud.com>  
**Sent:** Monday, January 29, 2024 12:30 PM  
**To:** Greg Couch  
**Cc:** Hahn, Sophie; All Council  
**Subject:** RE: Lousy EBMUD repaving

**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.

Hello Greg. Our paving schedule for this area has not been determined to date. There are times when paving takes up to 5-6 months after the work is completed and we work collaboratively with the city's public works department on when it will be done.

We appreciate your, and other residents', patience while we work on scheduling the permanent paving.

Thank you.

Y'Anad Burrell  
 Community Affairs Representative II  
 East Bay Municipal Utility District  
[www.ebmud.com](http://www.ebmud.com) | 510-287-7208



### Subscribe to EBMUD Alerts

Stay informed by email or text about main breaks, upcoming construction, and PSPS events at any address in EBMUD's service area. Subscribe to receive alerts. Visit [www.ebmud.com/subscriptions](http://www.ebmud.com/subscriptions)

**From:** Greg Couch <gregcouch@gmail.com>  
**Sent:** Thursday, January 18, 2024 9:45 PM  
**To:** Burrell, Y'Anad <yanad.burrell@ebmud.com>  
**Cc:** shahn@berkeleyca.gov; council@berkeleyca.gov  
**Subject:** Re: Lousy EBMUD repaving

You don't often get email from [gregcouch@gmail.com](mailto:gregcouch@gmail.com). [Learn why this is important](#)

Now that the work is finished, when is EBMUD going to go back and fix all of the lousy patching? It is painful to ride my commuter bike over the incomplete patches.

-- Greg

On Tue, Nov 21, 2023 at 7:05 AM Burrell, Y'Anad <[yanad.burrell@ebmud.com](mailto:yanad.burrell@ebmud.com)> wrote:

Hello Greg. This area currently has 'temporary' paving and at the moment we do not have a date for the permanent paving.

Thank you for letting us know what neighbors are experiencing. We will review the paving schedule over the next few months and give an update when the permanent paving is complete.

Thank you.

Y'Anad Burrell

Community Affairs Representative II

East Bay Municipal Utility District

[www.ebmud.com](http://www.ebmud.com) | 510-287-7208



### Subscribe to EBMUD Alerts

Stay informed by email or text about main breaks, upcoming construction, and PSPS events at any address in EBMUD's service area. Subscribe to receive alerts. Visit [www.ebmud.com/subscriptions](http://www.ebmud.com/subscriptions)

---

**From:** Greg Couch <[gregcouch@gmail.com](mailto:gregcouch@gmail.com)>  
**Sent:** Saturday, November 18, 2023 6:08 PM  
**To:** construction-north <[construction-north@ebmud.com](mailto:construction-north@ebmud.com)>; shahn@berkeleyca.gov <[shahn@berkeleyca.gov](mailto:shahn@berkeleyca.gov)>  
**Cc:** council@berkeleyca.gov <[council@berkeleyca.gov](mailto:council@berkeleyca.gov)>  
**Subject:** Lousy EBMUD repaving

Some people who received this message don't often get email from [gregcouch@gmail.com](mailto:gregcouch@gmail.com). [Learn why this is important](#)  
(My apologies for not sending this a couple of months ago.)

As a long-time bicycle commuter in Berkeley, I usually look forward to EBMUD's work on our city streets. Normally, the patched part of the street is a pleasure to ride on. Not this time. The 1600 block of Milvia is especially bad. The street is rougher than before and the previously well patched sections are now uneven too. The patching since then on other blocks isn't as bad, but still sucks. The patching is no where near EBMUD's usual standard. It should all be redone.

Greg Couch  
District 5  
BHS '78

**Benado, Tony**

---

**From:** Sophia Faaland <sophiafaaland@berkeley.edu>  
**Sent:** Monday, January 22, 2024 10:13 PM  
**Subject:** Fwd: Save People's Park

**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.

----- Forwarded message -----

**From:** **Sophia Faaland** <[sophiafaaland@berkeley.edu](mailto:sophiafaaland@berkeley.edu)>  
**Date:** Mon, Jan 22, 2024 at 6:45 PM  
**Subject:** Save People's Park  
**To:** Chancellor Departmental <[chancellor@berkeley.edu](mailto:chancellor@berkeley.edu)>

Hello,

I am a member of the student body at UC Berkeley, and I strongly condemn what the university has done to eradicate People's Park. This place is a center of student and community activism in Berkeley. It is a place that has experienced ecological restoration. It is a place that provides food, housing, and greenery to all residents of Berkeley, regardless of their socio-economic status.

All of this has been torn down by the university, in the most deplorable way. I disapprove of the ways in which this university has spent SO much money on police that harass the student body, and violently prevent resistance to colonial projects.

Your statement of land acknowledgement is meaningless without the inclusion of the Muwekma Ohlone people in your vision of the university's future. You betray the trust of all indigenous people and student activists when you claim to want peace and collaboration, and then schedule midnight raids to put up fencing.

Profiting off of this university's history of activism while simultaneously spending thousands of dollars on stifling that same activism today is nonsensical, and shameful.

I demand an end to this violent construction project on Muwekma Ohlone land. Save People's Park.

Sophia Faaland

**Benado, Tony**

---

**From:** Samuel Baker <sb8498@bard.edu>  
**Sent:** Tuesday, January 23, 2024 7:09 AM  
**To:** cchrist@berkeley.edu; chancellor@berkeley.edu; marcfisher@berkeley.edu; EVCP@berkeley.edu; vca@berkeley.edu; vcei@berkeley.edu; upp@berkeley.edu; rosemarykim@berkeley.edu; feitelberg@berkeley.edu; yelick@berkeley.edu; vcsa@berkeley.edu; julie.hooper@berkeley.edu; kgriscavage@berkeley.edu; lisaac@berkeley.edu; vplaut@berkeley.edu; lgarciab@berkeley.edu; oreilly@berkeley.edu; ypittman@berkeley.edu; dmogulof@berkeley.edu; Berkeley City Council Policy Committee; Berkeley Mayor's Office  
**Subject:** Spring Semester 2024

**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.

Hello,

I hope this email finds you well.

I am writing to voice my disgust at your actions.

Your institution does not care about uplifting people through mutual education and community support. If it did, you would make the necessary adjustments to allow PPLs P\*RK to remain operational. Your legacy will be one like Robert Mosses. Your spirit is sick and this will haunt you.

I hope you enjoy the finically inaccessible places YOU find community: gyms, bars, restaurants, country clubs, fundraising events and on and on.

PPLs P\*RK is for all to grow in community— stop by sometime when you inevitably fail and the space is reclaimed by the community.

The people will prevail!



Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.







Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.



## Benado, Tony

---

**From:** Isaac L <izaaclimon1@gmail.com>  
**Sent:** Tuesday, January 23, 2024 7:55 PM  
**To:** Berkeley City Council Policy Committee; Robinson, Rigel; chancellor@berkeley.edu;  
Berkeley Mayor's Office  
**Subject:** Fwd: UC occupation of peoples park

**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.

----- Forwarded message -----

From: **Isaac L** <izaaclimon1@gmail.com>

Date: Mon, Jan 22, 2024 at 10:12 PM

Subject: UC occupation of peoples park

To: <Policycommittee@berkeleyca.gov>, <cchrist@berkeley.edu>, <chancellor@berkeley.edu>, <dmogulof@berkeley.edu <dmogulof@berkeley.edu>, <evcp@berkeley.edu <evcp@berkeley.edu>, <feitelberg@berkeley.edu <feitelberg@berkeley.edu>, <kgrisscavage@berkeley.edu>, <lisaac@berkeley.edu <lisaac@berkeley.edu>, <marcfisher@berkeley.edu <marcfisher@berkeley.edu>, <mayor@berkeleyca.gov>, <oreilly@berkeley.edu <oreilly@berkeley.edu>, <rosemarykim@berkeley.edu <rosemarykim@berkeley.edu>, <upp@berkeley.edu <upp@berkeley.edu>, <vca@berkeley.edu <vca@berkeley.edu>, <vcei@berkeley.edu <vcei@berkeley.edu>, <vcsa@berkeley.edu <vcsa@berkeley.edu>, <vplaut@berkeley.edu <vplaut@berkeley.edu>, <yelick@berkeley.edu <yelick@berkeley.edu>, <ypittman@berkeley.edu <ypittman@berkeley.edu>

Dear Berkeley Officials , the people of Berkeley & Oakland will not back down. You cannot evict the people from THEIR park.

UC Berkeley is a colonist power stealing Ohlone land. You destroy the people's gathering space, culture, and mutual aid so you can grow, grow, grow. You swallow livelihoods so you can siphon millions from students. You operate behind closed doors and target the most vulnerable. You cannot even feign righteousness.

So long as you seize public land to fill your pockets, you are a sick institution. We see your sickness clearly. We will not rest until this institution reverses its cruelty or crumbles.

We are your consequence. We will make every step you take into our community as difficult as possible. It is expensive. It is agonizingly slow. It is futile. We will win it back.

Our power can never be extinguished. Not with cops, not with walls, not with propaganda. Your walls won't last. The only end is a free People's Park.

Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.



**Benado, Tony**

---

**From:** Izaak L <izaaclimon1@gmail.com>  
**Sent:** Monday, January 22, 2024 10:13 PM  
**To:** Berkeley City Council Policy Committee; cchrist@berkeley.edu; chancellor@berkeley.edu; dmogulof@berkeley.edu; evcp@berkeley.edu; feitelberg@berkeley.edu; kgrisscavage@berkeley.edu; lisaac@berkeley.edu; marcfisher@berkeley.edu; Berkeley Mayor's Office; oreilly@berkeley.edu; rosemarykim@berkeley.edu; upp@berkeley.edu; vca@berkeley.edu; vcei@berkeley.edu; vcsa@berkeley.edu; vplaut@berkeley.edu; yelick@berkeley.edu; ypittman@berkeley.edu  
**Subject:** UC occupation of peoples park

**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 Sec of Chancellor Christ & others ,

UC Berkeley is a colonist power stealing Ohlone land. You destroy the people's gathering space, culture, and mutual aid so you can grow, grow, grow. You swallow livelihoods so you can siphon millions from students. You operate behind closed doors and target the most vulnerable. You cannot even feign righteousness.

So long as you seize public land to fill your pockets, you are a sick institution. We see your sickness clearly. We will not rest until this institution reverses its cruelty or crumbles.

We are your consequence. We will make every step you take into our community as difficult as possible. It is expensive. It is agonizingly slow. It is futile. We will win it back.

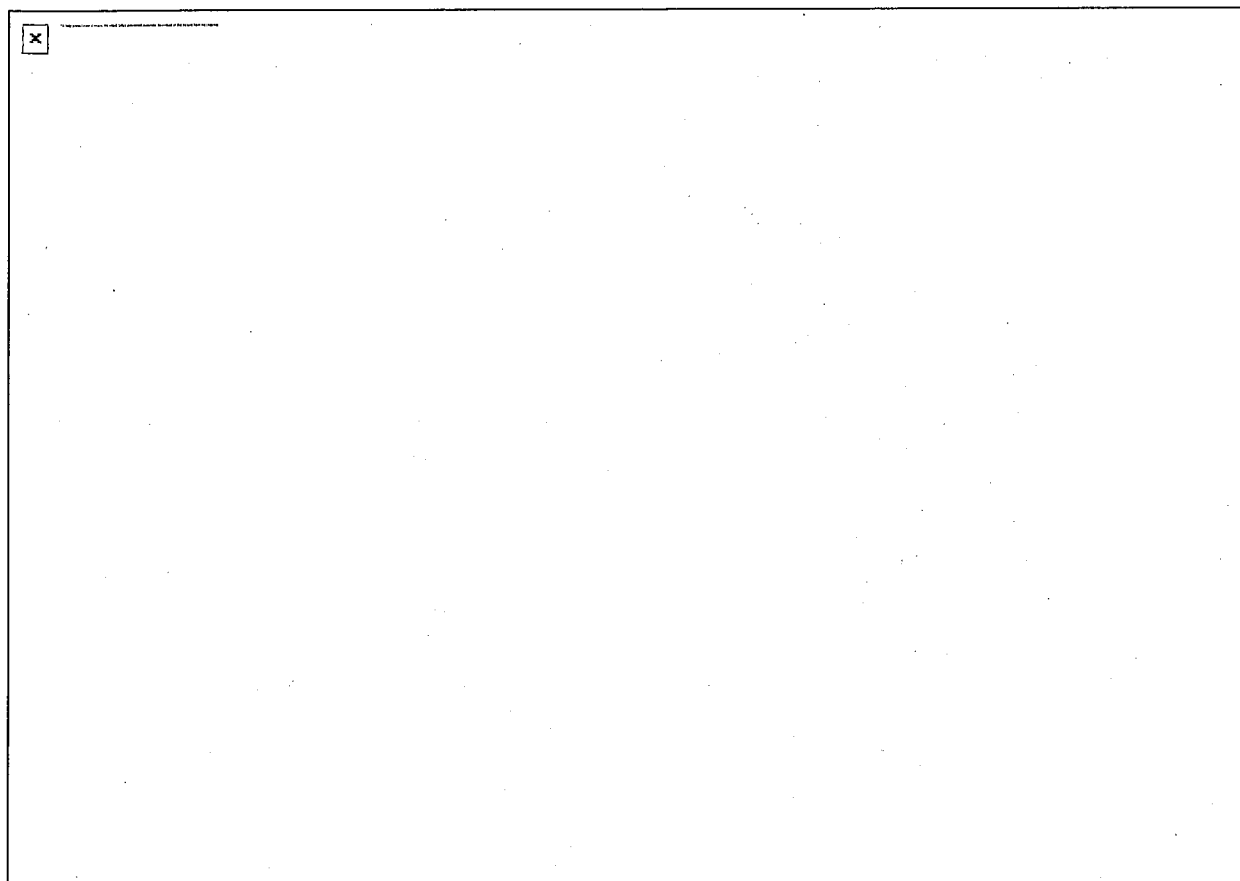
Our power can never be extinguished. Not with cops, not with walls, not with propaganda. Your walls won't last. The only end is a free People's Park.

Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.  
Free People's Park. Free Yourselfes. Free People's Park. Free Yourselfes.

Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.



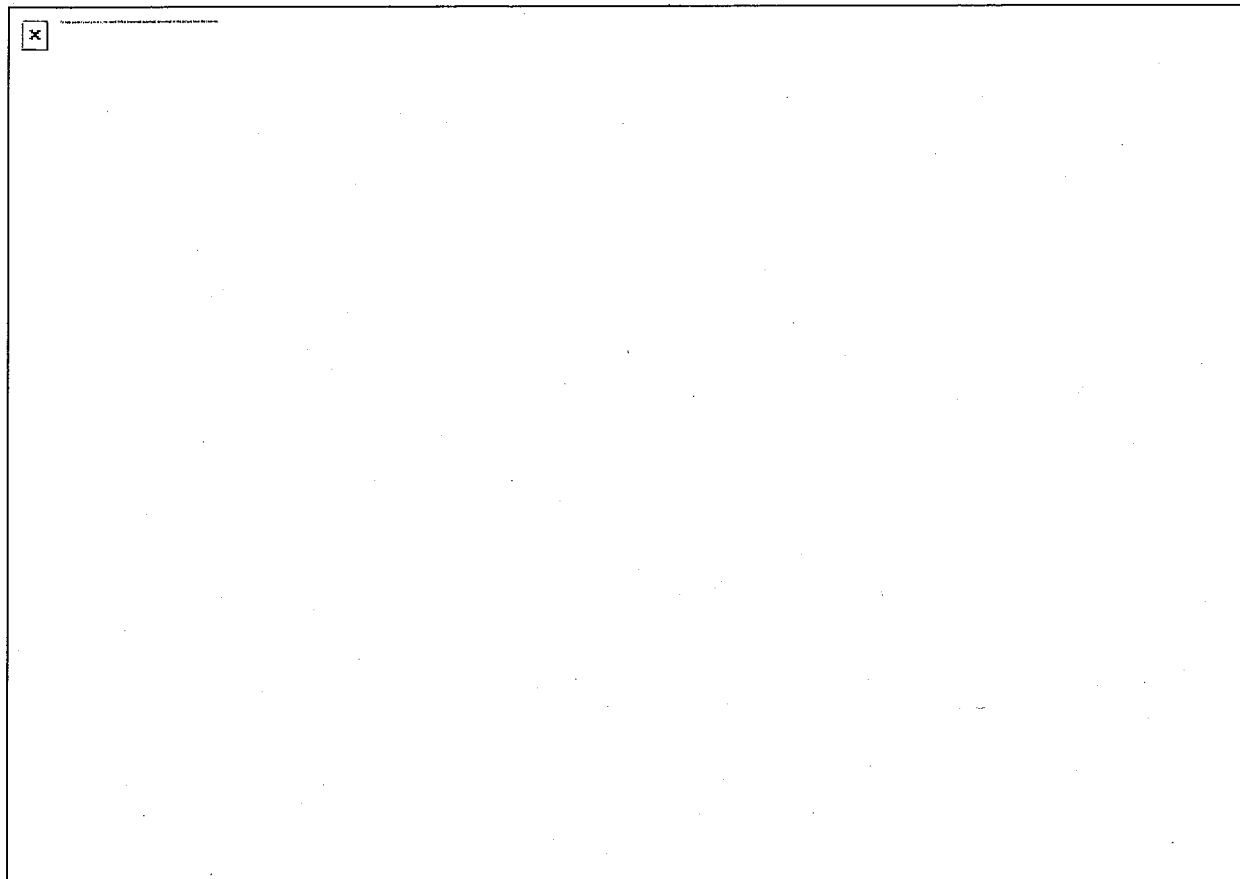
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.







Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.



Owen Zuidema (he/him)  
University of California, Berkeley '23  
[owen.zuidema@berkeley.edu](mailto:owen.zuidema@berkeley.edu)  
(707) 307-3860



Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.

--  
Christina Chao  
UC Berkeley 2022  
Economics  
(714) 788-2243



Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.

Thanks,  
David



Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.







Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself. Free People's Park. Free Yourself.  
Free People's Park. Free Yourself.



Sent from my iPhone

**Benado, Tony**

---

**From:** G. Richard Raab <grraab2000@gmail.com>  
**Sent:** Monday, January 22, 2024 11:37 PM  
**To:** All Council  
**Subject:** A better choice than trying to kill Nat gas

**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 Mr Mayor and Councilmembers,

I saw recently that federal courts killed your regulations to block new homes from having nat gas. I believe that there is another solution to this, that solves multiple issues including stopping most of the nat gas in new homes.

Pass a simple regulation/law:

Require that ALL NEW BUILDINGS less than say 5 stories have enough ON-SITE, UNSUBSIDIZED Alternative energy that equals or exceeds the average monthly HVAC/Water heater BTUs.

So, why 5 stories? It could be 3 or 4 as well. The point is that generally, 5 stories and bigger worry heavily about energy usage and will take care of themselves.

Why on-site Alternative energy? Because you do not want to lock in the energy type, even though a minimum of 95% will be PV (far more likely, 99+%). Why on-site? Because this will have developers putting PV on top of roofs/parking lots, which will drop the heat sink of buildings. But, if you do not add on-site, then utilities will simply add PV elsewhere and run it through the grid selling it to the homeowner. This is NOT a good win for homeowners.

Now, the real question is why unsubsidized and why more than the HVAC/water heater BTUs?

Unsubsidized PV is NOT cheap, at least for now. This will force developers to make some choices on how to lower costs for the homes as well as most desirable to customers.

They COULD add lots of PV to the building. Expensive.

They COULD add loads more insulation and have low BTUs. Ok.

They COULD build a smaller place. Ok, but not as desirable to customers that want more for less.

They COULD switch to a higher efficiency HVAC/water heater. Still somewhat expensive.

OR, they could do a combination of all of these.

Better insulation such as aerogel windows, layers of insulation, better sealed,

COMBINED with a geothermal HEAT PUMP for HVAC/water heater,

COMBINED with LED lighting

COMBINED with most efficient fridges, etc,

AND finally COMBINED with a small amount of PV.

This latter is likely what most developers and buyers will want and will jump on.

Basically, this uses the high costs of PV (well all AE) to force developers to build better buildings. All without forcing various regulations that they will hate. And note that courts can NOT stop this.

However, it is likely that nat gas will still be used for fireplaces and some cooking, likely outdoor grilling. This is not a bad thing. Why? Because if the amount of nat gas drops, but piping is still being brought in, then methane generated from sewage-fed anarobic digesters, combined with cleanly generated H2, become ideal for having clean cooking/small

amounts of heating.

BTW, if you do decide to do this, I suggest several other things:

1) assuming that you have some influence on utility pricing, I suggest that the excess electricity that is generated on various months, be made to be worth for a watt, up to the BTU usage. Anything more is then sold to the utility at normal pricing.

2) if you are subsidizing of PV on buildings, then you obviously stop it on the new ones. In addition, require that in 5-10 years time, STOP all subsidies. Then require that any RENTAL that turns over( not for extensions), OR a building or residence is being sold, all in buildings of the same size (i.e. less than 5 stories ), they must be brought up to this same level. Why do it in 5-10 years? To give ppl time to use the subsidy, as well as to see prices lower due to increased availability.

3) Assuming that you stop the subsidy on PV, consider replacing it with a subsidy on geothermal heat pumps esp if manufactured locally.

Regardless, good luck with your efforts to lower CO2.

It is important to cut emissions, but I do believe that you were going at it in the wrong way.

This approach can not be fought and will likely create friends from a number of developers.

Thank you for your time,

Very respectfully,

G. Richard Raab

303.483.5720 (C)

[grraab2000@gmail.com](mailto:grraab2000@gmail.com)

12505 54th ave W,  
Mukilteo WA. 98275

**Benado, Tony**

---

**From:** Carol Hirth <chirth@mac.com>  
**Sent:** Friday, January 19, 2024 12:51 PM  
**To:** All Council  
**Cc:** Sophie Hahn; Harrison, Kate  
**Subject:** Ohlone Bikeway

**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 Council Members:

I continue to be concerned that there are places along the Ohlone Bikeway where there is NOT a separate pedestrian walkway. This is dangerous, and not in keeping with pedestrian right of way law.

REGULAR bicycles often go fast along the bikeway, swerving carelessly and/or recklessly around pedestrians, including seniors, children, dog walkers, people with strollers, etc. ELECTRIC bicycles go even faster and often more recklessly.. People on foot are obliged to be on high alert at all times, looking out for bicycles coming up behind them and coming towards them.

Please make sure that any upgrades and alterations to the bikeway INCLUDE a separate, safe pedestrian pathway.

Thank you,

Carol Hirth

**Benado, Tony**

---

**From:** Elana Auerbach <elanaarobyn@gmail.com>  
**Sent:** Thursday, January 18, 2024 1:53 PM  
**To:** Berkeley Mayor's Office; Arreguin, Jesse L.  
**Cc:** All Council  
**Subject:** Incivility? Mayor, please look in the mirror

**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.

Mr. Mayor~

When you speak of "incivility," please recognize and take responsibility for the tone you have set in our community. You, as Berkeley's mayor, have initiated the hostile environment that exists between the community and our local elected officials.

I don't know if you recall several years ago when I saw you in our neighborhood in front of The Local Butcher Shop. I approached you with a big smile on my face and, realizing that I had recognized you as my mayor, had a smile on your face as well. Then, I introduced myself. Once you knew who I was, your demeanor and facial expression changed immediately. A scowl appeared on your face and you turned away from me without saying a word and briskly walked on. I'd never been snubbed like that before and was shocked to be treated with such disrespect from one of my elected officials.

Since then, I have heard from many of your constituents that they, too, have been ignored, run away from, and generally treated with disregard when trying to engage with you. Unfortunately, others on the city council have followed your lead in the way they dismiss, refuse to acknowledge, and outright ignore their constituents.

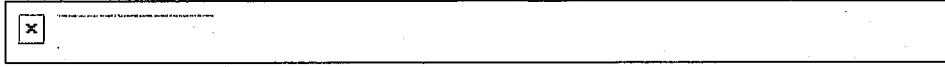
By continuing to remain silent about the ceasefire resolution that is being demanded by so many in our community, you continue this pattern of harm and disrespect. Have the courage to either bring a ceasefire resolution to the council or state publicly that you are against a ceasefire in Israel/Palestine.

With compassion~  
 Elana Auerbach

On Wed, Jan 17, 2024 at 5:47 PM Mayor Jesse Arreguin <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)> wrote:



# Defending Democracy in the Face of Incivility



Multiple disruptions have taken place at Berkeley City Council meetings in recent months.

As we enter a new year that will have profound implications for the future of our country, it is not lost on me that our democracy is under threat. The world watched in horror on January 6, 2021, when the United States Capitol was attacked by those who refused to accept the democratic will of the people. We witnessed the disruption of democratic proceedings, death threats, harassment and abuse toward elected officials, violence against peace officers, and the destruction of property. It breaks my heart to see the same vitriol unfold right here in our community.

As mayor, I want to make sure that our community's diverse opinions are heard, and I feel obligated to speak out against the incivility that has recently plagued our city. Shutting down council meetings and threatening those you disagree with creates harm to those who want to engage with our government in good faith. Last week, I wrote an op-ed about these threats and actions that are prohibiting our ability to conduct the people's business, and how we must work together despite our differences to properly engage in civic discourse. We must call for civility and overcome our differences to create a future that the next generation will be proud of.

## Councilmember Robinson Resignation



Councilmember Rigel Robinson, who has represented District 7 since 2018, has resigned from his position, effective January 12th. I am saddened to see him leave, but respect this difficult and personal decision.

I have known Councilmember Robinson since he was a student at UC Berkeley. During my time as a Councilmember, he even interned in my office. As a student involved in the ASUC (UC Berkeley's student government), he worked on getting students more engaged in local government, especially on issues relating to housing and transportation. His efforts would culminate in becoming the youngest person ever elected to the Berkeley City Council in 2018 at age 22. While on the Council, he led efforts on upzoning Southside, which will create an additional 2,650 new units within walking distance of UC Berkeley, improving transportation and safety through the Southside Complete Streets Project, and has been heavily involved with the Waterfront Specific Plan, among many other accomplishments.

In an op-ed announcing his resignation, Rigel cites "various forms of harassment, stalking, and threats" that has caused a "perpetual state of stress and exhaustion" as reasons for stepping down. As mentioned in my op-ed above, I am deeply disappointed and upset that a small group of individuals have resorted to an intense campaign of harassment and abuse to the point where they bullied an elected official out of office, silencing the voices of the majority that voted for him. Such actions must be fully condemned. We need more people like Rigel in public office; especially these days with our democratic values under attack. I wish him the best of luck in his future endeavors, knowing that he has made a positive impact on the Berkeley community.

## Housing Preference Policy Takes Effect



The new law will prioritize new affordable housing units for people impacted by displacement and redlining, among other criteria.

Last year, the City Council approved a Housing Preference Policy to address the historic harms caused by redlining and other factors that have negatively impacted underserved communities. The policy was created after years of discussions with residents and community organizations, including Healthy Black Families (HBF) and East Bay Community Law Center (EBCLC) to address gentrification and displacement in Berkeley. For example, in the 1970 US Census, African Americans made up 23.5% of the City's population. 50 years later the population plummeted to below 8%.

The policy, which went into effect at the beginning of the year, would prioritize placement in affordable housing for the following categories:

- Descendant of someone displaced by the construction of BART in Berkeley.
- Displaced due to foreclosure since 2005.
- Displaced due to a no-fault or non-payment eviction within the past seven years.
- Households with at least one child aged 17 or under.
- Homeless who are not eligible for Permanent Supportive Housing or at risk of homelessness with a current/former address in Berkeley.
- Has lived in a redlined area in Berkeley or a descendent of one.

For more details on this policy and eligibility, and to apply for affordable housing in Berkeley, [click here](#).

## Spring 2024 Berkeley City College Free Tuition

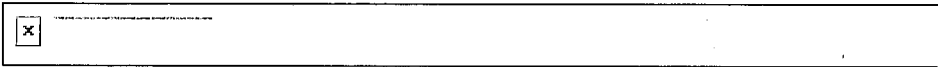


Berkeley City College (BCC) and all Peralta Colleges will have free tuition for most new and returning students. Free tuition is available for those who enroll in at least six units this semester, and includes free weekly meals and an AC Transit bus pass. To qualify, students must enroll and complete the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application for undocumented students. Those who do not qualify for federal financial aid are still eligible for free tuition. This offer is not available to international or out-of-state students.

Classes at BCC begin on January 22, and the last day to add a class is February 2. For more information about the program, including eligibility requirements, and to sign up, [click here](#).

## East Bay Regional Parks District 90th Anniversary





Brickyard Cove is a recent addition to the McLaughlin Eastshore State Park along the Berkeley waterfront.

2024 marks the 90th anniversary of the East Bay Regional Park District (EBRPD). In 1934, during the midst of the Great Depression, voters in Alameda and Contra Costa Counties approved a tax measure to establish the Park District. Two years later, the first parks, including Wildcat Canyon at Tilden, were opened. Today, EBRPD manages 73 parks over 125,000 acres, including 55 miles of shoreline and over 1,300 miles of trails, making it the largest regional park district in the country.

EBRPD is planning events throughout the year to commemorate the anniversary, including monthly "Explore Your Parks" adventure programs and a large anniversary this spring. To learn more about the history of EBRPD and upcoming events, [click here](#).

# Upcoming City, Council, and Commission Meetings



Below is a list of City meetings over the next week.

### City Council

- › Regular Meeting: January 30, 6pm

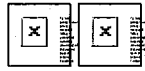
### Commissions

- › Planning Commission: January 17, 6pm
- › Commission on Labor: January 17, 7pm
- › Commission of the Status of Women: January 17, 7pm
- › Zero Waste Commission: January 18, 5:30pm
- › Sugar-Sweetened Beverage Product Panel of Experts: January 18, 6pm
- › Fair Campaign Practices & Open Government Commissions: January 18, 6:30pm
- › Transportation and Infrastructure Commission: January 18, 7pm

- Solano Avenue Business Improvement District Advisory Board:  
January 23, 10am

### Other Meetings

- Rent Stabilization Board: January 18, 7pm

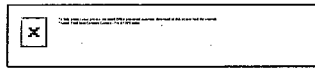


City of Berkeley - Mayor's Office | 2180 Milvia St., Fifth Floor, Berkeley, CA 94704

[Unsubscribe elanaarobyn@gmail.com](mailto:elanaarobyn@gmail.com)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by [mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info) powered by



Try email marketing for free today!

**Benado, Tony**

---

**From:** Kira Findling <kirafindling@gmail.com>  
**Sent:** Tuesday, January 23, 2024 8:00 AM  
**To:** Berkeley Mayor's Office; All Council  
**Subject:** The mayor's recent comments to Berkeleyside

**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 Mayor Arreguín and the members of the City Council,

I wanted to write to you, Mayor, to express my dismay at your statement in [a recent Berkeleyside article about ceasefire protests at city council meetings](#). You said, "Any Jewish person who comes forward, who says anything in disagreement with them — they shout down, they boo, they heckle. ...That does not create an environment where we can have a civil discussion about what kind of position we can take as a city." I take issue with the idea that these protesters are aiming to silence Jewish people. There are many, many Jews in Berkeley who are calling for a ceasefire, myself included (a four-year Berkeley resident). To insinuate that those calling for a ceasefire resolution are being anti-Semitic by doing so - and to insinuate that they must not be Jews themselves - is deeply misguided. After voting for you in the last election, I feel very disappointed by both your comment and your recent responses to pro-Palestinian activists at meetings.

Harassment and vitriol towards council members isn't OK. I know that that has been very difficult for you and others on the council. But there are many of us here in Berkeley wanting a ceasefire resolution who are not harassing council members. We deserve to have our voices heard. I'm the grandchild of a Holocaust survivor, and now I am watching a genocide happen again - to Palestinians. It is breaking my heart.

Though some may not think that a city resolution regarding a ceasefire matters, it does. The United States sends a huge amount of aid to Israel. I absolutely do not want my tax dollars funding a genocide. We can protest this through marches, writing, striking, etc., *and* we can protest and show the federal government that we want change through the power of our local officials. A resolution is a way that Berkeley residents' voices on this issue can be heard nationwide.

I want to feel that I am being represented by my elected officials. The things that we do on the local government level matter so much - as the mayor, I know that you know that. I believe that calling for an end to the massacre of the Palestinian people - or at the *very* least, not shutting down and ignoring constituents who are passionate about this issue - is your duty as much as passing a city budget or re-paving roads is. I don't want to be told that global issues don't matter to the council. I want a council that isn't isolationist, that sees itself as part of a bigger ecosystem.

I hope that you take this into consideration. I love this city. I love that Berkeley has often been at the forefront of progressive policy at the local level and has shown other cities what is possible. Please don't turn away from those of us who are in horrible pain over what the Israeli government is doing to the Palestinian people. We call for a Berkeley ceasefire resolution because we understand the power of local government and we mourn the 25,000+ Palestinians murdered in recent months. We must do all we can to end this genocide as quickly as possible.

Sincerely,  
 Kira Findling  
 Berkeley resident, District 3

**Benado, Tony**

---

**From:** bgilbertca@aol.com  
**Sent:** Wednesday, January 24, 2024 4:48 PM  
**To:** Harrison, Kate; Manager, C; Auditor; Bartlett, Ben; City Clerk; Taplin, Terry; Berkeley Mayor's Office; Wengraf, Susan; Hahn, Sophie; Humbert, Mark; Kesarwani, Rashi  
**Subject:** Rigel Robinsons Abrupt Departure

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.

**To Berkeley Public Officials,**

***As a Berkeley resident, taxpayer, voter and concerned citizen I am really disturbed by the abrupt resignation without notice of Councilmember Robinson and feel a strong need for more information and transparency.***

***Obviously, ongoing issues over Israel/Hamas have had a huge effect on the sense of security felt by many public officials and members of the public. However, it is hard to imagine that Councilmember Robinson was more deeply impacted and threatened by this than others, especially our Mayor and persons and officials of known Jewish ethnicity. So if there was something especially outrageous and threatening vis-a-vis Robinson it would be helpful and important to know this.***

***I must say that the abrupt non-noticed departure, on the face of it, strikes me as unprofessional and disrespectful of the Council, the public, his District, and an orderly process to get a replacement. Why not give some reasonable notice? Wedding planning is a somewhat lame excuse. Or perhaps he had one of those "fed up" moments, which we all have at some time, and simply quit in a huff.***

***Being generally cynical about politicians and their motives and words, I just have a feeling that there was more to this episode than has been stated. For one example, is it possible that Robinson, being smart, presentable, well-educated, well-connected and minority-ish has been presented with a better career opportunity?***

***I think I am not alone with my concerns and desire for more information and transparency.***

***Sincerely, Barbara Gilbert***

***Barbara Gilbert  
Vincente Avenue  
Berkeley, CA 94707-1520***

***Phone: 510-559-8216  
E-mail: bgilbertca@aol.com***

**Benado, Tony**

---

**From:** Miller, Roger  
**Sent:** Friday, January 12, 2024 12:11 PM  
**To:** City Clerk  
**Cc:** Camille Antinori  
**Subject:** Communication - Cal Sailing Club feedback on current draft of Waterfront Specific Plan  
**Attachments:** CSCletter-WSP-11-6-2023.pdf  
  
**Categories:** Red Category

To the Clerk's Office,

We just received this communication (see attached PDF) from the Cal Sailing Club. In their email below, they request that it be included in the Council agenda packet for the Council special meeting that is tentatively scheduled for February 6, 2024 to discuss the status of the Waterfront Specific Plan project.

Roger Miller  
 Secretary, Parks, Recreation, and Waterfront Commission

**From:** Camille Antinori <camilleantinori@gmail.com>  
**Sent:** Thursday, January 11, 2024 6:26 PM  
**To:** Miller, Roger <RMiller@berkeleyca.gov>; Ferris, Scott <SFerris@berkeleyca.gov>; commodore <commodore@cal-sailing.org>; Claudia Kawczynska <claudia94710@gmail.com>  
**Subject:** Fwd: Cal Sailing Club feedback on current draft of Waterfront Specific Plan

**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 Roger,

Good seeing you last night. I am resending our feedback letter to you which we requested to be included in the upcoming special work session of city council regarding the waterfront, now tentatively scheduled for Feb 6. With the shifts in scheduling, we wanted to make sure this letter makes it into the agenda packet as a communication for that meeting. Please let us know any questions and thank you for your help.

Camille Antinori  
 CSC

----- Forwarded message -----

**From:** **Nicholas Waton** <nicholas.waton@gmail.com>  
**Date:** Tue, Nov 7, 2023 at 10:07 AM  
**Subject:** Cal Sailing Club feedback on current draft of Waterfront Specific Plan  
**To:** <RMiller@cityofberkeley.info>, <claudia94710@gmail.com>, <reichilee@gmail.com>, <erindiehm@hotmail.com>,

Gordon Wozniak <[giwozniak@me.com](mailto:giwozniak@me.com)>, <[allanabshez@sbcglobal.net](mailto:allanabshez@sbcglobal.net)>, <[BMASP@berkeleyca.gov](mailto:BMASP@berkeleyca.gov)>, Ferris, Scott <[SFerris@cityofberkeley.info](mailto:SFerris@cityofberkeley.info)>, Endress, Alexandra <[AEndress@cityofberkeley.info](mailto:AEndress@cityofberkeley.info)>, Erickson, Christina <[CErickson@cityofberkeley.info](mailto:CErickson@cityofberkeley.info)>  
Cc: Commodore <[commodore@cal-sailing.org](mailto:commodore@cal-sailing.org)>, Excom <[Excom@cal-sailing.org](mailto:Excom@cal-sailing.org)>

Dear Commissioners, City Officials and WSP Project Team,

Please find in attachment a letter of feedback regarding the current draft of the Waterfront Specific Plan. We request to have this included as a communication to the November 8 PRW commission meeting if not too late, and also the agenda packet for the January 23rd 2024 work session.

We are available for any questions, comments, concerns or conversations.

Best regards,

Nicholas Waton & Mariya Ryazantseva,  
Commodore on behalf of the Executive Committee, with the Marina Planning Committee  
Cal Sailing Club  
124 University Avenue  
Berkeley, CA 94710  
[excom@cal-sailing.org](mailto:excom@cal-sailing.org)



November 6, 2023

Parks, Recreation & Waterfront Department; Parks, Recreation and Waterfront Commission  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Re: Cal Sailing Club Comments on Draft Waterfront Specific Plan

Dear Commissioners, City Officials and WSP Project Team,

Cal Sailing Club (CSC) is a 50-year-old nonprofit institution at the Berkeley Marina that provides affordable, equitable water recreation access to thousands of Berkeley and Bay Area residents. We request that this letter with our comments on the draft Waterfront Specific Plan (WSP) (version dated October 30, 2023) be included as a communication in the agenda packet for the January 23, 2024 City Council Special Session. CSC plays a central role in bringing people to the waterfront and providing access to water sports. We would like the WSP to fundamentally reflect CSC's stewardship of its own site, both at the South Basin and in the Marina itself, and lay out plans for supporting these activities. With CSC represented in the planning process, it can continue to be a powerful public advocate for a better Marina and waterfront area.

#### CSC BY THE NUMBERS

- **2500+**: total number of free rides per year that have been provided to the public for decades now, giving visitors aged 5 and up superb views of the Golden Gate and the Berkeley waterfront during our monthly Open Houses from April to November.
- **1,100**: annual active memberships
- **19,026**: number of members since 2009
- **\$1.33**: Average daily cost for full membership (yes, that is one dollar and thirty three cents, or \$120 on a quarterly basis). Fee is waived if a member contributes additional volunteer hours
- Because of this accessibility, we have a diverse membership, in terms of ethnicity/race/culture/gender and socioeconomic status. In the last 12 months, new members have self-identified **45.6% as White, 29% as Asian, 9.5% as Hispanic, 3% as Black, 1.8% as Middle Eastern, 0.3% as Hawaiian, 0.2% as Amerindian.**
- **2,942**: lessons given last year in sailing and windsurfing
- **\$45,000** grant from California Department of Parks and Recreation this year to teach Boating Safety
- **7,126**: estimated area in square miles from which CSC draws members
- **\$125,000+**: As of 2022, annual revenues generated from slip fees at Berkeley Marina by current or former CSC members
- Numerous youth program events serving Berkeley Youth Authority and other disadvantaged youth, plus area Girl Scouts and Boy Scouts (for sailing merit badge)

## **CLUB BACKGROUND AND ACTIVITIES**

CSC was originally part of UC Berkeley sailing club, dating from the 1940s. In 1979, the club became an independent 501(c)(3) co-op, open to the general public. With its Berkeley-nourished volunteer spirit, the club has grown over the years and now draws thousands of people to this unique public space. Everything done at CSC is volunteer-based with the exception of our paid day leaders, whose role is to watch the water to keep members (and nonmembers) safe. We provide extraordinarily low-cost access to introducing and fostering skills in sailing and windsurfing that would otherwise be out-of-reach to many.

The South Sailing Basin sits directly across from the Golden Gate Bridge, which funnels winds into Berkeley, especially in summer. CSC's fundamental focus is to provide rigorous skill and safety lessons on land and water under challenging conditions; to administer and enforce a skill and abilities-based ratings system (novice, junior, senior) by testing members; enforcing club rules; providing safety oversight through paid employees (called a dayleader), and as warranted, to set restrictions on activities depending on the weather conditions. And as a sailing school, CSC has an excellent safety record. It is well known that our training is far more rigorous than that of the American Sailing Association and other national groups. Skilled CSC members have reported that sailboat rental companies on the West Coast are eager to charter boats to them, often without testing, when they learn of their standing at the Cal Sailing Club, which also contributes to the solid standing of the Berkeley Marina.

CSC, together with Cal Adventures, draws people to the Berkeley Marina for the "best deal on the Bay," and "the best place to learn sailing and windsurfing at low cost." Our club enhances the waterfront and the reputation of the Marina.

### **CSC'S COMMENTS ON THE DRAFT WATERFRONT SPECIFIC PLAN (WSP)**

#### **Issue 1: Ambiguity in WSP draft on CSC's status as an existing establishment and categorization in WR-1 as a redevelopment area for the South Cove**

Cal Sailing Club is a community-based organization as defined by BCDC and a recreation center, and would like to see its land use recognized as such. Throughout the current plan, it is unclear whether the WSP is classifying our space of operations as an area for private recreational development and commercial operations (WR-1), such as for commercial boat rentals and cafes, rather than recognizing its existing status and ability to remain as a quasi-public use area.

Further, while we support additional, affordable restaurants, cafes and bar spaces throughout the waterfront, sharing space on our lot with an external commercial enterprise such as a café has potential for conflicts and confusion. P. 139 of the current draft is at least one place where the draft still notes a new café as a potential use of our space, which would significantly impinge our operations and functionality.



Finally, we envision renovations and improvements in the future and would like clarification if we would need any zoning certificate or AUP to enhance our space for existing purposes.

**Recommendation:** Identify clearly in the WSP current water-based activities and services provided by CSC to inform the audience (e.g. potential developers) of this already existing vibrant activity. In addition, include CSC in the developing plans of any form of an “Aquatic Center” with the goal that CSC remain a volunteer-operated, non-profit sailing organization accessible to all income backgrounds. Finally, CSC would like tangible assurance within the WSP that any development at or near the club be done in a way that allows uninterrupted operation of CSC, continued CSC management of the organization, and preservation of the singular nature of the club.

### **Issue 2: Sedimentation and water accessibility for the South Sailing Basin (SSB)**

We would like to initiate a discussion concerning mud accumulation in the SSB, along with alternatives to address this growing problem. This trend has serious implications for the WSP and, of course, the entire Marina. Siltation is eating into our operating hours and thus reducing our value to the community, and it is reducing the value of all water-based recreation for all users of the SSB. This sedimentation is noted in the WSP - Dredging Needs Technical Memo Draft<sup>1</sup> but this memo has been left out of the plan document itself. Information in the technical memo could be expanded to provide notes on feasibility in the WSP. At the very least, the plan needs to state that the City Council included \$350,000 in the FY23-4 City budget for an evaluation study of an SSB dredging alternative.

**Recommendation:** Include mention of the Dredging Technical Memo in the WSP and suggest possible plans to address the siltation of the South Sailing Basin, including further studies, cost estimates and consideration of alternatives.

### **Issue 3: Dock replacements**

CSC also has an active keelboat instruction program and conducts lessons from J-dock. The WSP in section 2.3.2 notes plans to replace docks to allow larger slips. The current configuration and location on J-dock allows us open-water access, proximity to CSC facilities and the six adjacent slips, and is important to teach specific safety skills of this program, like docking without an engine.

**Recommendation:** Include in the WSP the recognition of existing recreational programs that operate inside the marina. Further, we ask that CSC be included early in the planning process

---

<sup>1</sup> Found at:  
<https://berkeleyca.gov/sites/default/files/documents/2021-04-21%20Draft%20Dredging%20Needs%20Technical%20Memo%20-%20Moffatt%20Nichol.pdf>

to reconstruct these docks so we continue to run our program at our current level of quality standards.

#### **Issue 4: Marina financial planning**

An element of the plan emphasizes revenue-generation; however, it does so in a way that ignores underlying inequities in the way the Marina Fund has been managed, and therefore potentially misleading development plans. Analysis of the Marina Fund and city meetings have indicated that the Marina Fund does not need to be financially "self-sufficient" nor be responsible for additional parklands, in Berkeley's largest public park. CSC supports equity in financing the park areas and public space of the Berkeley waterfront to the same standard as other parks in the City.

**Recommendation:** CSC recommends that the WSP clarify this language to be consistent with conventional accounting practices for enterprise funds and appropriate to parks spaces, for example, by considering alternative financial analysis and removing park and public area expenses from the Marina Fund. This would ensure that the plan does not reinforce a mistaken idea that the entire marina (including both commercial and park areas) must be financially self-sufficient.

### **CONCLUSION**

CSC very much appreciates the opportunity to provide our feedback on the draft WSP. We wish to make clear that we support the vision of a vibrant waterfront area that will provide access to nature, native plants, and animals (including wild turkeys!); accessible, safe water sports and recreation; a well-maintained boat harbor; and limited appropriate and supportive commercial activities. The WSP achieves this vision in many ways. Cal Sailing Club is proud to act as a Marina magnet, drawing people from diverse backgrounds; to offer non-motorized water recreation access for people from every income level; to contribute to the Marina's financial stability; and to interact with the natural environment in a low-impact, complementary manner. We look forward to seeing our recommendations incorporated into the next draft of the WSP.

Sincerely,

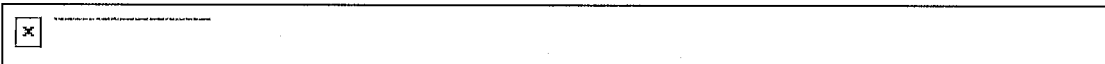
Nicholas Waton & Mariya Ryazantseva,  
Commodore on behalf of the Executive Committee, with the Marina Planning Committee  
Cal Sailing Club  
124 University Avenue  
Berkeley, CA 94710  
[excom@cal-sailing.org](mailto:excom@cal-sailing.org)



**Benado, Tony**

**From:** John Caner <jcaner@downtownberkeley.com>  
**Sent:** Wednesday, January 24, 2024 3:07 PM  
**To:** All Council  
**Subject:** Berkeley Mayoral Candidate Forum, Feb 22, 5-6:30pm, Brower Center

**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.



## Mayoral Candidate Forum

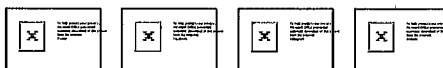
Thursday February 22 | 5:00 to 6:30pm

David Brower Center | 2150 Allston Way

Join us on February 22nd for a Berkeley Mayoral Candidate Forum for the business community. This structured event will include opening and closing statements from the candidates, as well as discussion questions from Moderator Beth Roessner of the *Berkeley Chamber*. Featuring Sophie Hahn, Kate Harrison, and Adena Ishii, this event is organized by the Berkeley Chamber, the *Downtown Berkeley Association*, and the Berkeley Alliance of Business Organizations. **Space is limited.** Registration is required for in-person attendance.

**Can't make it?** The event will be live-streamed. Info for the virtual event will be posted here soon.

REGISTER NOW



**Benado, Tony**

---

**From:** Charles Siegel <siegel@preservenet.com>  
**Sent:** Thursday, January 25, 2024 12:20 PM  
**To:** dhoffman@parametrix.com  
**Cc:** Jung, Kenneth; All Council  
**Subject:** WBB Comments on Fulton-Woolsey Bike Boulevard  
**Attachments:** BikePlanAndWoolseyFultonBikeBlvdLetter.pdf

**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.

Please consider the attached letter from Walk Bike Berkeley with comments on the proposed Fulton-Woolsey Bike Boulevard.

Thanks,  
Chuck Siegel



# Walk Bike Berkeley

January 25, 2024

To: Parametrix Consultants, Berkeley Transportation Planning Staff  
Cc: City Council  
RE: The Fulton-Woolsey Bike Boulevard and the Bicycle Plan

The city plans to revise its Bicycle Plan during 2024. The proposal for the Fulton-Woolsey Bike Boulevard raises some key issues that will apply to all Bicycle Boulevards in the plan. We hope the city will fix the defects in the proposals for the Fulton-Woolsey Bike Boulevard, so the revised Bicycle Plan can use it as a model for a safe Bike Boulevard network throughout the city.

## General Principles

The following principles should apply to the Fulton-Woolsey Bike Boulevard Proposal and to all Bike Boulevards in the revision of the Bike Plan:

- **Safe Crossings of Major and Collector Streets:** All Bike Boulevard crossings of busy streets should include:
  - On Major Streets and the busiest Collector Streets: Either (1) a PHB or (2) a traffic signal plus diversion.
  - On less busy Collector Streets: Either (1) a four-way stop or (2) a median plus raised crosswalks or speed humps on the Collector Street to slow its traffic as it approaches the crossing.
- **Speed Tables to Create Slow, Steady Traffic Movement:** As a general rule, we request adding speed tables on every block of Bike Boulevards, as Oakland is doing on neighborhood bikeways. There should be at least one speed table on short blocks and at least two speed tables on longer blocks - enough speed tables so that there is a slow (15-20 mph design speed) and steady movement of automobile traffic.

## Changes Needed in the Fulton-Woolsey Proposal

We believe the following changes are needed in the current proposal for the Fulton-Woolsey Bike Boulevard:

- **Shattuck/Russell and Shattuck/Woolsey:** Per the current bike plan, both of these intersections should have either (1) a four-way stop or (2) a median on Shattuck plus two-stage left turn boxes to allow bikes on Shattuck to turn onto the bike boulevard.

- The purpose of the median is (1) to divert traffic, so through traffic does not use the bike boulevard as a cut-through and (2) provide a mid-crossing refuge for bikes and pedestrians crossing Shattuck. Currently, bikes have to wait a long time until there is a gap in the traffic in both directions on Shattuck before they can cross. With the median, they can cross when there is a gap in one direction, so there is a much shorter wait. The median on Dwight at California made it much easier for bikes to cross Dwight, and it should be used as a model for the design on Shattuck.
- We believe the 4-way stop is the preferred option, because it is less expensive and causes less disruption to neighborhood traffic flow. However, a 4-way stop might encourage through traffic to use the Russell Bike Boulevard as a cut-through, so we request a full diverter on Russell east of Shattuck to address this problem. on but that does not seem to be a problem here, because .
- **Prince/MLK:** Should have a PHB or a traffic signal to create a safer crossing. The proposal follows the current Bike Plan by giving it a median plus RRFB, but we believe this is inadequate on a Major Street that is four lanes. For example, San Pablo Ave already has a median but this obviously is not adequate and we are adding PHBs there. MLK Way at Addison has a median similar to the one proposed here, and there is a high rate of noncompliance. The revised Bike Plan should give more protection to crossings like this, and we should give more protection to Prince/MLK.
- **Speed Tables:** The proposal includes no speed tables. Circles are the only form of traffic calming it includes. We believe there should be speed tables on every block to create a slow, steady flow of traffic. This mid-block traffic calming is needed in addition to circles at intersections.

## Conclusion

According to a survey in the current Berkeley Bike Plan, 70% of Berkeley residents want to bicycle but do not currently bicycle because of concerns about safety. Bicycle Boulevards should be safe and convenient enough to attract these people, which means:

- We need safe and convenient crossings of busy streets. At crossings where there is just an RRFB, cars generally do not yield to bikes, and bicyclists can have a long wait until there is a gap in traffic that lets them cross, which is inconvenient and potentially dangerous.
- We need to slow down traffic to make Bike Boulevards feel safe enough to attract those who currently do not bike because of fears about safety.

We hope that the design of the Fulton-Woolsey Bike Boulevard will take these principles into account by improving the crossings at Woolsey/Shattuck, Russell/Shattuck, and Prince/MLK and by adding speed tables throughout.

We strongly support implementing a Fulton-Woolsey Bike Boulevard, and we appreciate the work staff has done on it. With the improvements that we have suggested, Fulton-Woolsey can be a model for the Bicycle Plan and for Bike Boulevards throughout the city.

Charles Siegel, Ben Gerhardstein  
for Walk Bike Berkeley

*Walk Bike Berkeley, an all-volunteer group founded by Berkeley residents, advocates to make walking and biking in Berkeley safe, low-stress, and fun for people of all ages and abilities. We want a healthy, just, and sustainable transportation system in Berkeley.*

**Benado, Tony**

---

**From:** David Hoffman <DHoffman@parametrix.com>  
**Sent:** Sunday, January 28, 2024 7:43 PM  
**To:** preserve@preservenet.com  
**Cc:** Jung, Kenneth; All Council  
**Subject:** Re: WBB Comments on Fulton-Woolsey Bike Boulevard

**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.

Charles,

The project team has received your comments and they are being added to all submitted public comments. This is in addition to your original message on 1/21/24.

Thank you,

-David Hoffman

**Parametrix**

**Parisi**  
TRANSPORTATION CONSULTING

David Hoffman  
 Planner II  
 415.649.6013 | direct  
 412.576.5982 | mobile



On Jan 25, 2024, at 12:19 PM, Charles Siegel <siegel@preservenet.com> wrote:

Please consider the attached letter from Walk Bike Berkeley with comments on the proposed Fulton-Woolsey Bike Boulevard.

Thanks,

Chuck Siegel

<BikePlanAndWoolseyFultonBikeBlvdLetter.pdf>



## Benado, Tony

---

**From:** David Hoffman <DHoffman@parametrix.com>  
**Sent:** Monday, January 29, 2024 12:02 PM  
**To:** Valerie Young  
**Cc:** Jung, Kenneth; All Council; info@walkbikeberkeley.org  
**Subject:** Re: Bike boulevards on Woolsey, Fulton and Russel

**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.

Valerie,

The project team has received your comments and they are being added to all submitted public comments. City of Berkeley staff and project consultants will review these comments as part of the comprehensive public review and input process. The comment review process will take place after the public comment period has completed on February 14th.

Thank you,

-David Hoffman

**Parametrix**

**Parisi**  
TRANSPORTATION CONSULTING

David Hoffman  
Planner II  
415.649.6013 | direct  
412.576.5982 | mobile



On Jan 29, 2024, at 8:02 AM, Valerie Young <spectranaut@gmail.com> wrote:

Hello!

I live right at the intersection of Woolsey and Shattuck and biking is my main transportation (I have no car) and I would LOVE to see this new bike boulevards!!

Especially any additional work to make crossing Shattuck safe at Woolsey, Shattuck is a really hard street to cross, the cars are fast on this street and seem to drive in a daze, it takes forever for someone to decide to stop even when I'm a pedestrian.

Thanks for all your work!! I'm very excited!

Valerie, a Berkeley citizen

**Benado, Tony**

---

**From:** Valerie Young <spectranaut@gmail.com>  
**Sent:** Monday, January 29, 2024 8:03 AM  
**To:** dhoffman@parametrix.com  
**Cc:** Jung, Kenneth; All Council; info@walkbikeberkeley.org  
**Subject:** Bike boulevards on Woolsey, Fulton and Russel

**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.

Hello!

I live right at the intersection of Woolsey and Shattuck and biking is my main transportation (I have no car) and I would LOVE to see this new bike boulevards!!

Especially any additional work to make crossing Shattuck safe at Woolsey, Shattuck is a really hard street to cross, the cars are fast on this street and seem to drive in a daze, it takes forever for someone to decide to stop even when I'm a pedestrian.

Thanks for all your work!! I'm very excited!

Valerie, a Berkeley citizen

**Benado, Tony**

---

**From:** Michele Shipp <rshelly348@outlook.com>  
**Sent:** Saturday, January 27, 2024 1:53 AM  
**To:** All Council

**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.

1/26/2024

Hopefully, after I had seen you in front of the court building in Oakland yesterday there could be another way of handling the current problem with the property in Berkeley. I need a court proceeding before anyone enter the property to reside there. I need it myself. I thank you for your time.

Thank you,

Michele Shipp  
michelerobertson07@gmail.com  
Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

**Benado, Tony**

---

**From:** Pant, Akshat <akshatpant@ufl.edu>  
**Sent:** Monday, January 29, 2024 6:00 AM  
**To:** All Council  
**Subject:** AI-GovTech Student Project

**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.

Hi City Council!

Hope you're doing great! My name's Akshat Pant and I'm a Computer Science student from the University of Florida. I'm really excited about using tech to make a big impact, especially in GovTech. I believe it's a game-changer since it touches everyone's lives – improving government tech means making everyone's life a bit easier.

I'm reaching out because a few of us at the University of Florida have been working on a cool project. We're building an AI-powered issue reporting platform to help local authorities effectively collect and manage issues reported by their constituents.

We're currently in the research and development phase and we're keen to get a more experienced set of eyes on our project.

We were wondering if members of the City Council were available for a quick chat. A 15-20 minute conversation would be incredibly helpful :)

Thanks!  
Akshat Pant

**Benado, Tony**

---

**From:** Kathleen Davis <qikathleen@gmail.com>  
**Sent:** Friday, January 26, 2024 7:25 AM  
**To:** All Council  
**Subject:** Please pave McGee Rose to Cedar

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.

2



**Benado, Tony**

---

**From:** Beth Roessner <beth@berkeleychamber.com>  
**Sent:** Monday, January 29, 2024 12:15 PM  
**To:** All Council  
**Subject:** Support for East Bay Asian Local Development Corporation EBALDC/Downtown Affordable Housing Project Grant App  
**Attachments:** Berkeley Chamber EBALDC Support Letter for City Council(1).pdf

**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 Council-

Please see the attached letter of support for the East Bay Asian Local Development Corporation (EBALDC) in its pursuit of a \$250,000 project loan from the City of Berkeley for a 70-unit 20-70% AMI affordable project on First Church property near Channing and Durant (2330 Durant) by the UC Berkeley campus.

Respectfully-

**Beth Roessner, CEO**

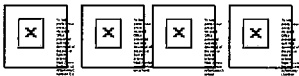
Berkeley Chamber

1834 University Ave.

Berkeley, CA 94703

(510) 549-7000

[www.berkeleychamber.com](http://www.berkeleychamber.com)



**UPCOMING EVENTS** *register online for upcoming live and virtual events*

**FEB 06** | [Business Bootcamp: Google Business Profile](#) @ ZOOM Event

**FEB 15** | [Business After Hours](#) -- *more info coming soon*

**FEB 22** | [Mayoral Candidate Forum](#) @ David Brower Center (Hybrid Live/ZOOM)

January 29, 2024

Honorable City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

**RE: Support for East Bay Asian Local Development Corporation  
EBALDC Downtown Affordable Housing Project Grant App**

Dear City of Berkeley Leadership:

On behalf of the Berkeley Chamber, representing over 300 businesses and organizations across Berkeley, we are writing to offer our support for the East Bay Asian Local Development Corporation (EBALDC) in its pursuit of a \$250,000 project loan from the City of Berkeley for a 70-unit 20-70% AMI affordable project on First Church property near Channing and Durant (2330 Durant) by the UC Berkeley campus.

EBALDC has an extensive presence in the East Bay, with 35 apartment buildings and over 300,000 square feet of commercial space. Their commitment to our community is evident through initiatives like the North Berkeley BART Master Plan, partnerships with institutions like First Church, and their resilience in the face of adversity. These initiatives align with Berkeley's growth and development goals, highlighting EBALDC's dedication to creating sustainable, inclusive spaces for residents.

EBALDC has provided affordable housing to the East Bay community for nearly 50 years, and affordable housing continues to be a crucial need in our community. We believe supporting EBALDC in this endeavor aligns with our shared mission of serving the community.

The Berkeley Chamber wholeheartedly endorses EBALDC's initiatives and urges the City Council to fund their application. We appreciate your attention to this matter and are confident that collaboration with EBALDC will continue to enhance the vibrancy and resilience of Berkeley.

Respectfully,

Beth Roessner  
CEO  
Berkeley Chamber of Commerce



**Benado, Tony**

---

**From:** Vivian Warkentin <vivwark@sbcglobal.net>  
**Sent:** Monday, January 22, 2024 3:53 PM  
**To:** All Council  
**Subject:** Community-Based Living – A Paradigm Shifting Solution - Activist Post

**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.

<https://www.activistpost.com/2024/01/community-based-living-a-paradigm-shifting-solution.html>

**Benado, Tony**

---

**From:** Vivian Warkentin <viwark@sbcglobal.net>  
**Sent:** Tuesday, January 23, 2024 1:26 PM  
**To:** All Council  
**Subject:** 5G wireless technology is a DISASTER waiting to happen – NaturalNews.com

**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.

<https://www.naturalnews.com/2024-01-22-5g-wireless-technology-disaster-waiting-to-happen.html>

**Benado, Tony**

---

**From:** Jennifer F <oosmama@gmail.com>  
**Sent:** Tuesday, January 16, 2024 5:10 PM  
**To:** All Council  
**Subject:** Ceasefire

**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.

Please vote on and for the People's Resolution for a Ceasefire in Gaza. Berkeley cannot stay silent. I've lived here off and on (on for the last 12 years) since 1978. Berkeley needs to speak up for humanity.

Jennifer Fechner  
2204 Sacramento St  
Berkeley CA 94702  
415-815-3722

**Benado, Tony**

---

**From:** btownma@yahoo.com  
**Sent:** Tuesday, January 16, 2024 12:07 AM  
**To:** All Council  
**Subject:** Thank you and speaking out against antisemitism

**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 Berkeley Councilmembers:

Thank you for upholding your roles and keeping foreign affairs out of local government. I'm writing today given the rampant and now dangerous antisemitic acts we are seeing across the Bay Area to include in the East Bay. As I am sure you are well-aware, a despicable incident occurred 1/7/2024 where members of a local anti-Israel protest (marching from Albany to El Cerrito) aggressively approached a small group of peaceful pro-Israeli counter protesters, used megaphones to scream antisemitic speech in their faces, pushed a woman to the ground, and stole and burned her Israeli flag. That said, even more horrifying was the complete absence of police protection despite numerous desperate calls by those being physically and verbally attacked. You can imagine how local Jewish residents must have felt being left completely alone, unsupported by their local public servants, to deal with the wolves.

Today, I am asking in your role as a Councilmember to **publicly speak out loud against antisemitism** both at council meetings and in the community. Please do NOT allow this activity in your chambers or ANYWHERE in the community. This is NOT taking sides. This is doing your job to look out for your residents and business owners/employees. To ensure everyone feels seen, heard, and valued. Please do the right thing, continue to be a beacon of light for our communities (we are paying close attention) and stick to the job of local government, staying focused on the local issues bettering the city, bridging the community together, and vigilantly demonstrating inclusivity of all Berkeley's peace-abiding residents.

Sincerely,

Kim Friedman

**Benado, Tony**

---

**From:** Aaron Katler <aaron.katler@gmail.com>  
**Sent:** Tuesday, January 16, 2024 6:57 AM  
**To:** All Council  
**Subject:** Appreciation & Wishes

**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 Council.

I am traveling for work this week and am unable to attend the meeting this evening in person.

I'm sorry I won't be able to be there in person to show my gratitude for your thoughtful leadership.

It's heartbreaking to see the ongoing efforts to disrupt the way of life for all based on the regressive ideologies of a few.

While it feels less and less safe to live in Berkeley where the values of diversity and inclusivity are being abused and attacked I'm incredibly grateful for your fearless efforts to "hold the line."

Thank you and I pray for your safety this evening and always.

Best,

Aaron

**Benado, Tony**

---

**From:** Eleanor Wang <eleanorwang@berkeley.edu>  
**Sent:** Tuesday, January 16, 2024 8:08 AM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; Cerami, Sara; Gerstein, Beth; Aguilar-Canabal, Diego; Hernandez Story, Ruben; Chang, James; Posner, Tina; Naso, Christopher; Wolan, Aleksandra; Russell, Gordon; McWhorter, Laurie; Greenberg, Sam; Pugh, Eliza; Panzer, Eric; McCormick, Jacquelyn; Wilson, Genevieve; Skjerping, Lars; Elgstrand, Stefan  
**Subject:** Demand for the People's Ceasefire Resolution

**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 Mayor and Council Members,

I am a Berkeley resident and graduate student at UC Berkeley and I am writing to urge you to pass a formal resolution that calls for an immediate and permanent ceasefire in Gaza. We want you to pass either the People's Resolution or Councilmember Ben Bartlett's resolution with NO amendments.

Several council members have revealed their allegiance to special interest groups, and have not shown good faith. Many of you have neglected to meet with the Berkeley community's diverse voices who have been demanding a ceasefire. Instead, you are advocating against a ceasefire resolution and running away from us during city council meetings. You need to listen to us, not ignore us.

Berkeley has historically been on the forefront of anti-war, civil rights and human rights movements. Berkeley bravely led the charge to divest from apartheid South Africa. Refusing to call for a ceasefire or trying to pass a resolution that is aligned with a genocidal government is a stain on Berkeley's progressive history.

Israel's bombardment of Gaza since October 7, 2023 has shocked the entire world, even though this is the 5th military assault on Gaza since 2008. The people in Gaza who are still alive have now 16 years under siege and survived 5 wars, and this one is the most extreme. Israeli's military has now killed over 18,000 Palestinians and over 8,000 of them are children. Israel has broken many international laws, including preventing the entry of food, water, fuel, and humanitarian aid into Gaza. Israel has also forced over 1.7 million people from their homes in an act of ethnic cleansing, as defined by the United Nations.

The dehumanization of Palestinians and extreme escalation in violence is no doubt the final stage of genocide. The United Nations and human rights organizations and leaders around the world have called for an immediate ceasefire and unrestricted humanitarian aid to the people of Gaza, citing numerous violations of international law. But our own national leaders have not, and are instead offering MORE unconditional military aid to Israel as it completely destroys Gaza.

We, your constituents, demand our local elected officials to exercise their power to influence our state representatives and senators to call for a permanent ceasefire. Our heads of state are ignoring our demands, so we need your help to amplify our voices. We cannot stay silent while our taxes fund the extermination of the Palestinians. This issue WILL determine elections next November, as the people will refuse to vote for anyone who stays silent when our government commits genocide.

We, the people of Berkeley, have sent you hundreds of emails with text of a resolution drafted by your constituents. The following cities have also passed Resolutions for Ceasefire and Solidarity with Palestine as of November 29, 2023: Oakland, CA; Richmond, CA; Providence, RI; Cudahy, CA; Seattle, WA; and Easton, PA.

We demand that the City of Berkeley follows suit.

Sincerely,  
Eleanor Wang  
94703

**Benado, Tony**

---

**From:** Hillary Kilimnik <chasinghillary@gmail.com>  
**Sent:** Monday, January 15, 2024 9:57 PM  
**To:** Berkeley Mayor's Office; All Council; Hahn, Sophie  
**Subject:** Thank You and Continue to Hold Strong Against Hateful Rhetoric

**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.

Members of the City Council, Mayor Arreguen-

I'm writing to thank you for your continued support for peace and decorum in our community. You have faced enormous pressure and disrespect from a very loud, angry and small minority here. Their goal is to drown out the voices of peace, civility and reason.

I am a 17 year resident of Berkeley, Jewish, and parent of 3 BUSD students. I can't begin to describe the nightmare we have been living since October 7. The nightmare and fear for our family and friends in Israel, as well as the nightmare we face daily, here in Berkeley. My kids are accused of being "Nazis" because of their connection and love for Israel and Judaism. Their teacher's teach that Israel is a racist country with no justification for existence.

While I and many in the Jewish community here are grateful that no resolution has passed, as it would only fan the flames of division and hate that are sadly rampant here, I hope to see a more vocal response from the city council to the hate and vitriol that rears its ugly head at each city council meeting. Please shut it down when it appears at city council meetings. Have those who do not respect the rules of the meeting, swiftly removed.

Just last week a woman from my synagogue was struck down by a pro-Palestine demonstrator, had her Israeli flag forcefully grabbed from her and set on fire.

Oakland is embroiled in an antisemitism crisis that is pushing Jewish and Israeli families to pull their kids from OUSD.

A few weeks ago, members of the Jewish community were verbally threatened by a BUSD teacher after one of the city council meetings.

Now is the time for this city council to say forcefully that there is no place here for hate speech, or for violence and specifically call out the rise in antisemitism in this country and in our beautiful city and say unequivocally NO MORE, and follow those words with actions.

Sincerely,  
 Hillary Kilimnik  
 District 5



**Benado, Tony**

---

**From:** Anna Henry <aphenry27@gmail.com>  
**Sent:** Monday, January 15, 2024 5:13 PM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Humbert, Mark  
**Subject:** Ceasefire Resolution

**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 Council Members,

Today is the 101st day of genocide in Gaza. Over 23,000 Gazans have been killed, the majority of whom are women and children. How many days will pass before this council puts forth and votes for a ceasefire resolution that calls for the collective punishment against Gazans to stop?

Today is also MLK Day and out of the many wise words he said, MLK stated, "In the end, we remember not the words of our enemies, but the silence of our friends." Your silence speaks volumes.

Sincerely,  
Anna Henry  
94703

**Benado, Tony**

---

**From:** Moni Law <monilaw7@gmail.com>  
**Sent:** Tuesday, January 16, 2024 8:11 AM  
**To:** All Council; Daily Cal; Becky O'Malley  
**Subject:** Bicyclists in Gaza/ Sunbirds seek to help

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.

<https://www.instagram.com/reel/Cy6O09RvDG0/?igsh=MTBIZjE4YzMxOA==>

Please pass ceasefire resolution now.

This was a BBC interview thousands of dead civilians earlier.

Moni T. Law, J.D.  
Berkeley Resident

Sent from my iPhone

**Benado, Tony**

---

**From:** Moni Law <monilaw7@gmail.com>  
**Sent:** Tuesday, January 16, 2024 7:35 AM  
**To:** All Council  
**Cc:** Michael McBride; Tanisha Walton; Michael Smith; Ambrose Carroll; Sally Hindman; Becky O'Malley; Daily Cal; Héctor Malvido; Paul Blake; Rachel Lederman  
**Subject:** CeasefireNow; Release all hostages; Global peace is local concern

**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.

<https://www.instagram.com/reel/Cyl0aDuoFyN/?igsh=MTBIZjE4YzMxOA==>

Please do not ignore cries of Palestinians whose entire families are killed.

What if this was my father whose wife and kids perished by his house being bombed and flattened?

Please have mercy to call for peace, a sustained bilateral ceasefire!

Shalom - peace and life - Berkeley residents need your leadership and compassion, not silence.

Moni T. Law, Chair  
Berkeley Community Safety Coalition

Sent from my iPhone

**Benado, Tony**

---

**From:** Moni Law <monilaw7@gmail.com>  
**Sent:** Tuesday, January 16, 2024 7:59 AM  
**To:** All Council; Berkeley Mayor's Office  
**Cc:** bcsc-ast@googlegroups.com; berkeleycommunitysafetycoalition@gmail.org  
**Subject:** Humanitarian Crisis

**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 Berkeley City Council:

Meanwhile, the suffering in Gaza continues. Please pass a resolution for sustainable ceasefire, release of all hostages, and rush of humanitarian aid to Gaza. Berkeley residents have concern for our streets, schools, health care, public safety and our neighbors near and far.

I know that you all care. Our city cannot remain silent on this tragedy that can be lessened or resolved with everyone insisting on an end of violence on all sides.

What would Dr. King say today? Please review the balanced plea submitted to NY Times by Black Pastors nationwide for bilateral Ceasefire, release of all hostages, and allowance of humanitarian aid of food, water, fuel, shelter.

Children are suffering and dying. Our tax dollars contribute to the air strikes and bombs.

[https://www.instagram.com/reel/C0zH6SVIC\\_3/?igsh=MTBIZjE4YzMxOA==](https://www.instagram.com/reel/C0zH6SVIC_3/?igsh=MTBIZjE4YzMxOA==)

Please.  
Act.  
Now.

Moni T. Law, J.D.

Sent from my iPhone

**Benado, Tony**

---

**From:** Daniel Frydman <danfrydman@gmail.com>  
**Sent:** Monday, January 15, 2024 5:05 PM  
**To:** All Council  
**Subject:** A call for free speech, safety, and the city's business

**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 Councilmembers,

I am writing to ask the council to ensure the safety and civility of all participants before, during and after their city council meeting. City council meetings are designed to focus on our local matters, we have real issues to address here in the city of Berkeley. Issues your constituents are relying on this council to address.

The last several CC meetings have been a circus of hostility, threats, performance art, and borderline violence. This has created an atmosphere of incivility and intimidation and is keeping many members of the public away from the meetings. Indeed, for a city that holds the history of free speech so dear to its heart the CC meetings have been a continuous devolution allowing only the loudest and most aggressive voices to drown out all others. Shouting others down, hijacking open comments for political grievances, threatening and intimidating others whose view you don't agree with, are all signs of a lack of free speech and used by oppressive regimes to silence others. This is not the legacy of Berkeley. That is not an environment we should have to tolerate for showing up to CC meetings.

I ask this council to enforce general meeting rules of decorum with clear protocols and expectations for participation, along with clear consequence for violation of that decorum. I ask this council to get along with the city business, and while there will be those that disagree with it, let them voice that disagreement according to protocols that cannot allow for the meetings to be hijacked. And lastly, I ask this council to demand and enforce safety, for all your constituents, even the minority voices that attend. No one should have to choose between their safety and their civic duties. We all deserve, especially Berkeley residents deserve, the right to hear and be heard. We do not have to agree with one another but disagreement must not be allowed to fester into threats, intimidation, and more violence. We need the CC to provide this leadership

thanks  
daniel

**Benado, Tony**

---

**From:** Aliza Cramer Elias <acramer@gmail.com>  
**Sent:** Tuesday, January 16, 2024 11:49 AM  
**To:** All Council  
**Cc:** Kesarwani, Rashi  
**Subject:** Thank you

**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 Mayor and Council,

I am writing to applaud you for keeping the focus of city council meetings on Berkeley matters that impact all residents. I also really appreciated the mayor's op-ed in Berkeleyside following Rigel Robinson's resignation. The complete lack of civility and respect for the free speech rights of others with whom people don't agree is deeply disturbing. And hearing and reading about the appalling attacks on you is also disturbing and shameful. Please know that the Jewish Coalition of Berkeley, which includes 200 members (Jews and allies) from diverse communities including Beth Israel, Netivot Shalom, Beth El, Chochmat HaLev, Urban Adamah, UC Berkeley, Chabad, and more, stand with you in respecting the political process, democracy, and civility and decorum. I am grateful that Berkeley United Against Hate is more than a slogan in Berkeley. Thank you for your leadership and moral clarity.

As a member of the Jewish community, I will note that the bullying and antisemitic behavior we have experienced at these meetings and read about from others in the community regarding the Jan 6th protest in Albany/El Cerrito, is deeply unsettling. **Most of the Jews I know do not feel safe coming to city council meetings.** Every person who attended the last meeting described how they were shaking afterwards, and the most stoic people I know who attended, were similarly unsettled.

I respect the free speech rights of the people who don't like Israel, and even when they say vile things and deny the atrocities of Oct 7th. I'll point out that members of our community sit respectfully and don't interrupt the public comments made by others we disagree with. I wish the same could be said for when our community is making public comment. I'm grateful to Mayor Arreguin for stopping the clock and waiting for quiet so that EVERYONE has the same opportunity to participate in meetings and provide public comment. I hope you will continue to do this tonight, and also cut the microphone so that all speakers have the same amount of time to comment. Thank you.

Last, I want to be sure everyone on the council understands that when the anti-Israel people refer to "the Zionists" in a contemptible way, this is antisemitic. In theory, one can be opposed to Zionism (anti-Zionist) and be opposed to nationalist movements in general. But let's be clear, the people who are using Zionist as a slur for Jews, are not making an intellectual critique of the movement, and since they don't oppose Palestinian nationalism or any other nationalism, it is clear that they only have a problem with Jews. Zionist is being used as a code for Jews, because the people speaking feel that it is more socially acceptable. And since 89% of Bay Area Jews believe a basic tenet of Zionism, that Israel has the right to exist as a Jewish and democratic state, when people use Zionist as a slur, what they are really doing is attacking and maligning Jews. This is antisemitic. Council knows that there are racist dog whistles about many groups, and it is important to recognize that references to "the Zionists" made by anti-Israel protesters, is one such dog whistle targeting Jews. The fact that a few Jews who are part of fringe groups use this same language to attack the majority of Jews, makes the comment no less antisemitic.

Thank you for your time and for your service and dedication to Berkeley. With all of the nasty stuff you face, it is really admirable.

Aliza

**Benado, Tony**

---

**From:** Jewish Coalition of Berkeley <jewishcoalitionberkeley@gmail.com>  
**Sent:** Tuesday, January 16, 2024 12:29 PM  
**To:** All Council; Berkeley Mayor's Office  
**Cc:** sophie@sophiehahn.com  
**Subject:** Thank you from the Jewish Coalition of Berkeley

**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.

Hello Mayor Arreguin and Councilmembers,

I am writing to you as a resident of District 5 and as a representative of the Jewish Coalition of Berkeley (JCB) - a newly-formed and rapidly growing diverse group of 200+ Jewish community members and allies coming together to stand up against antisemitism which has experienced nearly 400% increase nationwide since Oct 7.

Along with the vast majority of Bay Area Jews, JCB supports Israel as a nation state with the right to self-determination and a responsibility to protect its citizens (see professional poll of Bay Area Jews from December 2023).

I would have liked to say the following in person, but, like the majority of our Jews and allies in our group, I feel incredibly unsafe at the City Council meetings given the blatant antisemitic rhetoric and incredibly disturbing, violent behavior in the last several meetings. The level of aggression is just overwhelming. At the last meeting where some Ceasefire protestors blocked me from entering, I was honestly scared that I wouldn't make it home to my family. I fear for your emotional and physical wellbeing as well.

Since 99% of us will not be there tonight, I am writing today to thank you for your service in leading our City during these excruciating times and focusing your efforts on the numerous issues facing our city that impact all of Berkeley's residents: housing, mental health services, crime, road repair, bike infrastructure, etc. JCB applauds you for your leadership and moral clarity. We stand with you in lamenting Councilmember Robinson's disturbing departure from office due to outright bullying laid out in the Mayor;s Berkeleyside Opinion piece last week and in respecting the political process, democracy, civility and decorum you are working hard to maintain.

Thank you for your continued service and dedication to serving the Berkeley community.

Rachel  
District 5

**Benado, Tony**

---

**From:** skdewitt@comcast.net  
**Sent:** Tuesday, January 16, 2024 1:35 PM  
**To:** Berkeley Mayor's Office; All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Subject:** No Cease Fire Resolutions Until The Hostages Are Returned

**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.

To Mayor Arreguin and City Council Members,

Thank you for standing by the Jewish Community of Berkeley. I appreciate your good conscience and loyalty to our entire community. I know that you are dedicated to peace and justice.

Here, below, is the letter that I sent to the Albany City Council which is meeting this evening.

-----  
*To members of the Albany City Council:*

*My name is Susanne Kalter DeWitt and I was born in Munich, Germany on November 1934 during the Nazi times. My family and I were arrested on November 9, 1938, on the evening of the pogrom called **Kristallnacht**. We were sent to Dachau concentration camp near Munich. Our crime was that we were Jews.*

***Please do not put a cease-fire resolution on your calendar. These resolutions engender hate and create deep divisions and cause Jew-Hatred to surge. I can recognize Jew Hatred in these resolutions. Instead, urge HAMAS to:***

1. *Stop using Gazan people as "Human Shields,"*
2. *Return all of the hostages*
3. *Remove Article 7, **Hamas Covenant**,*

*from the HAMAS Covenant that calls for the murder of all Jews*

4. *Stop launching rockets at Israel.*

*HAMAS is a terrorist organization that broke a cease-fire on October 7, 2023, invaded Israel, slaughtered 1,200 people and committed unspeakable atrocities. The cease-fire had been negotiated in 2005 and Israelis and Gazans had friendly relationships for decades. It would be folly to trust HAMAS after their record of breaking the peace.*

***Thank you,***

***Susanne (Sanne) DeWitt  
(510) 845-2098***



**Susanne Kater DeWitt**  
**144 Fairlawn Drive,**  
**Berkeley, CA 94708**  
**(510) 845-2098**

**Benado, Tony**

---

**From:** Summer Brenner <summerbrenner@gmail.com>  
**Sent:** Wednesday, January 17, 2024 6:40 PM  
**To:** Berkeley Mayor's Office  
**Cc:** All Council  
**Subject:** ON CIVILITY - 1/17/24

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 Mayor:

Civility is an important aspect of public life, but it's not the most important. The silence about Ceasefire from you and the COUNCIL has roused the ire of many, including many Jewish American elders like myself.

Last night at the Council meeting, I felt that I was in the presence of a cabal. NOT ONE COUNCIL PERSON was willing to risk taking a stand on behalf of Ceasefire OR against. To take or not to take has nothing to do with the behavior of the attendees. Boos, jeers, yells are nothing compared to 2,000 bombs on apartment houses. And people are justifiably very UPSET!

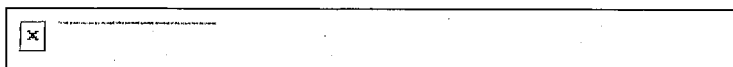
We want to hear what each member of the Council believes about the issue, and the silence is deafening. Surely, you must have an opinion, and is the opinion UNIFORM among you? Not one of you can champion a stance? NOT ONE?

I'm incredulous, dumbstruck, gobsmacked that you're not even willing to stand and say, I'M AGAINST CEASEFIRE. I admit it takes moral courage either way. And what does that tell the citizens of your City about you?

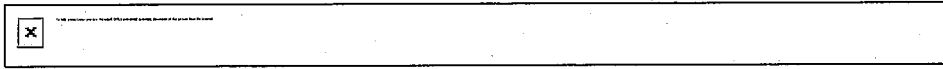
And by the way, let me quote an old expression: If you can't take the heat, get out of the kitchen.

Gravely disappointed,  
 Summer Brenner  
 District 4

On Wed, Jan 17, 2024 at 5:47 PM Mayor Jesse Arreguin <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)> wrote:



# Defending Democracy in the Face of Incivility



Multiple disruptions have taken place at Berkeley City Council meetings in recent months.

As we enter a new year that will have profound implications for the future of our country, it is not lost on me that our democracy is under threat. The world watched in horror on January 6, 2021, when the United States Capitol was attacked by those who refused to accept the democratic will of the people. We witnessed the disruption of democratic proceedings, death threats, harassment and abuse toward elected officials, violence against peace officers, and the destruction of property. It breaks my heart to see the same vitriol unfold right here in our community.

As mayor, I want to make sure that our community's diverse opinions are heard, and I feel obligated to speak out against the incivility that has recently plagued our city. Shutting down council meetings and threatening those you disagree with creates harm to those who want to engage with our government in good faith. Last week, I wrote an op-ed about these threats and actions that are prohibiting our ability to conduct the people's business, and how we must work together despite our differences to properly engage in civic discourse. We must call for civility and overcome our differences to create a future that the next generation will be proud of.

## Councilmember Robinson Resignation

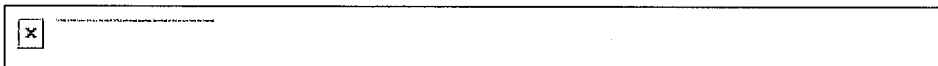


Councilmember Rigel Robinson, who has represented District 7 since 2018, has resigned from his position, effective January 12th. I am saddened to see him leave, but respect this difficult and personal decision.

I have known Councilmember Robinson since he was a student at UC Berkeley. During my time as a Councilmember, he even interned in my office. As a student involved in the ASUC (UC Berkeley's student government), he worked on getting students more engaged in local government, especially on issues relating to housing and transportation. His efforts would culminate in becoming the youngest person ever elected to the Berkeley City Council in 2018 at age 22. While on the Council, he led efforts on upzoning Southside, which will create an additional 2,650 new units within walking distance of UC Berkeley, improving transportation and safety through the Southside Complete Streets Project, and has been heavily involved with the Waterfront Specific Plan, among many other accomplishments.

In an op-ed announcing his resignation, Rigel cites "various forms of harassment, stalking, and threats" that has caused a "perpetual state of stress and exhaustion" as reasons for stepping down. As mentioned in my op-ed above, I am deeply disappointed and upset that a small group of individuals have resorted to an intense campaign of harassment and abuse to the point where they bullied an elected official out of office, silencing the voices of the majority that voted for him. Such actions must be fully condemned. We need more people like Rigel in public office, especially these days with our democratic values under attack. I wish him the best of luck in his future endeavors, knowing that he has made a positive impact on the Berkeley community.

## Housing Preference Policy Takes Effect



The new law will prioritize new affordable housing units for people impacted by displacement and redlining, among other criteria.

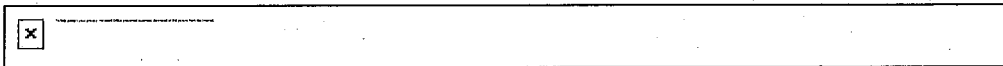
Last year, the City Council approved a Housing Preference Policy to address the historic harms caused by redlining and other factors that have negatively impacted underserved communities. The policy was created after years of discussions with residents and community organizations, including Healthy Black Families (HBF) and East Bay Community Law Center (EBCLC) to address gentrification and displacement in Berkeley. For example, in the 1970 US Census, African Americans made up 23.5% of the City's population. 50 years later the population plummeted to below 8%.

The policy, which went into effect at the beginning of the year, would prioritize placement in affordable housing for the following categories:

- Descendant of someone displaced by the construction of BART in Berkeley.
- Displaced due to foreclosure since 2005.
- Displaced due to a no-fault or non-payment eviction within the past seven years.
- Households with at least one child aged 17 or under.
- Homeless who are not eligible for Permanent Supportive Housing or at risk of homelessness with a current/former address in Berkeley.
- Has lived in a redlined area in Berkeley or a descendent of one.

For more details on this policy and eligibility, and to apply for affordable housing in Berkeley, [click here](#).

## Spring 2024 Berkeley City College Free Tuition



Berkeley City College (BCC) and all Peralta Colleges will have free tuition for most new and returning students. Free tuition is available for those who enroll in at least six units this semester, and includes free weekly meals and an AC Transit bus pass. To qualify, students must enroll and complete the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application for undocumented students. Those who do not qualify for federal financial aid are still eligible for free tuition. This offer is not available to international or out-of-state students.

Classes at BCC begin on January 22, and the last day to add a class is February 2. For more information about the program, including eligibility requirements, and to sign up, [click here](#).

## East Bay Regional Parks District 90th Anniversary



Brickyard Cove is a recent addition to the McLaughlin Eastshore State Park along the Berkeley waterfront.

2024 marks the 90th anniversary of the East Bay Regional Park District (EBRPD). In 1934, during the midst of the Great Depression, voters in Alameda and Contra Costa Counties approved a tax measure to establish the Park District. Two years later, the first parks, including Wildcat Canyon at Tilden, were opened. Today, EBRPD manages 73 parks over 125,000 acres, including 55 miles of shoreline and over 1,300 miles of trails, making it the largest regional park district in the country.

EBRPD is planning events throughout the year to commemorate the anniversary, including monthly "Explore Your Parks" adventure programs and a large anniversary this spring. To learn more about the history of EBRPD and upcoming events, [click here](#).

# Upcoming City, Council, and Commission Meetings



Below is a list of City meetings over the next week.

### City Council

- Regular Meeting: January 30, 6pm

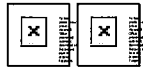
### Commissions

- Planning Commission: January 17, 6pm
- Commission on Labor: January 17, 7pm
- Commission of the Status of Women: January 17, 7pm
- Zero Waste Commission: January 18, 5:30pm
- Sugar-Sweetened Beverage Product Panel of Experts: January 18, 6pm
- Fair Campaign Practices & Open Government Commissions: January 18, 6:30pm
- Transportation and Infrastructure Commission: January 18, 7pm

- Solano Avenue Business Improvement District Advisory Board:  
January 23, 10am

### Other Meetings

- Rent Stabilization Board: January 18, 7pm

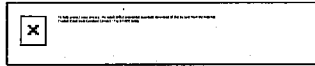


City of Berkeley - Mayor's Office | 2180 Milvia St., Fifth Floor, Berkeley, CA 94704.

[Unsubscribe summerbrenner@gmail.com](#)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by [mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info) powered by



Try email marketing for free today!

**Benado, Tony**

---

**From:** Hillary Kilimnik <chasinghillary@gmail.com>  
**Sent:** Wednesday, January 17, 2024 11:04 PM  
**To:** All Council; Berkeley Mayor's Office; Hahn, Sophie  
**Subject:** Thank you for trying to maintain order and civility in the City Council Meetings

**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.

Mayor Arreguen and Members of the City Council,'

My name is Hillary Kilimnik, I'm a 17 year district 5 resident of Berkeley and member of the Jewish community here. I've been attending the city council meetings regularly since October 7.

I am writing to express my sincere gratitude to you, Mayor Arreguen, for your steadfast leadership during this turbulent time, and for standing strong to uphold the democratic process of running our city and not letting a small, unruly minority drown out voices of those they disagree with. I believe it was absolutely the right thing to move the meeting last night into closed chambers. In fact my only wish is that you had done it sooner.

As a Jew, and proud Zionist, I thank you Mr. Mayor and the entire city council for not involving Berkeley in a divisive resolution, which would only serve to embolden an already out of control minority that continually seeks to take over every city council meeting. Sadly, they remind me of the Jan 6 rioters, with their determination to stop you from doing the people's business that you were voted into office to do, and to drown out any voice which they disagree with.

As a resident of Berkeley, this level of disruption and disrespect both for our city's elected officials, and for fellow Berkeley residents is highly disturbing. There is serious business to attend to in our city: homelessness, small business closing down (The Berkeley part of Solano Ave is quickly becoming a ghost-town), BUSD has one of the highest achievement gaps in the country, crime rates are rising... these issues and more need your attention.

Please know that those who seek to prevent you from doing your work are the minority. I know that I speak for the majority in the Jewish community here (90% of whom identify as Zionists), when I say THANK YOU for holding strong. I wish more like-minded people would show up to meetings and speak out-- I think most are at home blissfully unaware of the circus that has become our city council meetings. If they knew, they would be appalled just as I am.

With Gratitude,  
Hillary Kilimnik



**Benado, Tony**

---

**From:** Anna Henry <aphenry27@gmail.com>  
**Sent:** Saturday, January 20, 2024 2:00 PM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Humbert, Mark  
**Subject:** Ceasefire Resolution

**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 Council Members,

I am once again reaching out as a Berkeley resident with a plea to put forward and pass a ceasefire resolution calling for the end of collective punishment and violence in Palestine.

San Francisco, Oakland and Richmond have all passed Ceasefire resolutions. For what reason does Berkeley delay the urgent call for peace?

According to the Palestinian Health Ministry, 165 Palestinians were killed and 280 wounded in Gaza in the last 24 hours. By the time the City Council meets next, 25,000 Gazans will have been killed. That is 2,000 more than when I last wrote to you 5 days ago.

Berkeley is a university town. Imagine if a foreign state bombed it. That is what happened this past week when Issra University in Gaza was bombed by Israeli forces. According to EuroMed Human Rights Monitor, 94 university professors have been killed, as well as hundreds of teachers and thousands of students since October 2023. The same human rights organization stated that there is no justifiable reason for these people being targeted. Can you imagine if this were happening here? Or is it easy to look away because it is happening there?

We are witnessing a travesty and this council has the opportunity to do something about it.

Sincerely,  
Anna Henry

**Benado, Tony**

---

**From:** Rosie Grady <rosiedgrady@icloud.com>  
**Sent:** Thursday, January 18, 2024 5:06 PM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

**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 Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

- 1- Demand an immediate CEASEFIRE.
- 2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing);
- 3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of \$3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
- 4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
- 5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

Already, over 8000 Palestinians have been killed by Israeli airstrikes, with more than half of these being women and children. The numbers of displaced Palestinians with no homes to return to, could be as high as half a million people.

Berkeley, with its illustrious legacy of pioneering social justice movements, holds a responsibility to be at the vanguard of national calls for justice. Berkeley has been the crucible where powerful movements were forged; from the Free Speech Movement of the 1960s, to being one of the first cities in the US to divest from companies doing business with the apartheid regime in South Africa. These histories reflect our enduring

commitment to global justice and liberation, and advocacy for the voiceless and oppressed.

On Tuesday, October 24, our neighbors at the Richmond City Council exemplified moral leadership by passing a resolution standing against genocide in Gaza, making it the first U.S. city to stand on the right side of history on this critical issue. Inspired by their boldness, it is imperative that Berkeley continues its anti-apartheid and anti settler colonialism legacy by standing against the shadows of genocidal apartheid regimes.

Thank you for your attention and commitment to making a difference.  
Sincerely, Rosie Grady

**Benado, Tony**

---

**From:** Zilberman, Daniel <dzilberm@amazon.com>  
**Sent:** Friday, January 19, 2024 11:44 AM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Cc:** action@endjewhatred.com  
**Subject:** Vote NO on November 28th

**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 Berkeley City Council and respected government officials,

I am writing to you as a concerned citizen and proud American that believes in the basic values of democracy whereby state and local governments have a constitutional duty to protect public safety.

THIS Tuesday, November 28, the Berkeley City Council will vote on whether to pass the resolution, named "Berkeley for Palestine" - which alludes to seek a victory against the "normalization of Israel's occupation and genocide."

The narrative Israel commits genocide is a false and anti-Semitic statement. Hamas fires deadly rockets from schools, hospitals, and densely populated areas knowing that Israel, like any democracy, would have to take whatever military action was necessary to stop the rockets. Hamas also knew the media would broadcast the dead Palestinian children, which Hamas uses as human shields, around the world to cause outrage directed at Israel for the cause of their deaths. President Biden, on behalf of The United States of America, unequivocally condemned the appalling assault against Israel by Hamas terrorists from Gaza on October 7.

Furthermore, despite Hamas' blatant disregard for the lives of the civilians around them, the Palestinian population has increased from 954,898 to 4,654,421 since 1967. This false, antisemitic rhetoric falls short of our American value system and has no place in bringing safety to citizens of the city of Berkeley.

On November 28, the Berkeley City Council is set to be presented with a vicious resolution that takes the position of solidarity with Hamas terrorists and characterizes Israel's attempts to rescue the hostages and liberate the Gazan people as a "genocide." This is a foul affront to the victims of the October 7th massacre. Furthermore, expressing ghastly support for Hamas, who openly murdered, raped, and kidnapped citizens from 25 countries, does not lead us to peace of any kind.

This type of resolution, which falsely claims to support the Palestinian people, achieves the opposite outcome because the BDS movement severely weakens the Palestinian economy and imposes hardships on the Palestinian people. In a 2016 article, Bassam Eid, human rights activist and commentator on Palestinian domestic affairs, explained that the objectives of BDS activists abroad would actually increase economic hardships for the Palestinians in Judea, Samaria and Gaza. BDS leader Omar Barghouti, has expressed support for terrorism, promoted anti-Semitic conspiracy theories and regularly demonizes Israel. He opposes the Jewish right to self-determination and Israel's existence, openly calling for its destruction as a Jewish State.

As Hamas and its supporters have waged a campaign to delude Americans into accepting their attempt to portray Israel as somehow uniquely "illegitimate" as a state, we call on the Berkeley City Council to vote NO on the November 28 resolution that is hateful and malicious, popularizing false claims that will only serve to inflame an already traumatic situation.

Sincerely,

#EndJewHatred

**Benado, Tony**

---

**From:** Diana <nicca@igc.org>  
**Sent:** Monday, January 22, 2024 8:39 AM  
**To:** All Council  
**Subject:** Cities and Unions Back Cease-Fire in Gaza. Berkeley should ,too!!!

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.

## **Please join these Cities and unions that back Gaza ceasefire!**

Diana Bohn 94707

By Dave Welsh posted on January 20, 2024

Every week, more U.S. cities are calling for a cease-fire in Gaza, where Palestinians face daily lethal assaults from the Israeli occupation army. According to a list compiled by Newsweek magazine, city council and other cease-fire resolutions have been passed in Oakland, Richmond and San Francisco, in California; as well as Atlanta, Georgia; Detroit, Dearborn, Hamtramck, Ann Arbor and Ypsilanti in Michigan; Akron, Ohio; Albany, New York; Bridgeport, Connecticut; Providence, Rhode Island; Wilmington, Delaware; and others.

x

*Protesters celebrate after Oakland, California, City Council unanimously passes Gaza ceasefire resolution, Nov. 27, 2023.*

As of early January 2024, 179 labor organizations have also called for an end to the slaughter in Gaza, where over 24,000 Palestinians have been killed and an estimated twice as many wounded, mostly civilians, including thousands of children.

Among the labor groups supporting a cease-fire or otherwise backing the besieged Palestinians are national unions including Alphabet Workers Union (Google employees), American Federation of Teachers, Association of Flight Attendants-CWA, American Postal Workers Union, IUPAT (Painters), National Education Association, National Nurses United, Starbucks Workers United, United Auto Workers (UAW), and the United Electrical, Radio and Machine Workers (UE).

Labor-affiliated organizations backing a cease-fire include the Asian Pacific American Labor Alliance (APALA), Coalition of Labor Union Women, and Jobs with Justice. Many state and local unions, as well as local and regional labor councils, have issued support for a cease-fire. Many labor folks are demanding that the Biden administration end its strong backing for the months-long Israeli offensive.

Tariq Habash, a Palestinian-American and senior official in the Department of Education, resigned recently from his federal job because the Biden administration “has put millions of innocent lives in danger, most immediately the 2.3 million Palestinians living in Gaza who remain under continuous assault and ethnic cleansing by the Israeli government.” ([tinyurl.com/2s3mxsmy](https://tinyurl.com/2s3mxsmy))

*This article was originally published in Workers World newspaper.*

This email is intended for [nicca@igc.org](mailto:nicca@igc.org).  
[Update your preferences](#) or [Unsubscribe](#)





**Benado, Tony**

---

**From:** Candice Schott <cschott9@yahoo.com>  
**Sent:** Tuesday, January 23, 2024 5:38 PM  
**To:** All Council  
**Subject:** Resolutions

**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 Mayor and City Council

I'm asking that you please publicly explain why you adopted two resolutions regarding Ukraine in July 2022. One (70,437 N.S.) severed ties with Berkeley's sister city and the other (70,412 N.S.) called for an immediate ceasefire.

Your constituents have attended many meetings which have become more and more frustrating for you and for your public, because you fail to address our concerns. Some who speak in defense of Israel have used outright lies and yes, they have been shouted down.

Much of this could be resolved if you would just give us any kind of reply. Just ignoring your constituents is causing much of the frustrations. We elected you. You owe us an explanation as to why you supported the resolutions for Ukraine but refuse to answer a single question regarding a resolution calling for a ceasefire in Gaza.

The situation in Gaza is considerably worse than what is happening in Ukraine. And this is not meant to minimize Ukraine's situation.

- The Israeli military has killed hundreds of healthcare workers, more than one hundred journalists, more than 25,000 Gazans - mostly women and children - and the number does not include those buried in the rubble or the thousands injured
- Women are giving birth on the floor without aid of midwife or doctor.
- Children and adults are having limbs amputated without anesthesia
- Israel has cut off food, water, electricity, internet connections
- Israel has bombed hospitals, schools, places of worship.
- Israel tells Palestinians to evacuate to cities in the south, only to be attacked on the way and to be bombed when they arrive.
- American bombs and weapons are being used in this small list of atrocities

In calling for a ceasefire in Gaza, we are attempting to go up the chain of command. We start with our Berkeley in the hopes that a louder voice in speaking to our state and federal government. It has done so for Ukraine. Berkeley can do the same for Gaza.

We want a public statement as to why you do not support a ceasefire resolution for Gaza, otherwise we must assume you are either in favor of Israel's atrocities in Gaza or you are simply indifferent to the suffering of the Palestinians.

Respectfully  
 Candice Schott

**Benado, Tony**

---

**From:** Jon Jackson <jonjackson@gmail.com>  
**Sent:** Tuesday, January 23, 2024 1:05 PM  
**To:** All Council  
**Subject:** Calling for a Permanent #CeasefireNOW in Israel's #GazaGenocide

**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.

It's actually unfathomable, but really it isn't, given it's an election year

I have lived in Berkeley since 1984

In District One since 1993.

I am truly disappointed by the Council and Mayor's opposition for a permanent #CeasefireNOW resolution.

Supporting a cease fire is baseline humanity

Leaders are supposed to lead.

I will not support Anyone who does not support stopping the genocide of Palestinians.

The Mayor saying a #CeasefireNOW resolution fans the flames of hate is truly next-level Orwellian.

Ceasefire literally means Everyone stop shooting

When the full horror of the numbers of Palestinians Israel slaughtered becomes known, those who opposed ceasefire will be forever known as collaborators in #GazaGenocide

Jon Jackson

Hearst Ave.

**Benado, Tony**

---

**From:** Monika Mann <mman3@usfca.edu>  
**Sent:** Wednesday, January 24, 2024 10:22 PM  
**To:** All Council; Berkeley Mayor's Office  
**Subject:** word of support

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 Council Members and Mayor Arreguín,

I read recently in Berkeleyside about the harassment that some of you have been enduring and the horrible and disrespectful actions that have been taking place at the recent City Council Meetings. I am so sorry that you are all subjected to this behavior. I'm sure that it must be stressful and disappointing.

I just wanted to voice my appreciation for you all and thank you for the hard work that you are doing on behalf of our city.

Sincerely,

Monika Mann  
Browning St.

**Benado, Tony**

---

**From:** Jacob <jacob@navtechny.com>  
**Sent:** Friday, January 26, 2024 1:47 PM  
**To:** All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark  
**Cc:** action@endjewhatred.com  
**Subject:** Vote NO on November 28th

**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 Berkeley City Council and respected government officials,

I am writing to you as a concerned citizen and proud American that believes in the basic values of democracy whereby state and local governments have a constitutional duty to protect public safety.

THIS Tuesday, November 28, the Berkeley City Council will vote on whether to pass the resolution, named "Berkeley for Palestine" - which alludes to seek a victory against the "normalization of Israel's occupation and genocide."

The narrative Israel commits genocide is a false and anti-Semitic statement. Hamas fires deadly rockets from schools, hospitals, and densely populated areas knowing that Israel, like any democracy, would have to take whatever military action was necessary to stop the rockets. Hamas also knew the media would broadcast the dead Palestinian children, which Hamas uses as human shields, around the world to cause outrage directed at Israel for the cause of their deaths. President Biden, on behalf of The United States of America, unequivocally condemned the appalling assault against Israel by Hamas terrorists from Gaza on October 7.

Furthermore, despite Hamas' blatant disregard for the lives of the civilians around them, the Palestinian population has increased from 954,898 to 4,654,421 since 1967. This false, antisemitic rhetoric falls short of our American value system and has no place in bringing safety to citizens of the city of Berkeley.

On November 28, the Berkeley City Council is set to be presented with a vicious resolution that takes the position of solidarity with Hamas terrorists and characterizes Israel's attempts to rescue the hostages and liberate the Gazan people as a "genocide." This is a foul affront to the victims of the October 7th massacre. Furthermore, expressing ghastly support for Hamas, who openly murdered, raped, and kidnapped citizens from 25 countries, does not lead us to peace of any kind.

This type of resolution, which falsely claims to support the Palestinian people, achieves the opposite outcome because the BDS movement severely weakens the Palestinian economy and imposes hardships on the Palestinian people. In a 2016 article, Bassam Eid, human rights activist and commentator on Palestinian domestic affairs, explained that the objectives of BDS activists abroad would actually increase economic hardships for the Palestinians in Judea, Samaria and Gaza. BDS leader Omar Barghouti, has expressed support for terrorism, promoted anti-Semitic conspiracy theories and regularly demonizes Israel. He opposes the Jewish right to self-determination and Israel's existence, openly calling for its destruction as a Jewish State.

As Hamas and its supporters have waged a campaign to delude Americans into accepting their attempt to portray Israel as somehow uniquely "illegitimate" as a state, we call on the Berkeley City Council to vote NO on the November 28 resolution that is hateful and malicious, popularizing false claims that will only serve to inflame an already traumatic situation.



**Benado, Tony**

---

**From:** D Dorenz <ddorenz@gmail.com>  
**Sent:** Tuesday, January 23, 2024 12:03 AM  
**To:** All Council  
**Subject:** re: violence and abuse of and prevention of first amendment rights in Berkeley

**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 Council Members,

I would like to draw your attention to an issue that has arisen in El Cerrito and Albany when the police failed to come to the aid of those of us counter demonstrating peacefully, being attacked by the pro Palestinian demonstrators who called for ceasefire in the war between Israel and Hamas, who attacked those of us standing in support of Israel. They pushed one woman to the ground, grabbed her Israeli flag and burned it. They grabbed another woman's flag and burned it. They tore banners from our hands and had very aggressive interactions with our people who were holding the banners.

We called the police but they never showed up in both Albany and El Cerrito.

After reporting the attack on these women to the El Cerrito Police we learned that the police were actually there. But since there were only 4 of them, they remained in their cars out of sight of the demonstration, because they were afraid to interact with the 150 people who were demonstrating for the ceasefire. *But on top of this they were afraid to arrest any Muslim for fear of having the police department being labeled "Islamophobic".* We were shocked to hear this.

So because of this fear of their reputation being damaged, had they even had more officers on duty, they might not have done anything to protect us. Although Berkeley wasn't involved in this particular event, I want to bring up this issue of the reluctance of the police to intervene should this be a concern of the Berkeley Police as well. I think the police need to be able to feel free to do their jobs. What will you do about this?

Another inhibitor of police actually protecting us, is that the Governor has told them that they need to keep a low profile to prevent major violence. He seems to be referring to what happened in Portland where the demonstrators, seeing the well armed police, went wild and destroyed a lot of property. I think there is room for a response that falls in between these two scenarios where the police arrive with a good number of them, but not in full military regalia, and broadcast their presence so that those who wish to do harm know that there will be consequences, as opposed to having no one show up, or just 4 officers on duty on a weekend.

*I am also asking you to pass an ordinance that prohibits bull horns at City Council meetings either indoors or outside.* The use of a bullhorn at the City Council meeting makes it impossible for other people's points of view to be heard. It deprives us of our rights to participate in the City Council meeting. It is physically and emotionally abusive. It prevents the City Council from doing its work.

*Please let me know if you plan to instate some limits on those who think they have the right to deny others their rights. Some boundaries have to be put on these people who are allowed to run wild.* I heard that the Mayor has asked the police to keep a low profile. I heard this from the police themselves. I think this is a mistake. They stand around and do nothing. The screamers should be told they have to leave the room. The Oakland police did warn people that they would be expelled from the City council meeting if they continued shouting over other speakers and disrupting the City Council proceedings. This should also be done in Berkeley. Thanks for hearing my concerns. I look forward to your response.

Sincerely,  
Dorothea Dorenz

--  
Dorothea Dorenz  
1200 Neilson St  
berkeley, Ca. 94706

## **Benado, Tony**

---

**From:** D Dorenz <ddorenz@gmail.com>  
**Sent:** Friday, January 26, 2024 11:26 AM  
**To:** All Council  
**Subject:** Thank you for standing against hate

**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 Berkeley City Council

I am writing as a resident of District 1 and because my synagogue is in District 2.

Thanks so much for standing with Mayor Arreguin and the City council for the success of our pluralistic democracy by refusing to pass a resolution calling for a ceasefire that would inspire hatred of Jews and needlessly involve itself in foreign affairs when Berkeley has so many issues with which it has to deal.

I have been to five City council meetings in the Bay Area to try to make sure that they are not overtaken by Hamas propaganda. Most of these resolutions have no condemnation of Hamas' invasion of Israel and the atrocities they committed on Israeli citizens and the taking of hostages, all of which are war crimes. The one in Richmond stated that Israel has no right to exist.

Israel has the right to defend itself against a rampaging terrorist group that swears it will destroy Israel and has the strong support of Iran and Qatar and others, that supply it with the millions it needed to build its 500 meter attack tunnels under Gaza and equip it with weapons, rockets and missiles all with the goal of destroying Israel. I am sorry to say that US, UN and EU money also made their militarization of Gaza possible.

Hamas' goal is not just to destroy the only Jewish State in the world, but to destroy all Jews. Israel is the home of half of world Jewry. The other half is here in the United States with some residing in France. Hamas' goal has implications for our pluralistic democracy, because as we have seen in Europe, attacks on Jews are mostly committed by Islamists and now they are here too on our college campuses and in our schools.

When we stood peacefully in support of Israel's right to defend itself, they attacked us in Albany and in El Cerrito on Jan. 6, 2024, pushed a young woman to the ground, stole her Israeli flag and burned it. The attacker also grabbed another flag from an elderly woman and burned it. At the same time, others grabbed our signs and banners, and wrestled with our people to get them. The perpetrator of the attack and flag burning has been charged with a felony hate crime but they have to find him first since he made sure to wrap the Arab keffiyeh (scarf) around his entire face in order not to be identified.

The people who come to our city council meetings are not just concerned about the deaths in Gaza. They do not believe that Israel has a right to exist. I met them over and over again at these city council meetings in Richmond, Oakland, Berkeley, Albany and El Cerrito. They told me that Israel will cease to exist by 2027. They denied that the horrific attack on Israeli citizens even took place!!!

They deny the right of Israel to exist.

I hope that you understand that the war in Gaza is not a race war because this is the other lie that they have perpetrated. Israel's citizenry is 52% people of color. In 1948 and early 50's they fled to Israel after having all of their property, finances and citizenship stripped from them by Iran, Iraq, Lebanon, Syria, Egypt, Morocco, Tunisia. Middle Eastern Jews are people of color; Ethiopian Jews who Israel rescued from Ethiopian wars are also, and 20% of Israeli citizens are Israeli Arabs, also people of color and there are non- Jewish asylum seekers from Africa in Israel as well .



All of this terrible history was because they are Jewish and those dictatorships did not want a Jewish State in the Middle East and still don't, even though the history of Israel as a Jewish homeland in the Middle East is very clear. Israelis had to fight to defend the Jewish State that the international community decided was going to be a reality. The Arabs were offered their own state, which they refused to accept, and they lost Israel's 1948 war of Independence that they fought when trying to destroy Israel. Since then, the Arab states have initiated several wars against Israel in order to destroy it.

*I am writing all of this to you in order to warn you:* the survival of a pluralistic democracy depends on a non-violent society that is committed to educating its citizens about democracy, an education that is sorely missing today in this country. The hate is coming from the right, the left and the radical Muslims. In Berkeley and the Bay Area especially, where we have some influence on what goes on here, we need the City council to speak up and influence the BUSD to initiate a course that is required on how a democracy works, what makes it successful, and how to maintain one. I know that the City council doesn't control the school district. But I still think that the Council can have a meeting with the BUSD and make it clear that education on how democracies work is essential. The role of the BUSD is vital and should be free of the propaganda that has taken over our schools.

Thanks for listening and for doing the difficult jobs that you do.

I hope that you and your families are doing well in these difficult times.

Dorothea Dorenz,  
1200 Neilson St  
Berkeley, CA

--

Dorothea Dorenz

**Benado, Tony**

---

**From:** D Dorenz <ddorenz@gmail.com>  
**Sent:** Monday, January 29, 2024 3:46 PM  
**To:** All Council  
**Subject:** Protesters paid to take part in pro-Palestinian demonstrations

**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 Berkeley City Council members

This article below speaks not just about Canada

It speaks about what's going on here as well. With the pro-Palestinian protesters being paid for demonstrating as much as \$30 an hour. They are being paid to disrupt our cities and our democracy throughout the country. Please read the article so that you will know what we are up against here.

This is part of what I call stealth jihad they do not need to take over our government or our western way of life with guns. There's plenty of money available for them to support their agenda, which includes propaganda, demonstrations, blocking of airports, highways, bridges, insinuating themselves into our schools, attacks on counter demonstrators. and attending City Council meetings to shout down anyone who doesn't agree with their point of view which at this time, of course, is cease-fire in Gaza, without any condemnation of Hamas, no demand to free the hostages, any demand for Hamas, a terrorist organization, to lay down its arms and free the people of Gaza from its abusive dictatorial grip.

Thank you for standing up against the cease-fire resolutions that keep coming at you. Israel has a right to defend itself and its civilians. The battle that is going on in the Middle East is much greater than just between Hamas and Israel. It's between the desire of Iran and other Muslim dominant countries to form a caliphate that rids the middle east of Western influence and presence, democracy, women's rights, LGBTQ rights, and Jews.

Sincerely

Dorothea Dorenz  
Berkeley.

----- Forwarded message -----

Date: Mon, Jan 29, 2024 at 3:29 PM

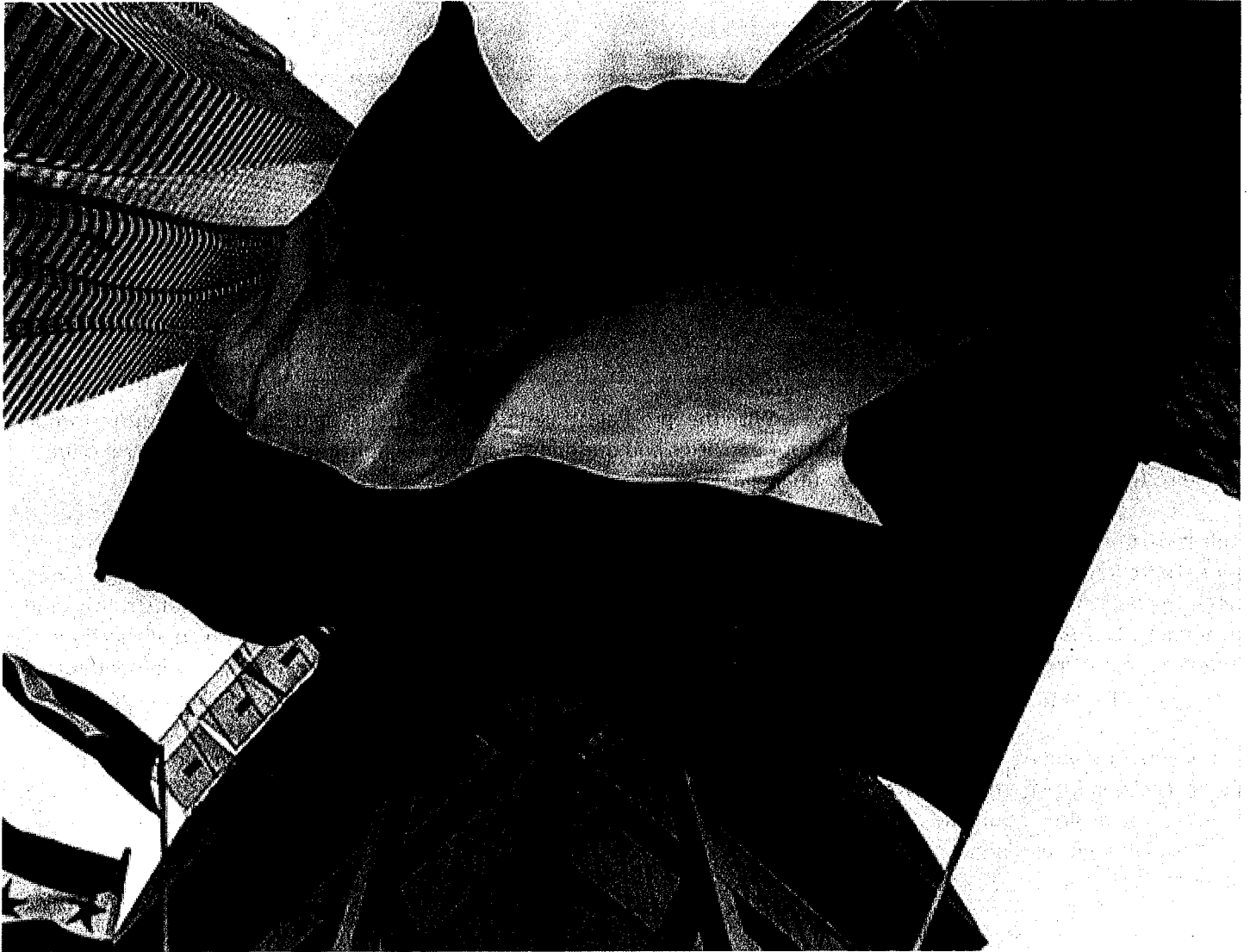
Subject: Fwd: [Jan 10] Toronto Sun: Protesters paid to take part in pro-Palestinian demonstrations

To:

## Protesters paid to take part in pro-Palestinian demonstrations

[Warren Kinsella](#)

Published Jan 10, 2024 • Last updated 16 minutes ago • 3 minute read



They're being paid to protest. What many have suspected has now been confirmed, writes columnist Warren Kinsella.

They're being paid to protest.

What many have suspected has now been confirmed by this newspaper and a few courageous Canadians: pro-Palestine — and, increasingly, pro-Hamas — protestors are being paid to protest. To block highways and roads. To intimidate and threaten Jews and non-Jews. To cause chaos.

They're being paid.

In years past, anti-Israel protests were typically small, disorganized and ineffective. Not many people came out. Since Oct. 7, when 1,200 Israeli men, women, children and babies were slaughtered, and hundreds taken hostage, the protests have been dramatically different.

Hundreds, sometimes thousands, participate. They've got professionally-rendered signs and banners. They've got transportation, and food and drink. And they've got organizers who wear uniforms and control the crowds.

And who distribute the cash.

This week, this newspaper was alerted to the fact that a Victoria, B.C., organization was distributing thousands of dollars to anti-Israel protestors. The Plenty Collective, as it calls itself, created what it called a “Solidarity Fund” for Victoria-area “folks or groups” to pay for “costs related to supporting or organizing actions in solidarity with Palestine and Palestinian people.”

Said the Plenty Collective: “This fund is to help cover costs incurred when organizing or participating in local actions. This can include, but is not limited to, the costs of lost wages, supplies, items for fundraising, paying speakers, etc.”

Priority was given to Palestinian, Black or Indigenous people. And thousands have been paid out for weeks now — typically close to \$20,000 every month. The Plenty Collective did not respond to multiple attempts to seek comment.

Ian Ward, a municipal councillor for Colwood on Vancouver Island — along with local activist Charles Bodi — discovered the pay-a-protestor payment scheme. And he’s seen the effectiveness of the paid-protests up close. Says he: “They are highly organized. I’ve watched them. A van pulls up, and they’ve got flags, signs, and they’ve got organizers from the Plenty Collective wearing orange vests controlling the crowds.”

“And they have control because they are holding the cash for the protestors.”

Much of the money is being generated locally, says Ward, who was the first to break the news that Victoria City Councillor Susan Kim — along with Ontario MPP Sarah Jama — had signed on to a pro-Hamas letter that denied Israeli women and girls were sexually assaulted on Oct. 7. But some of the money, he says, seems to be coming from elsewhere: “We don’t see them being this organized, and this well-funded, without offshore money.”

It’s not just happening in Victoria, B.C. In the U.S., there is now confirmation that anti-Israel — and often anti-Semitic and violent — protestors are getting paid to protest.

A multi-millionaire tech mogul, Neville Roy Singham, has — along with his wife Jodie Evans — been bankrolling pro-Palestinian protests since last year. Their “People’s Forum” has organized multiple anti-Israel protests since Oct. 7 — including a number of efforts designed to “shut down” public and private sector offices. On Nov. 24, they posted on X: “Are you ready to disrupt business as usual? No celebrating in peace while genocide takes place!”

Some of the anti-Israel funding has seemingly been right out in the open. On Craigslist, a now-deleted November ad read: “We are looking for 5-7 actors or activists to hold panels and distribute flyers in front of a venue as a peaceful, legal protest. Needed for November 24th, evening, 2-3 hours, paying \$30/hour.”

Nov. 24 was the same day, of course, as the pro-Palestine “shut down” protests, where 34 were arrested trying to disrupt the Macy’s Thanksgiving Day parade and Black Friday sales.

“They’re paying for protestors to try and lend credibility to their movement,” says Ward. “Oct. 7 was just stage one. These carefully-crafted and controlled protests are a public relations campaign, and I think are the real objective.

“They are really an attack on Western democracy and Western values. Our way of life is literally being challenged here. And we are in danger.”

<https://torontosun.com/opinion/columnists/kinsella-protesters-paid-to-take-part-in-pro-palestinian-demonstrations>

--  
You received this message because you are subscribed to the Google Groups "No Highlights Letter Team 2023" group.  
To unsubscribe from this group and stop receiving emails from it, send an email to [no-highlights-letter-team-2023+unsubscribe@googlegroups.com](mailto:no-highlights-letter-team-2023+unsubscribe@googlegroups.com).  
To view this discussion on the web visit [https://groups.google.com/d/msgid/no-highlights-letter-team-2023/CAKSLVHXpfsz%2BErWzKuyCOinjDM7MfeP-ksKRO0xt9UR-DUm\\_A%40mail.gmail.com](https://groups.google.com/d/msgid/no-highlights-letter-team-2023/CAKSLVHXpfsz%2BErWzKuyCOinjDM7MfeP-ksKRO0xt9UR-DUm_A%40mail.gmail.com).  
For more options, visit <https://groups.google.com/d/optout>.

**Benado, Tony**

---

**From:** Imtiaz Ghori <imtiaz.afroz@gmail.com>  
**Sent:** Thursday, January 25, 2024 4:36 PM  
**To:** Berkeley Mayor's Office; Bartlett, Ben; Gerstein, Beth; Naso, Christopher; All Council; Aguilar-Canabal, Diego; Pugh, Eliza; Panzer, Eric; Russell, Gordon; Wilson, Genevieve; Chang, James; McCormick, Jacquelyn; Harrison, Kate; McWhorter, Laurie; Skjerping, Lars; Humbert, Mark; Hernandez Story, Ruben; Kesarwani, Rashi; Robinson, Rigel; Greenberg, Sam; Cerami, Sara; Elgstrand, Stefan; Hahn, Sophie; Wengraf, Susan; Posner, Tina; Wolan, Aleksandra; Taplin, Terry  
**Subject:** Know their names: Palestinian children killed in Israeli attacks on Gaza

**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.

Good afternoon,

More and more people are demanding an end to the mass killing and starvation and deprivation of water, fuel, and medicine in Gaza. Voters will remember where you stood.

Dr. I. Ghori

<https://interactive.aljazeera.com/aje/2024/israel-war-on-gaza-10000-children-killed/>

Sent from my iPhone

**Benado, Tony**

---

**From:** Aaron Katler <aaron.katler@gmail.com>  
**Sent:** Friday, January 26, 2024 8:22 AM  
**To:** All Council  
**Subject:** Validation and Credit to You

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.

Mayor and City Council,

As you've demonstrated over the past 112 days. I imagine today you are focusing on pressing issues of local importance.

With that in mind, I wanted to make sure you were aware of the news that the International Court of Justice just affirmed your stance on the October 7th attack on Israel and the ensuing war with Hamas.

**The ICJ determined that Israel is not committing genocide.**

**The ICJ did not call for a one-sided ceasefire.**

**The ICJ DID call for the release of the hostages being held in Gaza. (Which still includes Berkeley-born Hersh Polin Goldberg.)**

The ICJ heard legally-based versions of the radical comments and signs we've seen at recent City Council meetings, yet even that didn't lead them to deem Israeli actions as genocide. I hope these findings strengthen your resolve to withstand the ongoing efforts to pressure you in the future to wade into this debate.

In addition, today, the US has frozen funding for UNRWA, and the UN is immediately investigating the finding that **UNRWA employees participated in the October 7th massacre.**

Kudos, again, to you as a group for having the instincts and fortitude to withstand the bullying and harassment tactics that have never been about facts, democracy, civility....or Berkeley's values.

With gratitude,

Aaron Katler  
District 1



**Benado, Tony**

---

**From:** Brett Mendel <brett.mendel@gmail.com>  
**Sent:** Tuesday, January 16, 2024 3:26 PM  
**To:** All Council  
**Subject:** Keeping tensions down in our community

**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 Councilmembers,

As you're likely aware, an unfortunate incident took place at an anti-Israel protest in Albany and El Cerrito last weekend. Members of that protest crossed the street to confront a small group of peaceful Jewish and Israeli counter-protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me, and my Jewish community, of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

While this did not occur in Berkeley, the same hateful rhetoric and physical actions could easily occur here. The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. When local politicians focus on this issue, they distract from important local issues and **inflare tensions within their communities**. The lack of support or condemnation following these attacks sends a message that we do not belong here. Episodes like this are another notch in a long stream of incivilities toward Jewish residents with family in Israel, or who simply think Israel should exist. City council and school board meetings are full of dangerous rhetoric. The aggressive shaming silences our voices, tells us we are unwelcome, and divides the community.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents.

I ask the following:

1. **Keep the focus on the local issues** that impact all of us and keep our community safe and welcoming.
2. **Take a clear stance against anti-Jewish and anti-Israeli hatred and violence** in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. **Take proactive and decisive actions** to ensure all residents may **safely** exercise their rights to free speech and expression, including at these meetings.
4. **Use your power to diffuse tensions** within the community. This will contribute to everyone's safety.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Sincerely,  
Brett Mendel  
District 5



## Benado, Tony

---

**From:** Michelle Pearl <yougopearl@gmail.com>  
**Sent:** Tuesday, January 16, 2024 2:54 PM  
**To:** All Council  
**Subject:** Diffuse Tensions

**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 Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me, and my Jewish community, of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

While this did not occur in Berkeley, the same hateful rhetoric and physical actions could easily occur here. The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. When local politicians focus on global affairs instead of local issues, they distract from their own issues and inflame tensions within their communities. The lack of support or condemnation following these attacks sends a message that we do not belong here. Episodes like this are another notch in a long stream of incivilities towards Jewish residents with family in Israel, or who simply think Israel should exist. City council and school board meetings are full of dangerous rhetoric. The aggressive shaming silences our voices, tells us we are unwelcome, and divides the community.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.
4. Use your power to diffuse tensions within the community. This will contribute to everyone's safety.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Sincerely,  
Michelle Pearl, District 5

## Benado, Tony

---

**From:** Tania Katz <tbekerman@gmail.com>  
**Sent:** Tuesday, January 16, 2024 9:31 AM  
**To:** All Council  
**Subject:** city position on antisemitism and racism

**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 Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Respectfully,

Tania Bekerman

--

Tania

## Benado, Tony

---

**From:** jennifer kamenetz <jenkamenetz@gmail.com>  
**Sent:** Tuesday, January 16, 2024 10:07 AM  
**To:** All Council  
**Subject:** Keep the East Bay safe for Jews and Israelis -- for all!!

**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 Councilmembers,

I'm writing to bring your attention to an incident that took place last weekend, in case you aren't aware. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter-protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)).

Despite around a hundred calls to local police, there was no police response at the time of these incidents. You'll remember Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am worried and agitated because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets. We must protect the rights of everyone who lives in our community -- this is part of what you have been elected to do.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming. This is your primary responsibility.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you,  
Jennifer Kamenetz  
415-438-0993  
Berkeley resident

**Benado, Tony**

---

**From:** Lynn Greene <lynnngreene@gmail.com>  
**Sent:** Monday, January 15, 2024 8:16 PM  
**To:** All Council  
**Subject:** Keep City Council Meetings Focused on Local Issues!

**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 Berkeley City Councilmembers,

As a Jewish East Bay citizen, who frequents Berkeley to shop, visit friends and explore nature, I am writing to you today to URGE YOU to keep the focus of our *local* city council meetings on the important issues facing our *local* city that impact all city residents.

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you,  
Lynn Greene

**Benado, Tony**

---

**From:** Itamar Landau <itamar.landau@gmail.com>  
**Sent:** Monday, January 15, 2024 11:11 PM  
**To:** All Council  
**Subject:** Public comment on anti-Jewish hatred and violence in our streets and council meetings (no item on agenda)

**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 Councilmembers, I'm a North Berkeley (District 1) resident with many friends in Albany and El Cerrito, and I want to bring your attention to an incident that took place in Albany/El Cerrito last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters, including a number of my friends and community members. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. I was told a Berkeley PD car was sent but returned without checking in with the counter-protesters who were under duress. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members. Itamar Landau

--  
Itamar Landau

## Benado, Tony

---

**From:** Nir Naor <naornir@gmail.com>  
**Sent:** Monday, January 15, 2024 9:00 PM  
**To:** All Council; lmtoyama@ci.el-cerrito.ca.us; gquinto@ci.el-cerrito.ca.us; trudnick@ci.el-cerrito.ca.us; cwysinger@ci.el-cerrito.ca.us; pfaelli@ci.el-cerrito.ca.us  
**Subject:** Violence in our streets

**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 Council members,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Respectfully,  
Nir Naor

## Benado, Tony

---

**From:** Liberty Schubert <leschubert@ucdavis.edu>  
**Sent:** Tuesday, January 16, 2024 7:57 AM  
**To:** All Council  
**Subject:** Stand Against Anti Jewish Hatred

**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 Councilmembers,

I want to bring your attention back to an incident that took place last weekend, just two cities over. Members of an anti-Israel protest marching from Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters.

Protesters screamed antisemitic and racist hate speech (such as "you can't be a Jew because you're Black"), stole signs -- tearing out the word Hamas and posing with it proudly; stole Israeli flags, burned, and danced on them; beat on a car with children in it; and in violation of the spirit of peaceful protest, knocked people to the street causing minor injuries. I'm sure you have seen the news coverage.

These events give me a chilling reminder of the circumstances surrounding the murder of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November. Again, I am sure you have seen the news coverage.

We do not need more vitriol and violence in our streets. Please continue to take a firm stand against anti Jewish hate and violence. Please do not allow the mob that descends on every council meeting to harrass and bully the council into capitulation.

I thank the council for keeping the focus of city council meetings on the important issues facing Berkeley that impact all city residents. I ask the following of the council:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming. Issues such as: homelessness, the housing crisis, disaster preparations, etc.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do (and has done) for any other minority group protected under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at council meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of Berkeley's diverse community members.

Sincerely  
-Liberty Schubert  
Life long Berkeley resident  
94703



## Benado, Tony

---

**From:** John Leah Rosenthal <johnleahrosenthal@yahoo.com>  
**Sent:** Wednesday, January 17, 2024 12:22 AM  
**To:** All Council  
**Subject:** Public Comment - Not on Agenda

**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 Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jewish and Israeli people at this event.

We do not need more vitriol and violence in our streets.

We thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. We ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Sincerely,  
John & Leah Rosenthal

## Benado, Tony

---

**From:** Eric Gold <eric@thedata dude.com>  
**Sent:** Tuesday, January 16, 2024 5:16 PM  
**To:** All Council  
**Subject:** Violence/crimes committed against peaceful demonstrators on 1/6/2024 in Albany

**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 Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see local news coverage [here](#) and more footage [here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November (coverage [here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you,

Eric Gold

## Benado, Tony

---

**From:** Kirah Caminos <kjcaminos@gmail.com>  
**Sent:** Tuesday, January 16, 2024 4:49 PM  
**To:** All Council  
**Subject:** Violence in our streets!

**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 Councilmembers,

I want to bring your attention to an incident that took place last weekend. Members of an anti-Israel protest in Albany and El Cerrito crossed the street to confront a small group of peaceful Jewish and Israeli counter protesters. Protesters screamed antisemitic and racist hate speech, stole and ripped up signs, stole Israeli flags and burned and danced on them, and knocked people to the street causing minor injuries (see [local news coverage here](#) and more [footage here](#)). Despite around a hundred calls to local police, there was no police response at the time of these incidents. These events frighteningly reminded me of Paul Kessler, an elderly Jewish man who died after being struck in the head by an anti-Israel protester in Los Angeles in November ([coverage here](#)).

The Vice Mayor of Albany was one of the speakers at the protest calling for an immediate ceasefire. While I respect his and others rights to free speech, I am concerned because I have not yet seen a public acknowledgement or statement condemning the hateful and violent acts against Jews and Israelis at this event.

We do not need more vitriol and violence in our streets.

I thank the council for keeping the focus of city council meetings on the important issues facing our city that impact all city residents. I ask the following:

1. Keep the focus on the local issues that impact all of us and keep our community safe and welcoming.
2. Take a clear stance against anti-Jewish and anti-Israeli hatred and violence in our streets and council meetings as the council would do for any other minority group under state and federal law.
3. Take proactive and decisive actions to ensure all residents' may safely exercise their rights to free speech and expression, including at these meetings.

The council should uphold its commitment to welcoming, valuing, and keeping safe all of the East Bay's diverse community members.

Thank you,

Kirah Caminos

## **Benado, Tony**

---

**From:** mirrgonzalez587@gmail.com  
**Sent:** Friday, January 19, 2024 11:25 PM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

**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 Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

- 1- Demand an immediate CEASEFIRE.
- 2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing);
- 3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of \$3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
- 4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
- 5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

Already, over 8000 Palestinians have been killed by Israeli airstrikes, with more than half of these being women and children. The numbers of displaced Palestinians with no homes to return to, could be as high as half a million people.

Berkeley, with its illustrious legacy of pioneering social justice movements, holds a responsibility to be at the vanguard of national calls for justice. Berkeley has been the crucible where powerful movements were forged; from the Free Speech Movement of the 1960s, to being one of the first cities in the US to divest from companies doing business with the apartheid regime in South Africa. These histories reflect our enduring

commitment to global justice and liberation, and advocacy for the voiceless and oppressed.

On Tuesday, October 24, our neighbors at the Richmond City Council exemplified moral leadership by passing a resolution standing against genocide in Gaza, making it the first U.S. city to stand on the right side of history on this critical issue. Inspired by their boldness, it is imperative that Berkeley continues its anti-apartheid and anti settler colonialism legacy by standing against the shadows of genocidal apartheid regimes.

Thank you for your attention and commitment to making a difference.

Sincerely,

Miriam A Vargas Gonzalez

Sent from my iPhone

## Benado, Tony

---

**From:** Brianna Torres <brianna@performingartsworkshop.org>  
**Sent:** Monday, January 22, 2024 4:14 PM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** PLEASE URGENT: Berkeley Community Stands with Gaza

**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 Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

- 1- Demand an immediate CEASEFIRE.
- 2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing);
- 3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of \$3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
- 4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
- 5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

Already, over 8000 Palestinians have been killed by Israeli airstrikes, with more than half of these being women and children. The numbers of displaced Palestinians with no homes to return to, could be as high as half a million people.

Berkeley, with its illustrious legacy of pioneering social justice movements, holds a responsibility to be at the vanguard of national calls for justice. Berkeley has been the crucible where powerful movements were forged; from the Free Speech Movement of the 1960s, to being one of the first cities in the US to divest from companies doing business with the apartheid regime in South Africa. These histories reflect our enduring commitment to global justice and liberation, and advocacy for the voiceless and oppressed.

On Tuesday, October 24, our neighbors at the Richmond City Council exemplified moral leadership by passing a resolution standing against genocide in Gaza, making it the first U.S. city to stand on the right side of history on this critical issue. Inspired by their boldness, it is imperative that Berkeley continues its anti-apartheid and anti settler colonialism legacy by standing against the shadows of genocidal apartheid regimes.

Thank you for your attention and commitment to making a difference.

Sincerely,  
Brianna Torres

## Benado, Tony

---

**From:** Kaveh Niazi <kfniazi@gmail.com>  
**Sent:** Tuesday, January 23, 2024 9:03 PM  
**To:** Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council  
**Subject:** Ceasefire NOW: Berkeley Community Stands with Gaza

**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 Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

- 1- Demand an immediate CEASEFIRE.
- 2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing);
- 3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of \$3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
- 4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
- 5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

Already, over 8000 Palestinians have been killed by Israeli airstrikes, with more than half of these being women and children. The numbers of displaced Palestinians with no homes to return to, could be as high as half a million people.

Berkeley, with its illustrious legacy of pioneering social justice movements, holds a responsibility to be at the vanguard of national calls for justice. Berkeley has been the crucible where powerful movements were forged; from the Free Speech Movement of the 1960s, to being one of the first cities in the US to divest from companies doing business with the apartheid regime in South Africa. These histories reflect our enduring commitment to global justice and liberation, and advocacy for the voiceless and oppressed.

On Tuesday, October 24, our neighbors at the Richmond City Council exemplified moral leadership by passing a resolution standing against genocide in Gaza, making it the first U.S. city to stand on the right side of history on this critical issue. Inspired by their boldness, it is imperative that Berkeley continues its anti-apartheid and anti settler colonialism legacy by standing against the shadows of genocidal apartheid regimes.

Thank you for your attention and commitment to making a difference.

Sincerely,  
Kaveh Niazi